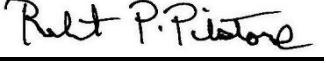


USE OF FIREARMS & USE OF FORCE

POLICY & PROCEDURE NO. <div style="border: 1px solid black; padding: 10px; text-align: center;"> 1.3.1 CALEA Ref. # 1.2.2, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6(a)(b)(c)(d), 1.3.7, 1.3.8, 1.3.11(a)(b)(c), 1.3.12, 1.3.13 </div> Approved:  Chief of Police Date: <u>October 15, 2021</u>	ISSUE DATE: October 9, 2003
	EFFECTIVE DATE: October 15, 2021
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NEW AMENDS RESCINDS

I. GENERAL CONSIDERATIONS AND GUIDELINES

Because of their law enforcement and peacekeeping role, a police officer 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 affect a lawful arrest, to ensure public safety, or to protect themselves from harm. The degree of force used is dependent upon the facts surrounding the situation the officer faces. Only a reasonable and necessary amount of force may be used. The degree of force the officer is forced to use is dependent upon the resistance or threat to safety the situation produces. (1.3.1)

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

With regard to firearms, the citizens of the Commonwealth have vested in their police officers the power to carry and use firearms in the exercise of their service to society. The legal authority to carry and use lethal or less-lethal weapons by agency personnel in the performance of their duties is authorized through the Chief of Police and defined in MGL Chapter 41 section 98. (1.2.2)

II. PURPOSE

The purpose of this policy is to provide police officers with guidelines as to the application, procedures and regulations relating to the response to resistance.

III. DEFINITIONS

Less Lethal Force - Is the force that is neither likely nor intended to cause serious bodily injury or death. This includes but is not limited to the use of approved defensive physical tactics, O.C./pepper spray, authorized baton, and authorized Electronic Control Weapon (Taser). It includes but is not limited to the use of approved delivery systems and respective munitions (i.e. 40mm less-lethal single launcher).

Less Lethal Weapons: Weapons, that through normal and intended use, will not likely cause death or serious bodily injury. OC Spray, Police batons, Tasers, and Tactical single round “sponge” launchers are included in this category.

Choke Hold: The use of 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 with the intent of or with the result of causing bodily injury, unconsciousness or death.

Deadly Force: Physical force that can reasonably be expected to cause death or serious physical injury.

De-escalation:

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:

1. Verbal persuasion,
2. Warnings,
3. Slowing down the pace of an incident,
4. Waiting out a person,
5. Creating distance between the officer and a threat and
6. 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.

Force Continuum: Escalating levels of force through which a police officer can affect an arrest or defend him/herself or another. These levels of force begin with verbal communication and culminate with the use of deadly force.

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. These circumstances include, but are not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

Probable Cause: Probable cause for arrests exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably

trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.

Reasonable Belief: Those facts and circumstances that would lead a normally prudent person to believe that a crime is or is about to occur.

Serious Bodily Injury: . Bodily injury that results in: (1) permanent disfigurement; (2) protracted loss of impairment of a bodily function, limb or organ; or (3) a substantial risk of death.

Use Of Force Model - Force options that are divided into five (5) levels to guide the officer during a use of force situation.

Electronic Control Weapon (ECW) Electronic Weapon - A portable device or weapon from which an electrical current, impulse, wave or beam may be directed where such current, impulse, wave or beam is designed to temporarily incapacitate a subject. The brand name “Taser” will be the approved ECW of the Haverhill Police Department. Reference HPD Policy 1.3.17 *Electronic Control Weapon (ECW)*.

Kinetic Energy Impact Projectiles - Flexible or non-flexible projectiles which are intended to incapacitate a subject with a minimal potential for causing death or serious physical Injury - compared to conventional projectiles. Reference HPD Policy 1.3.18 *Less Lethal Weapons*

IV. POLICY

It is the policy of the Haverhill Police Department to recognize and respect the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or other officers, and whether he is actively resisting or attempting to evade arrest by flight.

Therefore, it is the policy of the Haverhill Police Department that police officers will use only that amount of force that is reasonably necessary to effectively bring an incident under control, while protecting the life of the officer or another. (1.3.1)

Officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training, whenever possible and appropriate, before resorting to force and to reduce the need for force.

Whenever possible, and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual *time and opportunity* to submit to verbal commands before force is used. Officers may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officers own life, or in defense of any person in immediate danger of

serious physical injury, or to prevent the escape and effect the arrest of a fleeing felon whom the officer reasonably believes will pose a significant threat to human life should escape occur. (1.3.2)

A. Force Continuum

1. The officer's response options within each of the five force levels identified in the Use of Force Model 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.
2. The force tactics listed in each of the five force levels identified in the Use of Force Model are those tactics in which officers are trained. The Department recognizes that there are other methods and tactics that can be used at each level 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 action.
3. 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 to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to subsection (d) of section 15 of Chapter 6E.

B. Use Of Force Model

1. Level One - The Compliant Subject

- a. The perceived subject actions - The officer perceives the subject's actions as cooperative and control is maintained via public acceptance, officer presence, verbalization skills, etc.
- b. The 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.
- c. The reasonable officer responses are cooperative controls - The cooperative controls include, but are not be limited to, the following force tactics:

Cooperative Controls

- Officer Presence – Appearance
- Communication Skills: Dialogue, verbal commands, relative positioning
- Approach Techniques - Contact/cover

Officer Tactics

- Frisk Techniques:

- Searching Techniques
- Restraining Techniques
- Transporting Techniques

2. Level Two - The Resistant (passive) Subject

- a. The perceived subject 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/her physical strength and energy in establishing, achieving and/or maintaining a posture of resistance.
- b. The 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.
- c. The reasonable officer responses are contact controls - These would include, but are not be limited to, the following force tactics:

Contact Controls:

- Escort position
- Handcuffing control position

3. Level Three - The Resistant (active) Subject

- a. The 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/her physical strength and energy in establishing, achieving and/or maintaining a posture of resistance.
- b. The 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.
- c. The reasonable officer responses are compliance techniques - These compliance techniques would include, but are not be limited to, the following force tactics:

Compliance Techniques

- Front wristlock
- Rear wristlock
- Arm bar
- Bent wristlock
- Oleoresin Capsicum (O.C.)

4. Level Four - The Assaultive (bodily harm) Subject

- a. The 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 himself/herself or another.

- b. The 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.
- c. The reasonable officer responses are defensive tactics -These defensive tactics would include, but are not be limited to, the following force tactics:

Defensive Tactics

- Personal Weapons Techniques: Head, hands, elbows, knees, feet
- Impact Weapons Techniques: Expandable Straight Baton
- Less Lethal Force: Kinetic Impact 40mm single round launcher (with kinetic impact sponge rounds)
- Electronic Control Weapon (Taser)

5. Level Five - The Assaultive (serious bodily harm, death) Subject

- a. The perceived subject 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, the officer or others would be subject to death or serious bodily harm.
- b. The 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 said situation were allowed to continue, he/she or another could be seriously injured or killed. A maximized system of defense must be initiated.
- c. The reasonable officer's responses are deadly force - These deadly force tactics would include, but are not be limited to, the following force tactics:

Deadly Force

- Service weapons:
 - Handgun
 - Shotgun
 - Patrol Rifle
- Baton strikes to lethal areas
- Less lethal ammunition strikes to lethal areas (e.g., Kinetic impact weapon single launcher *intentionally* aimed at head or neck)
- Electronic Control Weapon intentionally fired at the neck or head

C. Improvised Use of Force Tools/Equipment

1. When departmentally issued/approved use of force tools or equipment are not readily available to the officer, the officer may improvise and use another suitable tool.

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2. When an officer uses an improvised tool/equipment against a person, the officer shall abide by the rules of encounter/use as listed in this department's use of force policies. This section does not excuse an officer who intentionally or inadvertently neglects to carry his/her issued/approved use of force tools/equipment as required by policy.

D. Officer Subject Factors

In operating within the force continuum, an officer will encounter situations when he/she must quickly choose an appropriate level of force to deal with the threat present. The level of force selected may hinge on many variables, and an officer will have latitude to choose the appropriate level of force. At times, an officer may have to resort to a higher level of force when presented with varied situations and circumstances.

Officers are not restricted to necessarily following the "Force Continuum" from the first level to the highest. They may be posed with certain situations, which make it necessary to respond immediately with deadly force or to some level in between based upon:

1. Age: An older officer dealing with a younger suspect may have to use a higher level of force due to a difference in strength and endurance.
2. Size: A smaller officer may have to use a higher level of force to subdue a larger, stronger suspect.
3. Relative Strength: An officer may have to use a higher level of force when attempting to subdue a much stronger suspect.
4. Sex: Due to the general difference in upper body strength and relative size, a woman officer may have to use a higher level of force when dealing with a suspect.
5. Skill Level: An officer confronting a suspect he knows, or perceives to be, a skilled fighter may have to use a higher level of force.
6. Injury/Exhaustion: An officer, suffering from an injury received in a confrontation with a suspect, may have to use a higher level of force. An officer, who becomes exhausted and in fear of his/her life/safety may use a higher level of force.
7. Prior Contact/Information: An officer dealing with a suspect with a history of violence/weapons may have to use a higher level of force. An officer sent to a call for service who is informed the suspect is armed, may respond with a higher level of force.
8. Officer Outnumbered: An officer confronted with multiple assailants/suspects may have to use a higher level of force than if confronted by a lone suspect.
9. Proximity to the officer's firearm: E.g. an attempted "gun grab."

V. PROCEDURES

A. Parameters for use of Less Lethal Force

1. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
2. Police officers are authorized to use department approved less lethal force techniques and issued equipment for resolution of incidents as follows:
 - a. To protect themselves or another from physical harm.
 - b. To restrain or subdue a resistant individual.

- c. To bring an unlawful situation safely and effectively under control.
3. An officer may only use such force as reasonably necessary to overcome the physical resistance of the person being arrested. No greater restraint than is necessary shall be used for the detention of any person, and no unnecessary or unreasonable force shall be used in making an arrest.
4. Department authorized intermediate defense weapons such as the expandable baton, OC Spray, Taser, Kinetic Impact Weapon (40mm single round launcher), as well as portions of the officer's body may be used to control a violent or resisting person. Officers will only use those defense weapons which they are departmentally certified/authorized to carry. (1.3.4)

B. Parameters for Use of Deadly Force (1.3.6(c))**DEADLY FORCE**

The purpose of the following section is to set forth guidelines for members of this department in making decisions regarding the use of deadly force. The guidelines have been developed with serious consideration for the safety of both the police & public, with the knowledge that officers must sometimes make split second decisions in life and death situations. The value of human life is immeasurable in our society. This department places its highest value on the life and safety of its offices and the public. The department's policies and procedures are designed to ensure that this value guides police officers in their use of deadly force. Even though all officers must be prepared to use deadly force when necessary, the basic responsibility of police officers to protect life also requires that the utmost restraint be exercised in its use and that officers exhaust all other reasonable means before resorting to the use of deadly force.

1. Officers shall not use deadly force upon a person unless:
 - a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and
 - b. 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.
2. Police officers are authorized to use deadly force in order to:
 - a. Protect the police officer or others from what is reasonably believed to be an imminent threat of death or serious physical injury.
 - b. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a ***significant threat to human life*** should escape occur.
3. Before using deadly force, police officers will identify themselves and state their intent to shoot, when feasible.
4. A police officer may also discharge a weapon under the following circumstances:
 - a. During range practice or competitive sporting events.
 - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

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5. Police officers will adhere to the following restrictions on the use of firearms and/or the use of deadly force:
 - a. Except for maintenance or during training, police officers will not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
 - b. Warning shots are prohibited. (1.3.3)
 - c. Police officers shall not discharge any firearm from, 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."
 - d. Firearms will not be discharged when there appears to be a reasonable likelihood that an innocent person may be injured.
 - e. Deadly force shall not be used against suicidal persons when their actions only pose a threat to themselves.
 - f. Deadly force shall not be used solely in defense of, or to protect property.
 - g. When deadly or less lethal force is used (including weaponless control techniques), the officer will render first aid and request Rescue at the scene if injuries are serious enough to warrant immediate medical attention (example: severe bleeding, unconsciousness or other severe trauma). The officer will then notify his or her supervisor. (1.3.5)
 - (1) The case report containing the details of the use of force will also include what first aid and/or medical aid was provided for the person upon whom force was used. When any use of physical force, a photograph will be taken of the area and placed with the report.
 - h. Officers shall not use a chokehold. Officers 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.

C. Training and Qualifications (1.3.11) (1.3.12)

1. Use of Force Policy Training:
 - a. All sworn officers, auxiliary police, and animal control officers shall receive training on Haverhill Police Department's Use of Force Policies, and must sign off on Haverhill Police Department Policy 1.3.1 *Use of Firearms and Use of Force* at least annually.
 - b. No member of the department is authorized to carry any new lethal or less lethal weapon without first receiving training on Haverhill Police Department's Use of Force Policies, as well as being issued a copy of Haverhill Police Department Policy 1.3.1 *Use of Firearms and Use of Force* for sign off. **1.3.12**
 - d. All agency use of force policy training must be documented and recorded in accordance with Haverhill Police Department Policy 33 – Employee Training.

2. Less Lethal Force Training:

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- a. The following less lethal weapons are authorized and will be used in the continuum as set forth herein:
 - (1) Verbal submission to arrest.
 - (2) Physical strength and skill.
 - (3) Approved O.C. Spray
 - (4) Approved expandable baton
 - (5) Approved less lethal weapons (Taser and Kinetic Impact Weapons)

3. Training and Proficiency:

- a. At least biennially, each sworn officer is required to demonstrate proficiency with Haverhill Police approved less lethal weapons, which he/she is authorized to use, as well as, weaponless control techniques, such as takedowns and handcuffing.
- b. In the case of Electronic Control Weapons (Taser) and Kinetic Impact Weapons, each sworn officer authorized to carry such weapon is required to attend an annual training and certification program consisting of no less than four (4) hours of training.
- c. Proficiency standards are established as follows:
 - (1) Attain minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods, or trends.
 - (2) Familiar with recognized safe-handling techniques.
 - (3) Knowledge of department directives pertaining to the use of non-deadly weapons.
 - (4) No member of this department will be authorized to carry a less lethal weapon until he/she has been issued a copy of Haverhill Police Department Policy 1.3.1 *Use of Firearms and Use of Force*, is trained on Haverhill Police Department Use of Force Policies, and qualifies with that weapon. (1.3.11) (1.3.12)
- d. A qualified instructor who has achieved and maintained certification in the respective less lethal weapon(s) will conduct the program of instruction.
- e. The Training Officer will maintain training documentation to include lesson plans, attendance sheets, and proficiency records.
- f. Officers requiring remedial training will be given personal instruction on the subject matter by a certified instructor who will document the session and provide a subsequent opportunity to achieve proficiency standards.
- g. Remedial training will be provided and proficiency standards satisfied prior to an officer resuming duties.

4. Firearms Training and Proficiency:

- a. No member of this department will be authorized to carry a department approved firearm until he/she has been issued a copy of the department's use of force policy, received instruction and qualified with the firearm at the range. (1.3.11) (1.3.12)
- b. Authorized weapons are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
- c. At least annually, the police department will schedule regular training and qualification sessions for duty, off duty and specialized weapons, which will be

- graded and documented on a pass/fail basis by a certified weapons instructor. (1.3.11(a)(b))
- d. A qualified weapons instructor or armorer will inspect and approve weapons prior to annual qualifications.
 - e. Unsafe or defective department issued weapons will be replaced.
 - f. Police officers who fail to receive a passing score with their duty weapon(s), in accordance with department testing procedures, will be relieved of their police powers and immediately be reassigned to non-enforcement duties.
 - g. Upon said failures as outlined in (c) above, the officer involved will be given individual training by the department's weapons training officer. (1.3.11 (c))
 - (1) Upon successful completion of this training, the officer will again be tested.
 - (2) Police officers who receive a passing score may be reassigned to his/her prior enforcement duties.
 - (3) Police officers who again fail to receive a passing score with their duty weapon, in accordance with department testing procedures, will continue to be relieved of their police duties and remain in non-enforcement duties.
 - (4) A report of said second failure will be forwarded to the Chief of Police by the weapons training officer. The Chief of Police will then take such action, as he/she deems necessary, not inconsistent with this policy.
 - h. A police officer will not be permitted to carry any weapon with which he/she has not been able to qualify during the most recent qualification period.
 - i. A police officer, who has taken extended leave or suffered an illness or injury that could affect his/her use of firearms ability, will be required to re-qualify before returning to enforcement duties.
 - j. At least annually, each officer will review the use of force policy.
 - k. All officers will sign for and receive a copy, and instruction of the use of force policy. (1.3.12)

D. Response to Resistance Reporting Procedure (1.3.6 (a)(b))

1. A written report prepared according to departmental procedures will be required by all department personnel in the following situations:
 - a. When a firearm is discharged outside of the firing range (excluding the need to destroy an animal for humanitarian purposes).
 - b. When any action taken by an employee results in death or injury to another person.
2. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by the department in the following situations.
 - a. When a firearm is discharged outside of the firing range (excluding the need to destroy an animal for humanitarian purposes).
 - b. When any action taken by an employee results in death or serious injury.
 - c. When a subject complains that an injury has been inflicted.
3. Whenever an officer employs a use of force at a higher level than mere presence, verbal commands, cooperative controls, or contact controls during the course of duty, they will, as soon as practical, complete a "Response to Resistance Report Form" specifying the type of force used and the circumstances. This will be forwarded, along with a copy of the case

report, through the chain of command, up to the Deputy Chief. (1.3.6)(c)(d))

- a. The case report containing the details of the use of force will also include what first aid and/or medical aid was provided for the person upon whom force was used. When any use of physical force, a photograph will be taken of the area and placed with the report.
- b. The reporting officer is responsible for making, at a minimum, an entry into BlueTeam® prior to the end of their tour of duty. If the officer's response to resistance report cannot be completed by the end of shift, then the OIC must be notified. The OIC will then make a determination whether the officer's Blue Team report may be completed at a later date.

4. Off Duty Personnel:

- a. An officer involved in an off duty confrontation within the City of Haverhill resulting in the use of force will follow the procedure previously outlined.
- b. An officer involved in an off duty confrontation/incident outside of the City of Haverhill will immediately telephone the Officer In Charge and make an oral report. A Response to Resistance Report detailing the entire incident will be submitted to the Deputy Chief as soon as possible.

E. Departmental Response

1. Deadly Force Incident:

- a. In every instance in which any employee (sworn or civilian) uses deadly physical force, or by their actions or use of force results in death or serious bodily injury to another person, the employee will be placed on administrative leave pending completion of all internal investigative requirements, and until it is determined by a mental health professional upon command referral that the employee is ready to return to duty. (1.3.8)
 - (1) The employee involved will be given the opportunity to call his/her family as soon as possible to avoid the possibility of their learning about the incident through other than official sources, e.g. press, radio, television, etc.
 - (2) The employee shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the office of the Chief of Police.
 - (3) Assignment to administrative leave status shall be with no loss of pay or benefits, pending an administrative review by a supervisor not involved in the incident.
 - (4) Relief of duty with no loss of pay or benefits is intended to serve two purposes:
 - i. To address the personal and emotional needs of the employee involved in the use of deadly force which results in serious bodily injury or death; and
 - ii. To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
 - (5) An employee so relieved from regular duty status and assigned to administrative leave status shall remain on leave until the investigation is concluded and his/her emotional needs have been met. Officers on administrative leave shall assure their availability to the department and/or

State Police investigators to assist, when necessary, in the investigation of the incident.

(6) Whenever an employee is involved in a use of force/deadly force incident that results in a serious bodily injury or death, the employee will be referred to the appropriate stress counseling.

(7) The department will conduct both an administrative and criminal investigation of the incident.

2. Administrative Review of Critical Incidents:

a. All Response to Resistance reports shall be reviewed by a Shift Commander not involved in the incident, and forwarded to the appropriate Division Commander through the chain of command, up to the Deputy Chief of Police to determine whether:

(1.3.7)

(1) Departmental rules, policy, or procedures were violated.

(2) The relevant policy was clearly understandable and effective to cover the situation.

(3) Department training is currently adequate.

b. All findings of policy violations or training inadequacies will be reported to the appropriate unit for resolution and/or discipline.

c. All Response to Resistance reports will be retained as required.

d. There will be an annual analysis of Response to Resistance reports done by the Patrol Captain to ascertain training and policy needs. (1.3.13)

e. An annual summary report of Response to Resistance incidents will be published and made part of the department's annual report. (1.3.13)

F. Special Considerations

1. Mentally Ill or Physically Disabled Persons

a. While the force continuum does 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 possibility of a violent outburst by the subject. Officers shall follow the guidelines within HPD Policy and Procedure, 41.2.7 *Responding to Persons Affected by Mental Illness*.

b. Once a mentally ill; emotionally disturbed, or physically disabled person has been controlled, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's mental, emotional, or physical status.

c. 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.

2. Mass Demonstrations

a. When The Haverhill Police Department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants.

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- b. The Chief of Police or his/her designee shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.
 - c. Officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:
 - de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
 - the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.
 - d. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the police officer standards and accreditation committee detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.

G. Duty to Intervene and Report

- 1. Intervention, Notifying Superiors, Supervisory Intervention.
 - a. An officer who observes or becomes aware of any violation of departmental policy, state/provincial or federal law, or local ordinance, or another officer using physical force, including deadly 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.
 - b. Except in extraordinary circumstances, the officers will act to intervene on the subject's behalf. Such action will include, but is not limited to, verbally intervening to try to stop the violation. If the member is a supervisor, he or she will issue a direct order to stop the violation.
 - c. Written Reporting Obligation: Any officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to the Patrol Commander 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 uniform protocols. The officer's written statement shall be included in the Patrol Commander's report.
 - d. Any law enforcement personnel who report any use of force incident or abuse by other law enforcement personnel shall not be retaliated against in any way.

WARNING: This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher-level standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.