



# ATTLEBORO POLICE DEPARTMENT POLICIES AND PROCEDURES

	SUBJECT <b>Use of Force</b>	
No. <b>Chapter 10 Section 1</b>	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS Any Previous Use of Force Policies	
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## 10.1.0 Use of Force Overview

### 10.1.0.1 Introduction

The Attleboro Police Department places its highest value on the life and safety of its officers and the public. The procedures, rules and guidelines outlined in this section have been designed to ensure that this value guides Police Officers' use of firearms and use of force.

Police Officers are confronted continually with situations requiring or resulting in the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from harm. The facts and the surrounding circumstances of each incident will determine the amount and degree of force which may be applied.

### 10.1.0.2 In this section

The following topics are covered in this section.

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## 10.1.1 Use of Force Definitions (1.3.2)

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**10.1.1.1 Deadly Force** Deadly Force is the degree of force likely to result in death or serious bodily injury. The discharge of a firearm toward a person constitutes the use of deadly force.

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**10.1.1.2 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.

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**10.1.1.3 Less-Than-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.

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**10.1.1.4 Non-Deadly Force** Non-Deadly Force is 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.

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**10.1.1.5 Minimum Amount of Force** Minimum Amount of Force is the least amount of force that is reasonable, proper, and necessary to achieve a lawful objective.

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**10.1.1.6 Reasonable Belief** Reasonable Belief is known facts and circumstances that would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

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**10.1.1.7 Resistance** Those actions made by the offender that use or threaten to use physical force or violence to prevent arrest/custody.

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**10.1.1.8 Serious bodily injury** Serious Bodily Injury is that which creates a substantial risk of death, causes permanent disfigurement, or results in long-term loss or impairment of any body member or organ.

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## 10.1.2 Use of Force

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### 10.1.2.1 Policy

Attleboro Police officers shall use only that force that is reasonably necessary to:

- make a lawful arrest
- place a person into protective custody
- effectively bring an incident under control, or
- protect the lives and safety of the officers and others.(1.3.1)

Police officers shall use only the minimum amount of force necessary to achieve the above objectives. **Excessive force is prohibited.**(1.3.1)

Officers are to be guided by the principle that the least amount of force necessary in any situation is the greatest amount of force permissible.

All use of force must be justified.

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### 10.1.2.2 Use of Force Factors

The amount and degree of force which may be exercised will be determined by the surrounding circumstances including, but not limited to:

- the nature of the offense;
  - the amount of resistance, both physical and verbal, displayed by the subject against whom force is used;
  - action by third parties who may be present;
  - physical odds against the Officer; or
  - the feasibility of alternatives.
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### 10.1.2.3 Weapons

Officers shall not carry or use any weapon unless they have received proper training and authorization, by the Chief of Police. (1.3.10)

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### 10.1.2.4 Escalating Force

The use of force continuum, described in 10.1.2.4, is 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.

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## 10.1.2 Use of Force, Continued

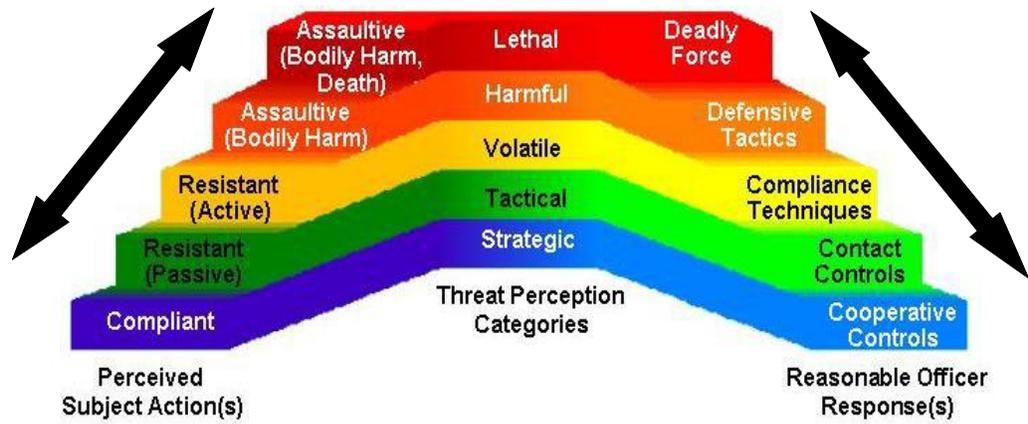
### 10.1.2.5 Use of Force Continuum

<b>Compliant</b>	The vast majority of officer/citizen encounters fall within the form of cooperation and control. <ul style="list-style-type: none"> <li>• <b>Cooperative controls</b> – Communication skills, presence and appearance of the officer.</li> </ul>
<b>Resistant (passive)</b>	The preliminary level of non-compliance. No physical actions are used in the resistance. Here the subject's degree of non-compliance is free of physical or mechanical enhancement, other than sheer unresponsiveness. <ul style="list-style-type: none"> <li>• <b>Contact controls</b> – Resistance countermeasures designed to guide and direct the non-compliant subject.</li> </ul>
<b>Resistant (active)</b>	Non-compliance is exhibited by physical conduct. <ul style="list-style-type: none"> <li>• <b>Compliance techniques</b> Resistance countermeasures designed to counter the subject's enhanced degree of resistance. Such countermeasures include chemical irritants, use of electronic weapon in a "drive stun" mode.</li> </ul>
<b>Assaultive (bodily harm)</b>	A perceived or an actual attack on the officer or others that, based on a reasonable assessment, <b>would not</b> result in death or serious bodily harm. <ul style="list-style-type: none"> <li>• <b>Defensive tactics</b> – Assaultive countermeasures designed to stop the subject's non-lethal attack, regain control and cause compliance. Such tactics include baton strikes, kicking techniques, bean-bag, less-than lethal munitions, use of an electronic weapon in a "full deployment firing mode".</li> </ul>
<b>Assaultive (Serious bodily harm/death)</b>	A perceived or an actual attack on the officer or others that, based on reasonable assessment, <b>could</b> result in death or serious bodily harm. <ul style="list-style-type: none"> <li>• <b>Deadly Force</b> – Assaultive countermeasures designed to stop an assault that is lethal or could cause great bodily harm to the officers or others. These tactics include the used of a firearm, lethal strikes.</li> </ul>

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## 10.1.2 Use of Force, Continued

### 10.1.2.6 Use of Force Diagram



### 10.1.2.7 Handcuffs

The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. Use of restraining devices is mandatory on all prisoners unless, in the officer's judgment, unusual circumstances exist which make the use of restraining devices impossible or unnecessary. Examples of this would be:

- very young juveniles
- handicapped persons, and
- injured persons

### 10.1.3 Use of Firearms

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**10.1.3.1 Policy** Officers may only use and carry firearms authorized by the Chief of Police.

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**10.1.3.2 Policy** All officers shall carry the department authorized firearm and ammunition whenever they are performing any official function or duty:

- within the boundaries of the City of Attleboro
- anywhere while in uniform
- anywhere while operating a marked cruiser, and
- outside the City of Attleboro where being armed is a necessity for officer safety, such as but not limited to:
  - prisoner transport
  - mutual aid, and
  - joint investigation

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**10.1.3.3 Warning Shots** Firearms **shall not** be discharged as a:

- bluff
- warning, or
- signal shot. (1.3.3)

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**10.1.3.4 Motor Vehicles** Officers Shall not:

- discharge their firearm at a moving vehicle, unless there is an imminent threat of death or serious bodily injury, or
- discharge their firearms from a moving vehicle, such as a police cruiser.

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**10.1.3.5 Displaying** Officers shall not draw or display their firearm unless there is a threat or reasonable belief there is a threat of death or serious bodily injury.

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**10.1.3.6 Other Prohibitions** Officers shall not discharge their firearm to threaten or subdue persons whose actions are destructive to property or injurious only to themselves, unless such actions are an imminent threat of death or bodily injury to the officer or others.

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## 10.1.4 Deadly Force (1.3.2)

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### 10.1.4.1 Policy

Officers are authorized to use deadly force to:

- protect themselves or others from imminent death or serious bodily harm, *and/or*
  - to effect an arrest only if the arrest is for a felony **AND**
    - the force employed creates no substantial risk to innocent persons, **AND**
    - the felony for which the arrest is made involved the use of or threatened use of force, **AND**
    - the felon's escape would result in imminent death or serious bodily injury to the officer or another if such person's apprehension were delayed.
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### 10.1.4.2 Basic Elements of Deadly Force

Basically, a police officer has always been able to use deadly force in a self-defense/defense of others situation if he could show all of the following four (4) basic elements:

Step	Element	Description
1	Ability	To cause death or serious bodily injury, i.e. a gun, knife, club, etc.
2	Opportunity	To take advantage of his ability to cause death or serious bodily injury
3	Life in Imminent Jeopardy	Even though the suspect has the ability and the opportunity, the threat of death or serious bodily injury must be imminent.
4	Reasonable Alternative	No other reasonable alternative can exist.

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### 10.1.4.3 Prior to Discharging a Firearm

Where practicable, officers shall identify themselves as law enforcement officers and state their intent to shoot.

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## 10.1.5 Use of Less-Than-Lethal Weapons *(1.3.4)*

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**10.1.5.1 Policy** When deadly force is not authorized, officers may use only that level of force that is reasonably necessary to lawfully compel compliance.

Officers are authorized to use departmental approved, non-deadly force techniques and approved equipment in accordance to Chapter 10, Section 2 (Less than Lethal Weapons).

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**10.1.5.2 Flashlights** The primary use of the flashlight is for illumination purposes.

Use of the flashlight as an impact device is discouraged by the Department. However, under exigent circumstances, the flashlight may be used as an impact device when the use of an officer's baton is not feasible. Consistent with the Department's Use of Force Policy, any use of the flashlight as an impact device shall be reported, with an explanation as to why the flashlight was used in lieu of other impact devices.

Employees will not purposely strike or jab suspects on the head, neck, sternum, spine, lower abdomen, groin or kidneys, unless faced with a deadly force situation. *(1.3.1)*

The reason for the use of the flashlight as an impact device will be critically reviewed.

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**10.1.5.3 Portable Radio** The primary use of the portable radio is for communication purposes.

The use of the portable radio as an impact device is discouraged however, under exigent circumstances the portable radio may be used as an impact device for self defense purposes.

Consistent with the Department's Use of Force Policy, any use of the portable radio as an impact device shall be reported, with an explanation as to why the portable radio was used in lieu of other impact devices

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## 10.1.6 Rendering Aid After Using Force (1.3.5)

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### 10.1.6.1 Rendering Aid

After any level of force is used, the officer shall immediately evaluate the need for medical attention or treatment for that person and arrange for treatment when:

- the person has a visible injury
- the person complains of injury or discomfort and requests medical attention, or
- pepper spray is used and there are indications that the individual needs medical care as indicated by
  - breathing difficulties
  - gagging
  - profuse sweating, and
  - unconsciousness

Emergency medical personnel will be called to examine all subjects impacted by Bean Bag projectiles or 40mm launcher munitions.

Emergency medical personnel will be called to examine all subjects if exposed to:

- Three or more Taser® bursts.
  - A continuous burst of 15 seconds or more.
  - Having more than one Taser® device utilized during the same incident on the same subject.
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