Waltham Police Department
CHAPTER 1C
NON-SWORN/CIVILIAN USE OF FORCE

General Order #: Reference Chapter 1 – Use of Force
Effective Date: 12/2015, 02/2017, 02/2024
Accreditation Standard #'s: 1.1.0, 1.1.6, 16.3.5, 16.4.1, 16.4.2, 17.5.2

PURPOSE:

Non-sworn members of the Department often serve important support functions to the Waltham Police Department. While non-sworn members have no police powers, as uniformed civilians they are able to provide valuable services to the Department and the community while serving as trained observers. This policy addresses the Use of Force by non-sworn members of the Department.

DEFENITION OF NON-SWORN MEMBERS: Members of the Waltham Police Department who have no police powers but assist with specific police functions and are identifiable by the public by their uniform. Non-sworn members may be paid or volunteer. Non-sworn members cannot make arrests, stop motor vehicles, or respond to police calls. Non-sworn members of the Department include Cadets and Animal Control Officers. **[16.4.1]** In the context of this directive, Civilian Administrative employees are considered to be non-sworn members.

1. CIVIL DEFENSE ACT:

In accordance with the Massachusetts Civil Defense Act, St. 1950 c. 639 Section 11(a), qualified non-sworn personnel may be authorized to carry OC spray, batons, handcuffs, and other such authorized weapons, at the sole discretion of the Chief of Police **[1.1.0]**. **NON-SWORN MEMBERS ARE PROHIBITED FROM CARRYING FIREARMS ON DUTY.**

ACTIVATION: Activation by the Chief of Police under the Civil Defense Act shall not affect the designation or status of non-sworn members as described above. In such instances, they will continue to serve a support function to sworn members. They will continue to have no police powers, including power of arrest.

2. USE OF FORCE FOR SELF-DEFENSE: [1.1.0]

All non-sworn members of the department are issued authorized less-lethal weapons for defensive purposes only while in the performance of their official duties. There is no increase in the non-sworn members' "duty to act" merely because they are trained with and carry specified less-lethal weapons. Less-lethal weapons are not to be used by non-sworn members to effect apprehension. Their primary duty is to observe and report, and assist sworn personnel as needed.

Authorized less-lethal weapons are to be used in self-defense by non-sworn members only in situations where they perceive a reasonable threat and there is no other reasonable alternative. Non-sworn members shall make every effort to avoid confrontation, create distance from the threat, continue making observations, and communicate pertinent information to Dispatch so appropriate sworn personnel can respond.

3. TRANSFERRED AUTHORITY:

Non-sworn members are authorized to use reasonable force at the direction of sworn officers to render their assistance. Under M.G.L. Ch. 268 § 24, citizens have a legal duty to come to the aid of a police officer when requested to do so. In this instance, non-sworn members are acting as citizens **[1.1.0]**.

4. TRAINED PROFICIENCY:

All non-sworn members must be trained for proficiency in specified non-lethal weapons and defensive tactics, as well as use of force prior to being issued and carrying said weapons **[16.4.2]**. Members will also receive annual retraining on Use of Force, Defensive Tactics and specific training for each authorized weapon **[16.3.5]**. At this training, all issued weapons will be inspected by the instructor to ensure their continued functionality **[17.5.2]**. This inspection will be documented and submitted to the Training Division for their records. Failure to attend annual training in these topics will result in the inability of the member to carry the listed weapons until they receive and document the appropriate training **[16.4.2]**.

5. USE OF FORCE REQUIREMENTS:

All non-sworn members shall comply with the Use of Force requirements outlined in Chapter 1 of this manual **[1.1.6]**. Failure by non-sworn members to comply with Department Policies and Procedures can result in their removal from duty and separation from the department.

6. AUTHORIZED WEAPONS: [1.1.0]

a. **CADET -** Department issued OC spray and handcuffs.

b. **ANIMAL CONTROL OFFICER (ACO) -** Department issued OC spray.