# Department of State Police
# General Order

| Effective Date: | Number: |
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| **September 30, 2026** | **UOF-01** |
| Subject: | |
| **Use of Force** | |

**1. Policy.**

The Department values professional conduct and respectful treatment of all persons. Members may use only force that is objectively reasonable and consistent with applicable federal and state laws, regulations, and this policy to:

a. Effect the lawful arrest or detention of an individual;
b. Prevent the escape from custody of an individual; or
c. Prevent imminent harm, and the amount of force used is proportionate to the threat of imminent harm.

Members shall assess each situation and use only the force that is objectively reasonable to bring the incident under control. Members shall not use physical force except as authorized by M.G.L. c. 6E and this policy.

Members are authorized to use deadly force in accordance with applicable federal and state laws and regulations and the contents of this policy to protect themselves or others from an immediate threat of death or serious bodily injury.

Before any use of force, members shall verbally identify themselves as a law enforcement officer and issue a warning when feasible under the totality of the circumstances.

Members ***shall not use*** a chokehold or other tactics that restrict or obstruct an individual's breathing or restrict oxygen or blood flow to an individual's head or neck. The Department shall not train members to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of the member's body on or around an individual's neck in a manner that limits the individual's breathing or blood flow. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as possible.

Except to temporarily gain, regain, or maintain control of an individual and apply restraints, a member shall not intentionally sit, kneel or stand on an individual's chest or spine nor force an individual to lie on their stomach. *A member shall not* intentionally sit, kneel or stand on an individual's neck or head.

Members shall stop using force when an individual is under control and further force is no longer objectively reasonable.

When safe, and tactically feasible, members shall provide an appropriate medical response to individuals who are exhibiting signs of, or complaining of, injury or illness, including following a Use of Force (UoF) or other law enforcement action. As applicable, members shall also:

a. Monitor until transfer of care;
b. Provide treatment consistent with training;
c. Document treatment or refused treatment;
d. Notify a supervisor that force was used; and
e. Photograph injuries.

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## 2. Definitions.

*Actively Resistant Individual*: A non-compliant, non-violent individual that uses physical strength or counter effort to actively evade or oppose a member's lawful commands. This behavior involves overt physical actions such as pulling away, tensing their muscles, or fleeing, but stops short of direct assault or attempts to injure the member.

*Aggravated Assaultive Individual (Serious Bodily Injury/Death)*: An individual who engages in conduct that is likely to produce death or serious bodily injury to a Department member or another individual.

*Assaultive Individual (Bodily Harm)*: An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.

*Chokehold*: The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of a law enforcement officer's body on, or around, an individual's neck in a manner that limits the individual's breathing or blood flow with the intent of, or the result of, causing bodily injury, unconsciousness, or death.

*Commission*: The Massachusetts Peace Officer Standards and Training (POST) Commission as established in M.G.L. c. 6E § 2.

*Compliant Individual*: An individual who is fully cooperative with a Department member.

*Deadly Force*: UoF intended to inflict, or reasonably be expected to cause, death or serious physical injury.

a. Members may not use deadly force against an individual who poses only a danger to themselves.

b. Deadly force shall not be used when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily injury or death, even if deadly force would have been justified at an earlier point in time.

*De-escalation Tactics*: Proactive approaches to stabilize a law enforcement situation so that more time, options, and resources are available to gain voluntary compliance and reduce or eliminate the need for force. These approaches include, but are not limited to:

a. Verbal persuasion;
b. Warnings;
c. Slowing down the pace of an incident;
d. Waiting out an individual;
e. Creating distance between the member and a threat;
f. Requesting additional resources, including, but not limited to, licensed medical or mental health professionals, as defined in M.G.L. c. 111 § 51 ½ (a), when appropriate, to address a potential medical or mental health crisis; and
g. Issuing a summons as an alternative to arrest where feasible.

*Force*: The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

a. Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a UoF for the purposes of 550 CMR 6.03.
b. UoF includes the pointing of a firearm, Electronic Control Weapon (ECW), Conducted Energy Device (CED) or chemical weapon at an individual, and the use of OC spray on an individual or towards an individual.

*Less-Lethal Force*: Any physical UoF, other than deadly force, to control, restrain, or overcome the resistance of another. Members are authorized to use less-lethal force in accordance with all applicable federal and state laws and regulations and this policy.

*Objectively Reasonable*: In determining the necessity for and appropriate level of force, members shall evaluate each situation in light of the known circumstances, including the member's actions and tactics leading up to the use of force, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the member, subject, or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are often required to make instantaneous judgments in circumstances that are tense, uncertain, and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used. Graham v. Connor, 490 U.S. 386 (1989).

*Officer-Involved Injury or Death*: Any event during which a member:

a. Discharges a firearm, actually or proximately causing injury or death to another;

b. Discharges any stun gun (i.e. ECW), actually or proximately causing injury or death to another;
c. Uses a chokehold, actually or proximately causing injury or death of another;
d. Discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
e. Discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
f. Deploys a dog, actually or proximately causing injury or death of another;
g. Uses deadly force, actually or proximately causing injury or death of another;
h. Fails to intervene to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
i. Engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

*Passively Resistant Individual*: A non-compliant, non-violent individual who remains physically inert, expending no energy to counteract the member such as intentionally going limp, sitting down, or refusing to walk.

*Proper Medical Aid*: Immediate first aid, including CPR, provided at the scene within the scope of the member's training. Proper medical aid also includes summoning emergency medical services when an individual's condition or required treatment exceeds the member's training or capabilities or requires transportation to a medical facility.

*Reportable Incident*: See UOF-03, Use of Force Reporting.

*Sensitive Population Groups*: Sensitive population groups include those who reasonably appear to be, or are known to be, children, persons over 60, medically infirm persons, pregnant, or persons with cardiac pacemakers.

*Serious Bodily Injury*: Injury that results in permanent disfigurement or protracted loss or impairment of a bodily function, limb, or organ; or involves a substantial risk of death.

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**3. De-Escalation Mandates.**

A member shall not use force upon another individual unless de-escalation tactics have been attempted and failed or such tactics are not feasible based on the totality of the circumstances and such force is necessary and proportionate to:
a. Effect the lawful arrest or detention of an individual;
b. Prevent the escape from custody of an individual;
c. Prevent imminent harm when the force used is proportionate to the threat of imminent harm, while protecting the safety of the member(s) or others;
d. Defend against an individual who initiates force against a member; or

A member shall not use deadly force unless:

a. De-escalation tactics have been attempted and failed, or such tactics are not feasible based on the totality of the circumstances; and
b. Such force is necessary to prevent imminent harm to an individual, and the amount of force used is proportionate to the threat of imminent harm, and
    1) The imminent harm poses an imminent danger of death or serious bodily injury to the member or another individual;
    2) The member attempts as many de-escalation tactics as feasible under the circumstances, including utilizing barriers where feasible; and
    3) The member uses only the amount of force that is objectively reasonable.

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**4. <u>Duty to Intervene and Report</u>.**

If a member observes another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, they shall intervene to prevent the use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the member or another individual.

Failure to intervene may subject a member to disciplinary action, civil liability, or criminal prosecution.

Under M.G.L. c. 6E § 10 (a) (xv): The Commission shall, after a hearing, revoke an officer's certification if the Commission finds by clear and convincing evidence that the officer failed to intervene, or attempt to intervene, to prevent another officer from engaging in prohibited conduct or behavior, including, but not limited to, excessive or prohibited force in violation of M.G.L. c. 6E §15.

Under M.G.L. c. 6E § 10 (d)(viii): The Commission may, after a hearing, order retraining for any officer if the Commission finds substantial evidence that a law enforcement officer: fails to intervene to prevent another law enforcement officer from engaging in prohibited conduct or behavior, except a failure to intervene in conduct that mandates revocation pursuant to said subsection (a).

Reports of abuse by law enforcement personnel including, but not limited to, law enforcement officers, shall be made without fear of retaliation, or actual retaliation.

Any harassment, intimidation, or retaliation against any law enforcement officer who either intervened to prevent or stop an excessive force incident, or made, intended to make, or is required to make a report regarding the witnessed excessive force incident shall be reported

immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in decertification by the Commission.

Retaliation is prohibited against any employee who observes and reports an instance of using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances. The Department shall not discharge, demote, reduce the compensation of, deny promotion to, or otherwise take or threaten adverse action against an employee because the employee reports an incident covered by this section, provides information to the Department or POST, or testifies in a Department, court, or POST proceeding.

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**5. <u>Duty to Intervene Reporting Requirements</u>.**

| Position | Requirements |
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| Observing Member | • Report the incident as soon as reasonably possible, but no later than the end of the member's shift, to an on-duty supervisor who was not involved in the incident. The member shall document the initial report in ACISS, including the name of the supervisor to whom the report was made; and<br>• Within 10 calendar days of the initial report, submit a detailed written report to that supervisor describing the incident in accordance with uniform reporting protocols, unless documented extenuating circumstances prevent timely submission. |
| Supervisor | • Notify the Troop Duty Officer of jurisdiction of the report;<br>• A supervisor directly involved in the UoF incident shall not conduct the investigation;<br>• Conduct and document a preliminary investigation to gather the pertinent information required for a follow-up investigation;<br>• Prepare a detailed written report documenting the member's report, statements from any officers who witnessed the unnecessary or unreasonable force, and steps taken by the Supervisor upon receipt of the member's report, and subsequent investigative actions; and<br>o The reporting member's written report shall be included in the Supervisor's report;<br>o If the reporting member is unable to provide a written report, due to extenuating-documented circumstances, the Supervisor shall utilize the initial report as the foundation for their subsequent written report.<br>• Submit their written report to their Troop/Section Commander within 10 calendar days of receiving the observing member's report. |
| Troop Duty Officer | • If the observing member reports the incident directly to the Troop Duty Officer, assign a supervisor a Supervisor not directly involved in the use of force to conduct an investigation;<br>• Document the initial report in the originating ACISS call; and |

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| | • Notify the Troop/Section Commander of the initial report upon receipt. |
| Troop/Section Commander | Notify their Division Commander and the Division Commander of DST upon notification of the initial report. |
| DST Commander | Initiate an investigation in accordance with Department guidelines. |

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**6. Use of Force Responses**.

Determining the level of force necessary may depend on resistance levels and circumstances. Factors in this decision include, but are not limited to:

a. Relative age, size, physical condition, and skill level of the individual and member;
b. Subject's drug and alcohol use;
c. Type and proximity of weapons;
d. Severity of the crime;
e. Immediacy of threat;
f. Resistance to arrest;
g. Flight;
h. Exigent circumstances; and
i. Number of potential assailants relative to the number of law enforcement officers on scene.

This table is not a force continuum and does not independently authorize any technique or weapon. Members shall continually reassess the necessity and proportionality of force and shall reduce or terminate force when resistance or the threat decreases.

| If the Subject is… | Then the Response May Include… |
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| Compliant | Verbal commands: Commands and gestures designed to effect compliance and express the member's intent. |
| Passively Resistant | • Verbal commands; and<br>• Contact Control Techniques: Touch techniques (carrying and guiding) not designed to produce pain compliance. |
| Actively Resistant | • Verbal commands;<br>• Contact control techniques;<br>• Compliance techniques: Techniques authorized by the Department that may be used to achieve compliance or control of an actively resistant or assaultive individual. In exigent circumstances, other compliance techniques may be used;<br>• Distraction techniques: Techniques intended to temporarily break the mental focus of an actively resisting individual and create an opportunity for the member to apply a compliance or control technique. Distraction techniques may be similar to striking techniques, but they differ in intent and intensity. |

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| | • Oleoresin Capsicum (OC) Spray, according to training: OC spray may be used in situations involving:<br>  o Assaultive individuals; or<br>  o Actively resistant individuals when verbal commands have failed to bring about compliance and the subject has signaled an intent to actively resist.<br>  o OC spray shall not be used on passively resistant individuals who offer no physical resistance.<br>• Laser activation of ECW, according to training;<br>• Warning arc of ECW, according to training; and<br>• Drive stun of ECW, according to training. |
| Assaultive-Bodily Harm | • All techniques listed above and:<br>• Striking techniques: Members may use striking techniques on an assaultive individual to achieve compliance and/or control. Striking techniques may include the use of issued equipment (e.g., baton, flashlight), as well as hands, feet, elbows, or knees. In exigent circumstances, other instrumentalities may be used.<br>• Probe deployment of ECW, according to training; and<br>• Any other Department-approved less-lethal force equipment. |
| Aggravated Assaultive/Serious Bodily Injury/Death | • All the above techniques; and<br>• Deadly force. |

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**7. <u>Discharging a Firearm</u>.**

A member may discharge a Department firearm:

a. At or in the direction of an individual only when the use of deadly force is authorized under Section 3 of this order;
b. During on or off-duty training at a range specifically designed for that purpose using only Department-authorized ammunition; or
c. Incapacitating an animal to protect themselves or the public from an imminent threat, or as a humanitarian measure to end a critically injured or ill animal's suffering.

A member ***<u>shall not</u>*** discharge a firearm as a warning.

When discharging a firearm at a moving motor vehicle, members shall:

a. As a first course of action, remove themselves from the path of the vehicle or another position of vulnerability; and
b. Understand and consider that:
   1) Bullets fired at moving vehicles are unlikely to stop or disable the motor vehicle;
   2) Bullets fired may miss the intended target or ricochet and cause injury to themselves, other members, or innocent persons; or

3) If the bullets disable the operator, the vehicle may crash and cause injury to the member, other officers, or innocent persons.

A member ***shall not*** discharge a firearm:

a. To merely disable a fleeing vehicle; or
b. At, into, or from a moving vehicle, unless, based on the totality of the circumstances, including the risk to the safety of other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm and only if the following conditions exist:
   1) An individual in the vehicle is threatening the member or another person with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike a member or another person, and all other reasonable means of defense have been exhausted or are not present or practical, which includes moving out of the path of the vehicle;
   2) Members have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle in close proximity while dismounted);
   3) The member is not discharging the firearm strictly to disable the vehicle; and
   4) The circumstances provide a high probability of stopping or striking the intended target.

When the member reasonably believes that there is a potential threat of serious bodily injury or death, the member shall:

a. Keep the trigger finger along the frame except when ready to engage; and
b. Point the firearm in a safe direction, below the line of sight, so as not to impede member's vision.

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## 8. Use of Force Equipment and Training.

The Colonel/Superintendent shall authorize the specific UoF equipment and training to be used by members. Members are responsible for keeping their equipment clean and operational. Members shall successfully complete training and be certified in the specific UoF equipment before being authorized to carry or use such force options and equipment. All members shall receive training on Duty To Intervene prior to successfully graduating from the RTT and annually thereafter.

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## 9. Investigations and Reporting.

Members shall report, and the Department shall investigate, reportable uses of force in accordance with UOF-03, Use of Force Reporting.

**10. Temporary Relief from Duty.**

Department employees shall refer to UOF-02, Deadly Force Response and Article 6 for mandatory administrative leave associated with UoF incidents.

**11. References.**

a. Graham v. Connor, 490 U.S. 386 (1989);
b. Presidential Executive Order No. 13929;
c. M.G.L. c. 6E, §§1, 10, 12, 14(a)–(e), and 15(a)–(d); 550 CMR 6.00 et seq.; 555 CMR 6.00 et seq.;
d. SOC-11, Response to Persons in Behavioral Crisis; UOF-02, Deadly Force Response; UOF-03, Use of Force Reporting; UOF-06, Electronic Control Weapons; Article 6, Rules and Regulations;
e. POST/MPTC Model Use of Force Policy, approved March 19, 2026; and
f. MPAC: 1.1.1; 1.1.2; 1.1.3; 1.1.5; 1.1.8; 26.0.4.

**Promulgated by:**

**Geoffrey D. Noble**
**Colonel/Superintendent**