



MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

March 16, 2026

CHAIR

Margaret R. Hinkle

COMMISSIONERS

Lester Baker

Hanya H. Bluestone

Lawrence Calderone

Eddy Chrispin

Deborah Hall

Marsha V. Kazarosian

Charlene D. Luma

Rev. Clyde D. Talley

In accordance with [M.G.L. c. 30A, §§ 18-25](#), and [St. 2021, c. 20](#), as amended by [St. 2022, c. 22](#), by [St. 2022, c. 107](#), by [St. 2023, c. 2](#), and by [St. 2025, c. 2](#), notice is hereby given of a meeting of the Peace Officer Standards and Training Commission. The meeting will take place as noted below.

NOTICE OF MEETING AND AGENDA

Public Meeting #74

March 19, 2026

8:30 a.m.

Remote Participation via [Zoom](#)

Meeting ID: 997 5889 3646

EXECUTIVE DIRECTOR

Enrique A. Zuniga

- 1) Call to Order
- 2) Approval of Minutes
 - a) February 19, 2025
- 3) Executive Director Report – Enrique A. Zuniga, Eric Rebello-Pradas
 - a) General Update
- 4) Division of Standards Semi-Annual Report – Matthew P. Landry
- 5) Agency Certification Standards – Randall E. Ravitz, Annie E. Lee
 - a) Internal Affairs and Officer Complaint Investigation Procedures
- 6) Legal Update – Randall E. Ravitz, Heather E. Hall, Annie E. Lee
 - a) Use of Force Model Policy
- 7) Matters not anticipated by the Chair at the time of posting
- 8) Executive Session in accordance with the following:

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mass.gov/orgs/post-commission

MASSACHUSETTS PEACE OFFICER STANDARDS & TRAINING COMMISSION

- M.G.L. c. 30A, § 21(a)(1), to discuss “the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, . . . or individual”;
 - M.G.L. c. 30A, § 21(a)(5), to discuss the investigation of charges of criminal misconduct;
 - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E, § 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, to discuss matters relating to preliminary inquiries and initial staff review concerning whether to initiate such inquiries, and regarding certain criminal record information; and
 - M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, §§ 22(f) and (g), to discuss and approve prior Executive Session minutes.
- a) Division of Standards reports of Preliminary Inquiries in the following cases:
- i) PI-2025-029
 - ii) PI-2024-047
 - iii) PI-2025-023
 - iv) PI-2025-027
 - v) PI-2025-040
- b) Division of Standards request for approval to conduct Preliminary Inquiries and/or impose a suspension in the following cases:
- i) PI-2026-019
 - ii) PI-2026-020
 - iii) PI-2026-021
 - iv) PI-2026-022
 - v) PI-2026-023
- c) Suspension Hearing in the Matter of Darnell Campbell, Jr., Case No. 2024-039
- d) Approval of the minutes of the Executive Session of February 19, 2025

Note that M.G.L. c. 66, § 6A(d) provides that “[a]n electronically produced document submitted to an agency . . . for use in deliberations by a public body shall be provided in an electronic format at the time of submission.”

2a.

MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION
Public Meeting Minutes
February 19, 2026
9:00 a.m.
Via Zoom

Documents Distributed in Advance of Meeting

- January 15, 2026 Public Meeting Minutes
- Executive Director Report
- Presentation on two drafted law enforcement agency certification standards
- Memo concerning the drafted law enforcement agency certification standards regarding detainee transportation
- Draft agency certification standards regarding detainee transportation
- Memo regarding the drafted law enforcement agency certification standards regarding collection and preservation of evidence
- Draft agency certification standards regarding collection and preservation of evidence
- Presentation regarding the draft model use-of-force policy and the draft model policy
- Memo regarding the application for voluntary relinquishment of certification submitted by Paul Oliveira on January 19, 2026

1. Call to Order

- The meeting began at 9:09 a.m.
- Commission Chair Margaret R. Hinkle took a roll call of the Commissioners present. The roll call proceeded as follows:
 - Chair Hinkle – Present
 - Commissioner Lester Baker – Present
 - Commissioner Hanya H. Bluestone – Present
 - Commissioner Lawrence Calderone – Present
 - Commissioner Eddy Chrispin – Present
 - Commissioner Deborah Hall – Present
 - Commissioner Marsha V. Kazarosian – Present
 - Commissioner Charlene D. Luma – Present
 - Commissioner Clyde Talley – Present

2. Approval of Minutes

- Chair Hinkle asked for a motion to approve the January 15, 2026 minutes. Commissioner Kazarosian moved to approve the minutes. Commissioner Talley seconded the motion.
 - Chair Hinkle – Yes
 - Commissioner Baker – Yes
 - Commissioner Bluestone – Yes
 - Commissioner Calderone – Yes
 - Commissioner Chrispin – Yes
 - Commissioner Hall – Yes
 - Commissioner Kazarosian – Yes
 - Commissioner Luma – Abstained
 - Commissioner Talley – Yes
- The Commissioners voted to approve the January 15, 2026 public meeting minutes.

3. Executive Director Report – Executive Director Enrique A. Zuniga and Financial and Administrative Update of Chief Financial Administrative Officer (“CFAO”) Eric Rebello-Pradas

- Executive Director Zuniga began his report by reminding members of the public that the Commission does not take public comment during meetings and instead accepts written submissions through the posted contact channels.
- Executive Director Zuniga provided an update regarding the School Resource Officer Memorandum of Understanding Review Commission established under M.G.L. c. 71, § 37P. He stated as follows.
 - The Review Commission has begun its five-year review cycle.
 - The Review Commission is co-chaired by the Secretary of the Executive Office of Public Safety and Security (“EOPSS”) and the Commissioner of the Department of Elementary and Secondary Education and is responsible for reviewing the model memorandum of understanding governing the role of school resource officers.
 - Director of Police Certification Stephen Smith serves as a statutory member of the Review Commission and attended its first meeting with support from Deputy General Counsel Pauline Nguyen and Counsel Annie E. Lee.
- Executive Director Zuniga then provided an outreach update. He stated as follows.
 - Executive Director Zuniga and General Counsel Randall E. Ravitz recently attended a meeting with the Massachusetts Sheriffs’ Association and the Municipal Police Training Committee (“MPTC”) to discuss the potential development of a specialized training pathway for correctional officers who seek to become deputy sheriffs.
 - The discussion included the possibility of creating a supplemental academy that would allow correctional officers to receive credit for relevant prior training while completing additional requirements necessary for certification.
 - These discussions remain preliminary but are intended to support compliance with statutory certification and training requirements.
 - Executive Director Zuniga attended a community meeting in Worcester, where discussion focused on the potential creation of a local civilian oversight board.
 - Commissioner Talley also attended the meeting, and the two presented information regarding the structure and responsibilities of the Commission.
 - Executive Director Zuniga noted that additional meetings on this topic may occur and that he will continue to provide updates to the Commission.
- Executive Director Zuniga then turned to the Commission’s financial and administrative update and introduced CFAO Rebello-Pradas to present information regarding the Commission’s budget and funding outlook for the upcoming fiscal year.
- CFAO Rebello-Pradas delivered a financial and administrative update regarding the Commission’s budget, fiscal outlook, and staffing. He stated as follows.
 - As the Commission has passed the midpoint of FY26, staff are currently conducting the mid-year budget review with the Executive Office for Administration and Finance.
 - The Commission anticipates returning approximately \$300,000 to \$500,000 in unspent funds at the end of the fiscal year, though that estimate may change as the fiscal year progresses.

- With respect to FY27, the Governor’s budget proposal, filed on January 28, 2026, includes funding of just over \$9 million for the Commission. This amount represents approximately \$580,000 less than the Commission’s request.
- The Commission will continue to pursue its original budget request.
- Staff are currently preparing testimony for the Commission’s upcoming appearance before the Joint Committee on Ways and Means.
- Draft testimony will be circulated to the Commission’s Treasurer and Chair in advance of the hearing.
- The Commonwealth’s transition to the new Mosaic financial system was scheduled to occur the week following the Commission meeting. The Commission’s fiscal team had completed testing and training and was prepared for the rollout.
- Several recently vacated and open positions were being backfilled, including two Intake Coordinator positions within the Division of Police Standards to address increasing complaint volume.
- Chair Hinkle thanked Executive Director Zuniga and CFAO Rebello-Pradas for their reports and asked whether any Commissioners had questions or comments. Hearing none, she moved to the next item on the agenda.

4. Agency Certification Standards – General Counsel Ravitz, Counsel Lee, Legal Fellow George Boateng

- General Counsel Ravitz introduced the next agenda item concerning agency certification standards and turned the floor over to Counsel Lee.
- Counsel Lee provided an overview of the standards being presented for the Commission’s consideration. She stated as follows.
 - Two agency certification standards were being presented.
 - The first standard concerned detainee transportation and would be presented by Legal Fellow Boateng.
 - The second standard concerned the collection and preservation of evidence and would be presented by Counsel Lee.
 - Pending any final questions or feedback, the presenters anticipated requesting preliminary approval of both standards.
- Counsel Lee then turned the presentation over to Legal Fellow Boateng to discuss the detainee transportation standard.
- Legal Fellow Boateng presented the draft detainee transportation standard. He stated the following.
 - The standard had last been presented to the Commission at its December 2025 meeting.
 - Following that meeting, staff again sought feedback from the MPTC.
 - The MPTC indicated at its January 2026 meeting that it had no further feedback on the standard.
 - The detainee transportation standard was therefore being presented to the Commission again in draft form for preliminary approval.
 - The relevant materials were included in the meeting materials provided to the Commissioners.
- Legal Fellow Boateng concluded by inviting feedback and questions from Commissioners.

- Chair Hinkle stated that she did not see any indication that Commissioners had questions and asked Legal Fellow Boateng to clarify the action being requested.
- Legal Fellow Boateng requested that the Commission take a vote on preliminary approval of the draft detainee transportation standard presented to the Commissioners.
- Chair Hinkle asked for a motion to that effect. Commissioner Kazarosian moved to grant preliminary approval of the draft standard. Commissioner Bluestone seconded.
- The Commissioners voted unanimously to preliminarily approve the draft detainee transportation standard.
- Counsel Lee then presented the certification standard concerning the collection and preservation of evidence. She stated as follows.
 - A copy of the draft standard was included in the meeting packet.
 - The standard had first been presented to the Commission at its November 2025 meeting. At that time, the Commission suggested revisions affecting provisions related to owner identification and the return of evidence and property.
 - With respect to owner identification, staff revised the standard to include language requiring that, where ascertainable, the identity of the owner of evidence or property be documented.
 - Counsel Lee explained that these revisions would allow agencies to document the identity of the owner of evidence or property, when known, from the time it is collected through storage and eventual return.
 - With respect to the return of evidence and property, the Commission had suggested revisions to facilitate the return of such items to their owners or their families.
 - Staff therefore proposed expanding the section to expressly include the return of evidence and property and to require agencies to establish a process for identifying the appropriate individuals who may receive returned property.
- Chair Hinkle stated that she did not see any questions from the Commissioners and asked Counsel Lee to clarify the action being requested.
- Counsel Lee requested that the Commission vote to grant preliminary approval of the collection and preservation of evidence certification standard.
- She noted that the MPTC had reviewed the revisions at its January meeting and had provided no additional feedback.
- Chair Hinkle asked for a motion to that effect. Commissioner Kazarosian moved to grant preliminary approval of the draft standard. Commissioner Luma seconded.
- The Commissioners voted unanimously to preliminarily approve the draft collection and preservation of evidence certification standard.
- As there were no further questions or comments, Chair Hinkle moved to the next item on the agenda.

**5. Legal Update – General Counsel Ravitz, Deputy Director of Police Certification
Heather Hall, Counsel Lee**

- General Counsel Ravitz provided a brief introduction to the Legal Update. He stated as follows.
 - Staff from the Commission collaborated with the MPTC to develop a model use-of-force policy as required by the jointly promulgated use-of-force regulations.
 - General Counsel Ravitz then turned the presentation over to Deputy Director Hall and Counsel Lee to discuss the development process and the draft model policy included in the Commission’s meeting materials.

- Deputy Director Hall provided information regarding the development of the draft model use-of-force policy. She stated as follows.
 - The Commission’s enabling statute requires the Commission and the MPTC to jointly promulgate regulations governing the use of force by law enforcement officers.
 - The two agencies previously collaborated to draft the use-of-force regulations, which were promulgated in 2021 and are codified at 550 CMR 6.00 and 555 CMR 6.00.
 - Those regulations also require the agencies to jointly develop a model use-of-force policy.
 - The policy was developed through a collaborative working group consisting of Commission and MPTC staff and subject matter experts.
 - The working group included attorneys with extensive experience in civil rights and law enforcement, as well as leadership and staff from both agencies.
 - Participants included EOPSS Special Counsel Ryan Mingo, MPTC Attorney Denise Flagg, MPTC Use-of-Force Statewide Coordinator Charles DiChiara, MPTC General Counsel James O’Brien, and MPTC Executive Director Rick Rathbun.
 - Commission participants included Commissioner Kazarosian, Executive Director Zuniga, General Counsel Ravitz, Senior Certification Advisor Gina Joyce, Counsel Lee, and Compliance Agent Elisabeth Wolfesen.
 - The working group also received input from external entities, including the American Civil Liberties Union of Massachusetts, the Attorney General’s Office Police Accountability Unit, and the Massachusetts Chiefs of Police Association.
- Deputy Director Hall stated that Commission staff and the MPTC were requesting written comments on the draft model policy by March 2, 2026, and anticipated returning to the Commission and to the MPTC in March 2026 to seek final approval.
- Commissioner Calderone asked whether any rank-and-file active-duty police officers had participated in the working group that developed the draft model policy.
- Deputy Director Hall responded that the working group did not include active-duty rank-and-file officers but did include individuals with significant law enforcement experience.
- She stated that Mr. DiChiara, Senior Certification Advisor Joyce, and Compliance Agent Wolfesen contributed substantial law enforcement and training experience to the working group.
- Commissioner Calderone asked about the background of Mr. DiChiara, including when he was last active duty, so that he could share that information with members of the law enforcement community.
- He noted that policing tactics evolve over time and suggested that including currently active officers could help ensure that policies reflect current practices.
- Deputy Director Hall responded that she did not have the specific information regarding when Mr. DiChiara was last active duty but stated that staff would obtain and provide that information.
- She subsequently noted that Mr. DiChiara had recently retired after decades of service with the Waltham Police Department and currently serves as an MPTC trainer.
- Deputy Director Hall also reiterated that staff are seeking written comments on the draft model policy and welcomed feedback from members of the law enforcement community, including rank-and-file officers.

- Executive Director Zuniga clarified that the working group consisted only of staff from the MPTC, EOPSS, and the Commission. He noted that outside entities provided input but were not members of the working group or a review committee.
- Commissioner Calderone acknowledged the clarification and stated that he had been noting the names mentioned earlier during the presentation.
- He remarked that questions regarding the absence of active-duty patrol officers on such working groups frequently arise within the law enforcement community and emphasized the importance of explaining the process publicly and encouraging participation during the open comment period.
- Deputy Director Hall responded that the point was well taken and noted that the working group sought to incorporate a range of perspectives.
- She added that individuals such as Mr. DiChiara contributed significant practical insight regarding use-of-force practices and were instrumental in the development of the draft policy.
- Chair Hinkle turned to Counsel Lee to continue the presentation regarding the draft model use-of-force policy.
- Counsel Lee provided a high-level overview of the draft model policy and its structure. She stated as follows.
 - The policy is organized into four sections: purpose, policy, definitions, and procedures.
 - The purpose and policy sections establish guidelines and limitations governing the use of force consistent with statute, existing use-of-force regulations, and the Commission’s preliminarily approved agency certification standard.
 - The policy emphasizes respect for the sanctity of life and bodily integrity; fair and unbiased treatment; de-escalation where possible; and the requirement that any use of force be necessary, objectively reasonable, and proportionate.
 - The definitions section includes terms already defined in statute or regulation, as well as additional terms defined for purposes of the model policy.
- Counsel Lee summarized the procedures section. She stated the following.
 - The procedures establish detailed requirements governing the use of force, including general use-of-force principles, authorization and limitations on force, verbal warnings, and the use of non-deadly and deadly forces.
 - The procedures also include statutory restrictions on force, including prohibitions on chokeholds and certain restraint techniques.
 - Additional provisions address mass demonstrations and crowd management, the provision of medical aid following the use of force, the duty of officers to intervene when excessive force is observed, and notification and reporting requirements following officer-involved injuries or deaths.
 - The policy also includes provisions governing the authorization, use, storage, and maintenance of weapons; training and qualification requirements; and use-of-force reporting requirements, including officer, supervisory, and administrative responsibilities.
- Counsel Lee noted that the draft model policy is currently open for public comment and invited Commissioners and members of the public to submit comments to the Commission by March 2, 2026, at 5:00 p.m.

- Chair Hinkle thanked Counsel Lee and staff for their work on the development and presentation of the policy.
- Commissioner Luma asked whether the draft model use-of-force policy would apply to officers when they intervene while off duty. She noted that officers may encounter situations where they respond or intervene despite not being technically on duty and asked how the policy would apply in those circumstances.
- Counsel Lee responded that, based on her understanding, the policy would apply whenever an officer uses force, regardless of whether the officer is technically on duty or off duty, though she stated she would review the language more closely.
- Commissioner Luma followed up by noting that the policy references the use of agency weapons and asked whether clarification may be needed in situations where an officer intervenes without an agency-issued weapon or uses a personal weapon.
- Commissioner Kazarosian commented on the work of the model use-of-force policy working group. She stated that the group included highly experienced participants and noted that the policy was the result of extensive collaboration.
- She specifically acknowledged the contributions of Commission staff and highlighted the involvement of Mr. DiChiara.
- Commissioner Kazarosian further stated that the working group produced a strong draft policy and encouraged stakeholders and members of the public to review the document and submit comments during the public comment period.
- Commissioner Calderone clarified that his earlier questions regarding the composition of the working group were not intended to offend anyone.
- He explained that he raised the issue in response to questions from rank-and-file officers he represents and noted that officers across the Commonwealth have expressed interest in understanding the backgrounds and law enforcement experience of those involved in developing the policy.
- Chair Hinkle thanked Commissioner Calderone and asked whether any other Commissioners had questions or comments. Hearing none, she expressed appreciation for the work of staff and contributors involved in developing the draft model use-of-force policy and thanked them for the presentation.

6. Application for Voluntary Relinquishment of Certification – Deputy Director Hall

- Chair Hinkle introduced the next agenda item concerning the application for voluntary relinquishment of certification submitted by Paul Oliveira.
- Deputy Director Hall reported that staff were requesting that the Commission table consideration of Mr. Oliveira’s application. She stated as follows.
 - The matter was posted for public comment consistent with the Commission’s procedures for voluntary relinquishment applications.
 - During the public comment period, staff became aware of an additional lawsuit involving Mr. Oliveira that had not been disclosed in his application.
 - This lawsuit was separate from another lawsuit that Mr. Oliveira had previously failed to disclose and was later asked to supplement in his application materials.
 - Staff require additional time to review the newly identified information and prepare a supplemental memorandum for the Commission.
- Deputy Director Hall requested that the Commission defer consideration of the application until the next Commission meeting.

- Chair Hinkle asked whether a vote was required to table the matter. General Counsel Ravitz advised that a vote was not necessary.
- Chair Hinkle stated that the Commission would therefore take no further action on the item and would revisit the application at a future meeting.

7. Performance Evaluation of the Executive Director

- Chair Hinkle introduced the next agenda item concerning the performance evaluation of Executive Director Zuniga.
- She explained that, as Chair of the Commission, she is responsible for conducting the annual evaluation of the Executive Director in consultation with the Commission's CFAO.
- Chair Hinkle reported on the results of the evaluation. She stated as follows.
 - She completed the required evaluation form assessing Executive Director Zuniga's performance across multiple areas and determined that he had performed at an exemplary level in all evaluated categories.
 - She then met with CFAO Rebello-Pradas to review compensation information for heads of comparable independent agencies and to discuss an appropriate salary adjustment.
 - While Commission staff received a 3% cost-of-living increase for FY26, Executive Director Zuniga elected not to accept the full increase. It was determined that his salary would instead reflect a 1.5% increase for the fiscal year.
- Chair Hinkle further reported that she met with Executive Director Zuniga to discuss the Commission's ongoing work and his goals for the coming year. She stated the following.
 - Executive Director Zuniga intends to continue overseeing and managing all aspects of the Commission's mission and operations.
 - He plans to redesign certain workflows to address areas of need created by increasing case volume and limited resources.
 - He intends to enhance coordination for bringing disciplinary matters before the Commission and to improve efficiency in resolving cases consistent with due process.
 - He plans to implement business intelligence tools and other technologies to improve reporting and assist in managing the growing number of public records requests.
 - He will continue efforts to increase the visibility of the Commission among external stakeholders and advocate for additional funding to support the Commission's expanding responsibilities.
 - He also intends to continue serving as the Commission's spokesperson and liaison with key stakeholders.
- Chair Hinkle expressed appreciation for Executive Director Zuniga's work on behalf of the Commission.

8. Matters Not Anticipated by the Chair at the Time of Posting

- There were no matters not anticipated by the Chair at the time of posting of the meeting notice.

9. Executive Session

- The Chair raised the issue of moving into executive session, in accordance with M.G.L. c. 30A, § 21(a)(1), to discuss the discipline or dismissal of, or complaints or charges brought against a public employee, a public officer, or an individual; under M.G.L. c. 30A, § 21(a)(5), in anticipation of discussion regarding the investigation of charges of criminal misconduct; under M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 6E,

§ 8(c)(2), and to the extent they may be applicable, M.G.L. c. 6, §§ 168 and 178, in anticipation of discussion regarding the initiation of preliminary inquiries and initial staff review related to the same, and regarding certain criminal offender record information; and M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, § 22(f) and (g), in anticipation of discussion and approval of the minutes of the prior executive session.

- Chair Hinkle stated that:
 - o The Commissioners will be considering reports of preliminary inquiry in four cases.
 - o They will be considering an application for voluntary relinquishment of certification in a single matter.
 - o They will be considering the request to enter a voluntary decertification, suspension, or disposition agreement in one case.
 - o They will be considering requests from the Division of Police Standards to approve a preliminary inquiry and or to impose a suspension in eleven cases.
 - o They will be considering two suspension hearings in the matters of Michael Villanueva and Sean Flaherty.
 - o They will also be addressing approval of the minutes of the January 15, 2026 executive session.
- Chair Hinkle asked for a motion to enter executive session. Commissioner Kazarosian moved to enter executive session, and Commissioner Baker seconded the motion.
- Chair Hinkle took a roll call vote on the motion. The motion unanimously carried.
- She then informed members of the public that the Commission would not reconvene its public meeting after the executive session.
- Executive Director Zuniga reminded members of the public that they can send comments and find contact information through the Commission website.
- Chair Hinkle thanked the staff members who presented and helped prepare for the Commission meeting and expressed appreciation to members of the public for their interest in the Commission's work.
- The public meeting was adjourned at 10:02 a.m.

Summary of Matters Voted on by the Commission

- Approval of minutes of January 15, 2026 meeting.
 - o The Commission voted to approve the minutes included in the meeting packet.
- Preliminary approval of the draft detainee transportation standard.
 - o The Commissioners voted unanimously to preliminarily approve the draft detainee transportation standard.
- Preliminary approval of the draft collection and preservation of evidence certification standard.
 - o The Commissioners voted unanimously to preliminarily approve the draft collection and preservation of evidence certification standard.

3a.



Executive Director Report

March 19, 2026

POSTC-comments@mass.gov
www.mapostcommission.gov
617-701-8401



Agenda

1. Certification Update
2. Outreach & Engagement
3. Finance & Administrative Update
4. Business Intelligence Tool

Certification Update



Private Investigator Licensure (M.G.L. c. 147 § §22-30)

Relinquishment of Certification

- Massachusetts State Police (“MSP”) issues licenses for Private Investigator and Watch Guard
- In the past, those requirements included not holding a POST certification*
- This gave origin to many of the requests for voluntary relinquishment to POST
- MSP has recently updated their requirements to include certain acknowledgements and conditions

*** When officers separate an LEA, POST marks their certification as “Restricted”**

Certification Update



Private Investigator Licensure (M.G.L. c. 147 § §22-30)

Requirements and Conditions:

- No longer restricted to holding a POST certification
- Notification to MSP of changes to certification status
- Requirement of PI activities to remain strictly separate from public law enforcement authority including prohibition of access of CJI databases
- Cannot: act under color of law; exercise police powers; represent as law enforcement; use position for private benefit; display law enforcement credentials unless authorized by law
- Misuse may result in criminal prosecution, administrative discipline, loss of POST Certification, or revocation of PI licensure

Outreach & Engagement



- February - Public Interest Networking Night at Boston College Law School
- February - Massachusetts Bar Association's Criminal Justice Section
- March – Testimony before Joint Committee on Ways & Means

Finance & Administrative Update



F&A Update



FY26 Activity

- Reversions still on target (~\$425K)
- 3rd Quarter results in April meeting

FY27 Budget Development

- Testimony before Joint Ways & Means: March 24th in Foxboro
- Original Request: \$9.59M
- House 2 appropriation is \$580K less than request

F&A Update



Human Resources

- Welcome New Members:
 - Carlton Satchell, Intake Coordinator
 - Victor Lobo, Legal Fellow
- Open/Posted Positions:
 - Information Management Counsel & Records Access Officer
 - Data Analyst
 - IT Data Analytics Manager
 - Enforcement Counsel (2)
- Headcount: 52

Technology Update Business Intelligence Tool



Agency Search

(All) ▾

Filter by Status

- (All)
- Administratively Suspended
- Certified
- Certified/SRO
- Certified/SRO-Conditional
- Conditionally Certified
- Expired
- Further Certification Review
- Not Certified
- Not Certified - On Leave
- Restricted
- Suspended

Officers by Agency by Certification Status

Agency	Total	Certified	Certified/SRO	Certified/SRO-Con..	Conditionally Certi..	Suspended	Administratively S..	Expired	Further Certificati..
Abington Police Department	37	34	2		1				
Acton Police Department	44	41	3						
Acushnet Police Department	22	21	1						
Adams Police Department	20	20							
Agawam Police Department	71	58	1		9			1	
American International College	5	5							
Amesbury Police Department	32	30	2						
Amherst College Police	13	13							
Amherst Police Department	41	41							
Andover Police Department	50	47	2		1				
Animal Rescue League of Boston Law Enforcement Department	3	3							
Aquinnah Police Department	4	4							
Arlington Police Department	72	72							
Ashburnham Police Department	17	13	4						
Ashby Police Department	7	6			1				
Ashfield Police Department	1	1							
Ashland Police Department	30	27	3						
Assumption University Department of Public Safety	11	11							
Athol Police Department	22	20	2						
Attleboro Police Department	99	98	1						

Agency Search

(All) ▼

Filter by Status

- (All)
- Administratively Suspended
- Certified
- Certified/SRO
- Certified/SRO-Conditional
- Conditionally Certified
- Expired
- Further Certification Review
- Not Certified
- Not Certified - On Leave
- Restricted
- Suspended

Officers by Agency by Certification Status

Agency	Total	Certified	Certified/SRO
Abington Police Department	37	34	2
Acton Police Department	44	41	3
Acushnet Police Department	22	21	1
Adams Police Department	20	20	
Agawam Police Department	71	58	1
American International College	5	5	
Amesbury Police Department	32	30	2
Amherst College Police	13	13	
Amherst Police Department	41	41	
Andover Police Department	50	47	2
Animal Rescue League of Boston Law Enforcement Department	3	3	
Aquinnah Police Department	4	4	
Arlington Police Department	72	72	

Agency Search

(Multiple values) ▼

Filter by Status

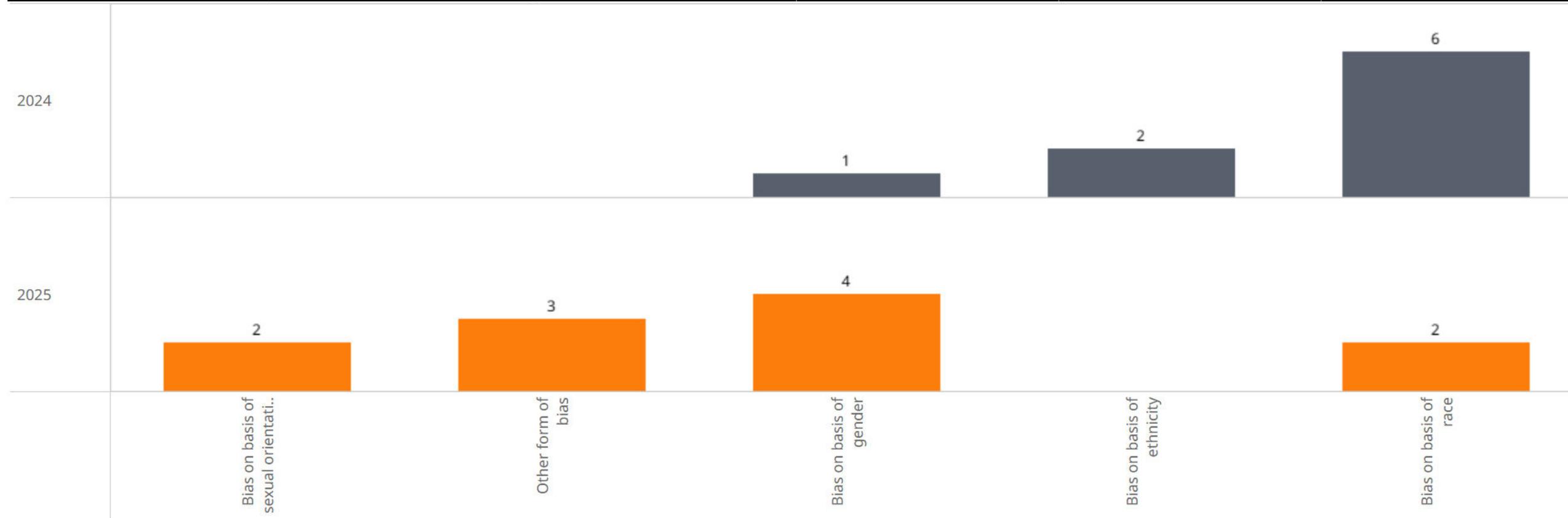
- (All)
- Administratively Suspended
- Certified
- Certified/SRO
- Certified/SRO-Conditional
- Conditionally Certified
- Expired

Officers by Agency by Certification Status

Agency	Total	Certified	Certified/SRO
Acton Police Department	44	41	3
Boston Police Department	2129	2,067	
Massachusetts State Police	2560	2,536	

Bias	Criminal Conduct	Death or Injury	Other Misconduct	Professional Integrity	Use of Force
20	198	1	2,860	289	30

Select an allegation type above to view details





Massachusetts Peace Officer Standards & Training
POSTC-comments@mass.gov
www.mapostcommission.gov
617-701-8401



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF STATE POLICE
CERTIFICATION UNIT**

**ACKNOWLEDGMENT REGARDING PRIVATE INVESTIGATOR AND
WATCH GUARD LICENSURE, POST CERTIFICATION STATUS, OUTSIDE
EMPLOYMENT, AND LAW ENFORCEMENT RESOURCE RESTRICTIONS**

I. Department Authority

Licensure under M.G.L. c.147 §§22–30 is a privilege conditioned upon a finding of good moral character and suitability. The Department of State Police retains continuing authority to deny, revoke, or suspend licensure upon receipt of information which calls into question a licensee’s suitability. Failure to comply with this acknowledgment may result in administrative action up to and including revocation of a private investigator or watch guard license.

II. Applicability

This acknowledgment applies to any applicant or license holder who is:

- A Peace Officer Standards and Trainings Commission (POST) certified reserve officer;
- A retired officer maintaining POST certification;
- A retired officer with an expired POST Certification; or
- An individual holding POST certification in restricted status.

III. Mandatory Disclosure

I certify my current POST status:

- Reserve officer – Certification Active
Employing Agency: _____ (if applicable)
- Retired – Certification Active
- Retired – Certification Expired
- Retired-Certification Voluntarily Relinquished
- Restricted-Certification Active (No Associated Agency)

I agree to notify the Department within ten (10) days of any change in certification status, law enforcement employment, or circumstance bearing on suitability.

IV. Separation from Police Authority

Private investigative or watch guard activities must remain strictly separate from public law enforcement authority. This separation is a condition of licensure. While engaged in private employment, I shall not:

- Act under color of law;
- Exercise police powers;
- Represent myself as acting in an official law enforcement capacity;
- Use my position for private benefit;
- Display law enforcement credentials or equipment unless authorized by law.

V. Criminal Justice Information

Accessing or using law enforcement databases for use in your capacity as a licensed private investigator or watch guard is prohibited, including but not limited to CJIS, NCIC, CORI, and RMV databases accessed through law enforcement credentials, and departmental or agency records systems. Indirect access through another employee or agency is likewise prohibited.

VI. Consequences

Misuse of law enforcement authority or criminal justice information, as described in Section V., may result in criminal prosecution, administrative discipline, loss of POST certification, or revocation of private investigation and/or watch guard licensure.

VII. License Holder Acknowledgement

I sign this acknowledgment voluntarily and understand that the issuance and/or renewal of my private investigator’s or watch guard license is conditioned on compliance with the terms of this agreement.

Signature: _____

Printed Name: _____

Date: _____

VIII. Law Enforcement Agency Acknowledgment

On behalf of _____ (Agency), I acknowledge:

1. The above-named employee has disclosed that they are licensed as a private investigator or watch guard in Massachusetts.
2. The Agency understands that the employee’s private investigative or watch guard activities must remain completely separate from their authority and duties as an employee of the Agency.
3. The Agency acknowledges that law enforcement databases, CJIS systems, and all criminal justice information resources may not be used for any private purpose.
4. The Agency agrees to notify the Department of State Police of any misuse of law enforcement resources, to include databases, by the above-named employee.

IX. Reserve Officer Restriction

Any individual who holds a private investigator or watch guard license while serving as a POST-certified reserve officer is prohibited from working regular or assigned police shifts and may work only agency-authorized details. Scheduling for patrol, backfill, supervisory functions, or any assignment requiring the exercise of police authority is prohibited.

This restriction is a condition of licensure.

The Agency agrees to notify the Department of any known misuse of law enforcement authority or violations of these conditions.

Authorized Representative: _____

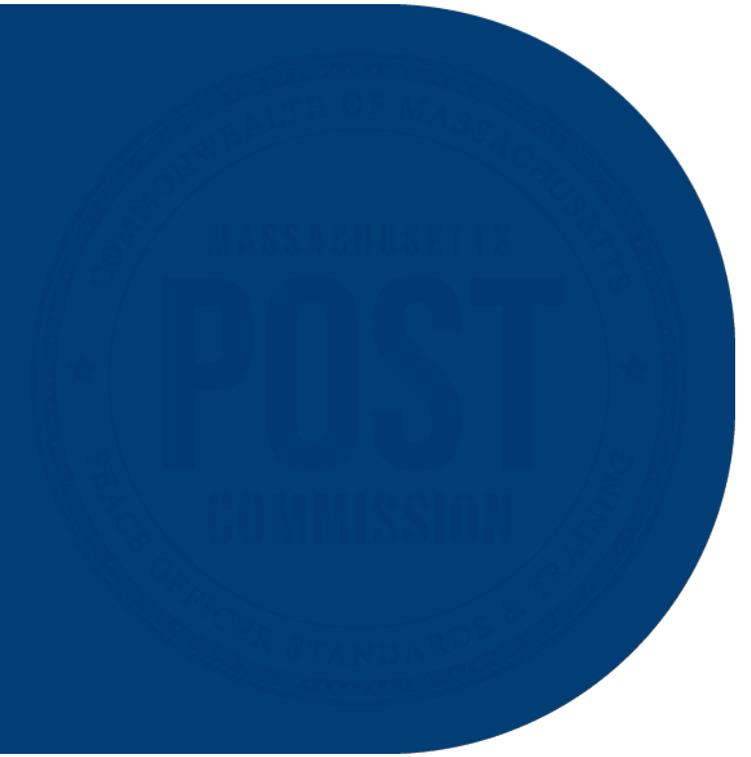
Title: _____

Signature: _____

Date: _____

4.

Division of Standards Report



Division of Police Standards Update



Complaint Case Load

(Reporting period: April 1, 2025 – February 28, 2026)

Complaints & Incident Reports	Number
Complaints submitted from the public	772*
Complaints submitted from law enforcement agencies via the new POST LEA portal	865

* Not inclusive of complaints that were screened out, duplicates, etc.

- Division reviews ~35 new public complaints weekly (+17% from Mar. 2025)
- Agencies reported ~18 new complaints per week via POST LEA portal (+6%)

Division of Police Standards Update



Preliminary Inquiry / Disciplinary Case Summary

Division of Standards Cases	Count*	Notes
Active Preliminary Inquiries (as of 3/13/2026)	101	
Preliminary Inquiries concluded with recommendation of discipline per M.G.L. c. 6E, § 10	117	Includes cases with final disposition, and cases still in the adjudicatory hearing process
Preliminary Inquiries concluded without discipline	26	
Suspensions (Active)	73	
Decertified Officers	81	

5a.



LAW
ENFORCEMENT
AGENCY (“LEA”)
CERTIFICATION

Annie E. Lee, Counsel

March 2026



INTERNAL AFFAIRS AND OFFICER COMPLAINT INVESTIGATION PROCEDURES

Process:

- January 2026 – Initially presented to Commission
- February 2026 – Feedback from MPTC

Key elements:

- Key principles
- Reporting
- Review and screening
- Management
- Records retention
- Conflicts of interest
- Referrals
- Communications
- Tracking and analysis
- Internal inspection and auditing
- Training



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- Tracking and analysis
- Internal inspection and auditing
- Training



PROFESSIONAL STANDARDS

Proposed Revision:

An agency's professional standards, internal affairs, and officer complaint investigation procedures policy shall:

.....



REPORTING TOPICS

Proposed Revision:

Require the agency to accept all reports, whether positive or negative, regarding the agency and/or any of its officers, including but not limited to, reports concerning or alleging:

...

15. Actual or perceived retaliation; and

.....



REPORTING METHODS

Proposed Revision:

Require the agency to establish easily accessible methods, to the extent possible, by which reports regarding the agency and/or any of its officers may be filed, including:

...

3. Over the internet, which may include messages to an official agency e-mail address, ~~an official agency social media account,~~ and/or completion of a form available on the agency's website, if utilized by the agency;

....



REPORTING METHODS

Original provisions:

- (h) If the agency has at least one non-officer within the agency, require the agency to designate at least one non-officer within the agency who can accept reports against the agency and/or any of its officers;
- (i) Encourage the agency to work with the agency's local government or secretariat, as applicable, to designate at least one individual who is within the agency's local government or secretariat, as applicable, and is not part of the agency, who can accept reports against the agency and/or any of its officers;

Proposed Revision:

- (h) Require the agency to make available to the public information about how an individual may follow up on, raise concerns about, or make a report against the agency and/or any of its officers with the Commission;



Members of law enforcement and the general public are encouraged to submit comments and suggestions to POSTC-comments@mass.gov



Massachusetts POST Commission

84 State Street, Suite 200, Boston, MA 02109

To: Chair Margaret R. Hinkle
Commissioner Lester Baker
Commissioner Hanya H. Bluestone
Commissioner Lawrence Calderone
Commissioner Eddy Chrispin
Commissioner Deborah Hall
Commissioner Marsha V. Kazarosian
Commissioner Charlene D. Luma
Commissioner Clyde Talley

From: Annie E. Lee, Counsel

Re: Law Enforcement Agency Certification Standards – Internal Affairs and Officer
Complaint Investigation Procedures

Date: March 12, 2026

Under Massachusetts General Laws chapter 6E, section 5(b), the Commission is directed to develop agency certification standards in at least eight areas, of which “internal affairs and officer complaint investigation procedures” is one.

The standard regarding internal affairs and officer complaint investigation procedures was first presented to the Commission during its January 2026 meeting. Following that meeting, Commission staff sought feedback from the Municipal Police Training Committee (“MPTC”) and its staff; that feedback was provided during the MPTC’s February 2026 meeting.

The revised draft enclosed for the Commission’s review reflects proposed revisions based on feedback and suggestions provided by the MPTC. It is presented to the Commission for further discussion and feedback; it is ***not*** presented to the Commission for preliminary approval.

Those proposed revisions are as follows:¹

- Professional Standards. The MPTC noted, during its February 2026 meeting, that some agencies have transitioned from “internal affairs” to “professional standards.” Where statute, however, instructs the Commission to develop an “internal affairs” standard, the revised draft proposes directing agencies to develop a “*professional standards, internal affairs, and officer complaint investigation procedures policy*,” to retain the statutory language and include agencies’ preferred language.
- Reporting.
 - Topics. The MPTC asked for clarification as to whether agencies should accept reports regarding real retaliation or perceived retaliation. Because agencies should accept reports that contain allegations and then determine through the internal affairs investigation process whether those allegations are founded or not, the revised draft proposes clarifying that agencies should accept reports alleging “actual or perceived” retaliation.
 - Methods. The MPTC raised concerns about the suggestion that an agency should receive a report for a potential internal affairs matter through, among other channels, an official agency social media account. The MPTC stated that social media accounts lack accountability and are a method of harassment. The revised draft therefore strikes “an official agency social media account” from the channels through which an agency may receive a report for internal affairs.

The MPTC also raised concerns about the propriety of having non-officers receive reports for potential internal affairs matters. The MPTC stated that non-officers may not have sufficient familiarity with police policies, procedures, laws, and collective bargaining agreements, which can sometimes help resolve a prospective reporter’s concerns. The MPTC suggested that, if a prospective reporter would not be comfortable speaking with an officer and would prefer to speak with a non-officer, that prospective reporter should be directed to report to the Commission. The revised draft therefore suggests striking the two provisions concerning non-officer reporting channels and substitutes them with a requirement for the agency to make available to the public information about how a prospective reporter may report a potential internal affairs matter to the Commission.

Commission staff continues to consult with the MPTC and its staff and expects to present a revised professional standards, internal affairs, and officer complaint investigation procedures standard to the Commission in due course.

¹ The proposed revisions described in this memorandum do not include non-substantive revisions made to clarify or reorganize the standard, or to conform this standard with other standards that have been preliminarily approved by the Commission.

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation
Procedures (DRAFT)

555 CMR 13.00: LAW ENFORCEMENT AGENCY CERTIFICATION STANDARDS

Section

- 13.01: Purpose and Scope
- 13.02: Definitions
- 13.03: Standards
- 13.04: Compliance
- 13.05: Assessment
- 13.06: Maintaining Compliance
- 13.07: Re-Assessment
- 13.08: Waiver
- 13.09: Enforcement and Disciplinary Action
- 13.10: Severability

13.02: Definitions

Agency. A Law Enforcement Agency as defined in M.G.L. c. 6E, § 1.

Commission. The Massachusetts Peace Officer Standards and Training Commission, established pursuant to M.G.L. c. 6E, § 2.

Domestic Violence. Action that violates M.G.L. c. 265, § 13M.

Officer. A Law Enforcement Officer as defined in M.G.L. c. 6E, § 1.

Sexual Misconduct. Conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the effect of threatening, intimidating, or coercing a person. Sexual misconduct can include sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and retaliation related to any of the foregoing.

13.03: Standards

Each agency shall develop and implement written policies on the following topics in accordance with the following standards:

[RESERVED FOR STANDARDS ON OTHER SUBJECTS]

- (7) Internal affairs and officer complaint investigation procedures. An agency's professional standards, internal affairs, and officer complaint investigation procedures policy shall:
 - (a) Emphasize officers' duty to, at all times, act professionally and ethically, in accordance with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation
Procedures (DRAFT)

- (b) Emphasize officers' duty to, at all times, be worthy of the public trust and the authority given to officers, in accordance with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
- (c) Emphasize officers' duty to uphold transparency, accountability, and responsibility principles, in accordance with the agency's code of conduct policy developed pursuant to 555 CMR 13.03(3);
- (d) Require the agency to accept all reports, whether positive or negative, regarding the agency and/or any of its officers, including, but not limited to, reports concerning or alleging:
 - 1. Conduct in the field;
 - 2. Conduct in the workplace;
 - 3. The extent of compliance with the federal or state Constitution, M.G.L. c. 6E, any rule or regulation promulgated by the Commission, or any other applicable federal or state law, rule, regulation, policy, or court or regulatory order;
 - 4. The extent of compliance with any agency policy, sub-policy, provision, rule, or regulation;
 - 5. Bias, harassment, or discrimination on the basis of actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, limited English proficiency, accent, religion, sex, sexual orientation, gender identity, mental or physical disability, genetic information, ancestry, pregnancy or a condition related to said pregnancy, status as a veteran, marital status, parental status, public assistance reciprocity, socioeconomic level, education level, professional level, or neighborhood of residence;
 - 6. Conduct that involves untruthfulness or is prejudicial to the administration of justice;
 - 7. Conduct that brings discredit to the officer and/or the agency or impairs the efficient and effective operation of the agency;
 - 8. Use of force;
 - 9. Sexual misconduct;
 - 10. Domestic violence;
 - 11. A conflict of interest;

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation
Procedures (DRAFT)

12. The extent of attendance at or completion of required training;
 13. An attempt to prevent any individual, including another officer, who seeks to make a report or participate in an internal affairs investigation against the agency and/or any of its officers, from doing so;
 14. An attempt to convince any individual, including another officer, who has made a report against the agency and/or any of its officers, to withdraw or abandon such a report;
 15. Actual or perceived retaliation;
 16. Conduct that reflects positively on the agency and/or any of its officers; and
 17. The agency's policies, sub-policies, provisions, rules, regulations, practices, and customs;
- (e) Require the agency to establish easily accessible methods, to the extent possible, by which reports regarding the agency and/or any of its officers may be filed, including:
1. At the agency;
 2. Over the phone, which may include text messages to a phone number designated by the agency for the submission of reports regarding the agency and/or any of its officers, if utilized by the agency;
 3. Over the internet, which may include messages to an official agency e-mail address and/or completion of a form available on the agency's website, if utilized by the agency;
 4. By mail;
 5. Orally;
 6. In writing;
 7. Anonymously or via a third party; and
 8. In languages other than English;

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation
Procedures (DRAFT)

- (f) Require the agency to make available to the public information about how an individual may follow up on, commend, raise concerns about, or make a report against the agency and/or any of its officers, including by providing such information on the agency's website and on agency premises;
- (g) Prohibit the agency and its officers from engaging in any conduct for the purposes of discouraging, intimidating, or retaliating against an individual because that individual seeks to make or has made a report against the agency and/or any of its officers, including by taking any of the following steps for such a purpose:
 - 1. Requiring any such individual to make their report under oath or penalty of perjury;
 - 2. Conducting a criminal background check of any such individual;
 - 3. Conducting a warrant check of any such individual;
 - 4. Conducting an immigration check of any such individual; and
 - 5. Requiring any such individual to waive any rights that may be provided to such individual by law;
- (h) Require the agency to make available to the public information about how an individual may follow up on, raise concerns about, or make a report against the agency and/or any of its officers with the Commission;
- (i) Encourage the agency to allow the prospective reporter the opportunity to review a copy of their report for completeness and accuracy, when time and circumstances reasonably permit;
- (j) Require the agency to screen all reports regarding the agency and/or any of its officers for the purposes of:
 - 1. Determining the agency's obligations under 555 CMR 1.00; and
 - 2. Determining whether to initiate an internal affairs investigation;
- (k) Set forth specific and comprehensive requirements concerning the management of an internal affairs investigation, including requirements addressing:
 - 1. Initiation, in accordance with 555 CMR 1.00 and 2.03(2);
 - 2. Assignment, in accordance with 555 CMR 1.00 and 2.03(5);

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation Procedures (DRAFT)

3. Supervision, in accordance with 555 CMR 1.00 and 2.03(5);
4. Investigation, in accordance with 555 CMR 1.00;
5. Collection, preservation, and use of evidence, including, where feasible, audio- and/or video-recordings, consistent with the agency's collection and preservation of evidence policy developed pursuant to 555 CMR 13.03(8), and 515 CMR where applicable;
6. Recommended time limits, in accordance with 555 CMR 1.00, with internal progress reporting and accountability;
7. Adjudication;
8. Resolution, in accordance with 555 CMR 12.03(5);
9. The appropriate administration of discipline;
10. Documentation, in accordance with 555 CMR 1.00;
11. Case file maintenance, in accordance with 555 CMR 1.00, 12.03(1)(d), and 12.03(3)(b); and
12. Confidentiality, in accordance with each applicable federal or state law, rule, or regulation, including, but not limited to, M.G.L. c. 4, § 7(26), M.G.L. c. 66A, M.G.L. c. 268A, and 555 CMR 1.00;
 - (l) Set forth specific and comprehensive requirements concerning the appeal of any decision or action resulting from an internal affairs investigation by the officer who is the subject of the internal affairs investigation;
 - (m) Include a sub-policy or provision concerning the retention of records associated with an internal affairs investigation that shall comply with the requirements of M.G.L. c. 4, § 7(26), M.G.L. c. 30, § 42, M.G.L. c. 66, M.G.L. c. 66A, 555 CMR 12.03(1)(d) and 12.03(3)(b), other associated regulations, and the Massachusetts Statewide Agency Records Retention Schedule or Municipal Records Retention Schedule, as applicable, developed by the Secretary of the Commonwealth of Massachusetts;
 - (n) Prohibit the investigated officer from attempting to convince the reporter to withdraw or abandon their report, or retaliating against the reporter;
 - (o) Include a sub-policy or provision concerning the management of conflicts of interest in an internal affairs investigation that:

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation Procedures (DRAFT)

1. Prohibits an officer, regardless of rank, from conducting an internal affairs investigation, in whole or in part, that involves a member of the officer’s family or an individual with whom the officer has a close personal or business relationship;
 2. Sets forth specific and comprehensive requirements concerning the internal reporting of a potential or actual conflict of interest to the prospective conflicted officer’s supervisor, superior, or appointing authority;
 3. Sets forth specific and comprehensive requirements concerning the agency’s evaluation of the reported conflict of interest for the purposes of determining whether an actual conflict of interest exists;
 4. Sets forth specific and comprehensive requirements concerning measures the agency will take to prevent the conflicted officer from interfering with the internal affairs investigation;
 5. Addresses the circumstances under which the internal affairs investigation will be referred to another body because the agency cannot adequately manage the conflict of interest; and
 6. Complies with any applicable law, rule, regulation, policy, or judicial or regulatory order, including M.G.L. c. 6E, § 12, M.G.L. c. 149, § 185, M.G.L. c. 268A, and 555 CMR 1.00, 2.03(5), and 6.07;
- (p) Set forth specific and comprehensive requirements concerning the referral of a report against the agency and/or any of its officers to third parties, including:
1. Any federal or state prosecuting authority, civil enforcement agency, or law enforcement agency of competent jurisdiction for prosecution as a criminal matter, commencement of a civil enforcement action, or initiation of an administrative agency proceeding; or
 2. Another body or individual because the original agency and its officers have a conflict of interest that cannot be adequately managed;
- (q) Set forth specific and comprehensive requirements and/or restrictions concerning communications about an internal affairs investigation, including communications regarding the steps in the internal affairs

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation Procedures (DRAFT)

investigation process listed in 555 CMR 13.03(7)(l), to the extent appropriate, with:

1. The investigated officer, their immediate supervisor, the head of their agency, and/or the head of their collective bargaining unit, and/or the head of the agency, which shall address if whether and when such information will be communicated to such persons;
 2. The reporter, which shall address whether and when such information will be communicated to such a person;
 3. The Commission, in accordance with the requirements of 555 CMR 1.00 and 12.00;
 4. A local civilian oversight board of competent jurisdiction, if one exists; and
 5. The public, which may include communications on the agency’s website and social media and with media outlets;
- (r) Require the agency to collect, track, and analyze reports, whether positive or negative, regarding the agency and/or any of its officers on at least an annual basis to:
1. Identify trends in reports regarding the agency and/or any of its officers over time;
 2. Identify officers who have:
 - a. Been involved in a disproportionate share and/or high frequency of reports against the agency and/or any of its officers; and
 - b. Allegedly engaged in a recurring pattern or practice, regardless of whether reports against the agency and/or the officer alleging such a pattern or practice are sustained;
- for the purposes of determining whether intervention would be beneficial to improving the officer’s behavior and practices, and intervening to improve the officer’s behavior and practices or pursue disciplinary action when that is determined to be potentially beneficial;
3. Identify patterns, practices, or customs that are at issue in a disproportionate share and/or high frequency of reports against the agency and/or any of its officers, for the purpose of determining

Agency Certification Standards – Internal Affairs and Officer Complaint Investigation Procedures (DRAFT)

whether a change in agency policy, sub-policy, provision, rule, or regulation would be beneficial, and making such changes when that is determined to be potentially beneficial;

4. Identify best practices that should be replicated; and
 5. Issue to the public an annual summary of reports, whether positive or negative, submitted to the agency and/or any of its officers, which shall be maintained on the agency's website and available on agency premises for inspection;
- (s) Include a sub-policy or provision concerning the internal inspection and auditing of the agency's completed internal affairs investigations for the purposes of determining whether a change in the agency's internal affairs policy, sub-policy, provision, rule, regulation, patterns, practices, or customs would be beneficial, and making such changes when that is determined to be potentially beneficial; and
- (t) Ensure that all officers are trained on the agency's internal affairs and officer complaint investigation procedures policy in accordance with all applicable training requirements.

6a.



MODEL USE OF FORCE POLICY

March 2026



COMMENT PROCESS

- Draft model policy submitted to MPTC and POST week of February 16, 2026.
- Comments on draft were due by March 2nd.
- Multiple entities and individuals provided feedback, including:
 - Law Enforcement Entities
 - Civil Rights Groups
 - Interested Individuals



COMMENT PROCESS

- Working group reviewed all comments and discussed them.
- Held 3 meetings over several hours since March 2nd deadline.
- Some comments did not result in changes:
 - Some suggested changes to language that already closely tracked CMRs.
 - Some were more appropriately left for training or other policies.
- Working group carefully considered legal requirements and operational factors.
- Some comments did result in changes and Counsel Annie Lee will discuss those changes.



KEY THEMES AND TOPICS

Overarching:

- Mental illness
- Bias-free policing
- Youths

Specific:

- *Barnes v. Felix*
- Specialized units
- Force limitations and restrictions
- Parts of the body likely to cause death or serious bodily injury
- Mass demonstrations
- Duty to intervene
- Carrying weapons while consuming alcohol or intoxicating substances
- Use of force reporting
- Body-worn cameras
- Summoning supervisors



MENTAL ILLNESS

Key comment:

- “[M]any interactions between law enforcement and individuals experiencing mental health crises do not involve a threat of violence, yet can escalate rapidly when symptoms are misunderstood.”
 - → Define mental illness
 - → Provide examples of how mental illness may manifest during law enforcement encounters (e.g., confusion, fear, difficulty processing or understanding may be misinterpreted as defiance and aggression)
 - → Utilize crisis intervention teams

Recommendation:

- No revisions necessary; policy accounts for mental illness
 - General procedures: Officers are “encouraged to be conscious of non-criminal factors,” including, but not limited to, “an individual’s mental . . . condition” such that “an officer should consider modifying their de-escalation tactics and techniques”
 - General procedures: When time and circumstances reasonably permit, officer shall deescalate by, among other tactics, summoning a different form of response available to the agency (e.g., crisis intervention team)



BIAS-FREE POLICING

Key comments:

- “[T]he Proposed Policy should more clearly recognize and address the role of implicit bias throughout its provisions governing officer decision-making and use-of-force evaluations.”
 - → Define implicit bias
 - → Require implicit bias training
- Reinforce statutory right to bias-free policing

Recommendations:

- Reinforce commitment to implementing use of force policy “in a manner that is fair and unbiased, consistent with M.G.L. c. 6E, § 1[.]”
- Define implicit bias as “[u]nconscious attitude or stereotype that affects how people perceive and interact with others.”
- Encourage officers to “be mindful of the role implicit bias can play in their interactions with individuals, especially in stressful situations.”
- Require agencies to analyze use of force incidents and complaints, including analysis of “[c]haracteristics, including but not limited to known or perceived protected class characteristics[.]”



YOUTHS

Key comments:

- Harmonize model policy with preliminarily approved juvenile operations standard
- Address the use of handcuffs with youths
- Restrict the use of force on or near a youth's head
- Restrict the use of dogs on youths
- Expand requirement to be aware of surroundings prior to using force to include the presence of youths
- Restrict use of ECDs/CEWs on youths
- Require training on use of force with youths and other vulnerable persons

Recommendation:

- No revisions necessary; force is based on totality of the circumstances, of which age is one factor, and articulating such restrictions is more appropriate for the legislature and the courts



BARNES V. FELIX, 605 U.S. 73 (2025)

Key comment:

- Under *Barnes v. Felix*, 605 U.S. 73 (2025), the review of the reasonableness of police force is not time limited and “courts may consider the facts and events leading up to the use of force because they ‘may bear on how a reasonable officer would have understood and responded to later ones.’”
 - → Prohibit the reckless and negligent escalation of force, not just deliberate escalation
 - → Require that pre-incident conduct be factored into reasonableness analysis during use of force review

Recommendations:

- Limited revision in standard for use of force: “The totality of the circumstances includes, but is not limited to, the officer’s own tactical decisions and conduct leading up to the use of force.”
- No other revisions necessary; clearer to prohibit intentional escalation of force, and reckless and negligent escalation of force is more appropriately addressed in training



SPECIALIZED UNITS

Key comments:

- Specialized units, such as SWAT, should be contacted to assist in violent situations and resolve crises
- May be impractical to summon an alternative response, particularly where there are limited resources

Recommendation:

- No revisions necessary; officers are directed to, among other things, summon a different response model *so long as one is available to the agency* and to call in specialized units *when time and circumstances reasonably permit*



FORCE LIMITATIONS AND RESTRICTIONS

Key comments:

- Force should be prohibited as an intimidating measure
- “To impose a total ban on chokeholds as a use of force option, under circumstance[s] where an officer or another is in danger of death or serious injury is not reasonable. If an officer is engaged in a physical confrontation alone with a subject, and there is a fear of death, or serious bodily injury, the officer should not be prohibited from applying a chokehold to ensure his/her own survival”
 - → Permit chokeholds as a lethal force option on the same level as a firearm

Recommendation:

- No revisions necessary; intimidation may be a de-escalation tactic, and chokeholds are banned as a force tactic under M.G.L. c. 6E, § 14(c) and 555 CMR 6.05(2)



PARTS OF THE BODY LIKELY TO CAUSE DEATH OR SERIOUS BODILY INJURY

Key comment:

- “Define ‘appropriate target areas’ and ‘parts of the body likely to cause death or serious bodily injury’ . . . so that the reader can understand which body areas are appropriate and which are potentially deadly.”

Recommendation:

- No revisions necessary; better addressed in training



MASS DEMONSTRATIONS

Key comment:

- Onus appears to be on police to prevent an escalation of violence during a mass demonstration

Recommendation:

- No revisions necessary; provision follows requirements articulated in M.G.L. c. 6E, § 14(e) and 555 CMR 6.08



DUTY TO INTERVENE

Key comments:

- Not clear if duty to intervene is limited to officers within the same agency or extends to officers in any agency
- Officers should intervene only when they observe conduct that “objectively contradicts[] or grossly departs from standard and authorized methods and techniques” in order to preserve unit discipline and trust among officers

Recommendation:

- Clarify that duty to intervene and report excessive force applies “regardless of the rank or agency affiliation of the officer so observed”
- No other revisions necessary; provision follows requirements articulated in M.G.L. c. 6E, § 15 and 555 CMR 6.06 and 6.07



CARRYING WEAPONS WHILE UNDER THE INFLUENCE

Key comments:

- Prohibition is too broad
 - Can consume without being impaired and reaching a BAC over .08
 - Sweeps in personal weapons (e.g., pocket knife)
- Officers engaged in undercover work need ability to drink at a bar to pursue leads and witnesses

Recommendation:

- Clarify that prohibition applies to “any firearms or agency-authorized weapons”
- Strike “consuming” from prohibition
 - “Officers shall not carry or use any firearms or agency-authorized weapons on- or off-duty while ~~consuming or~~ under the influence of alcohol or controlled substances.”



USE OF FORCE REPORTING

Key comments:

- Emphasize duty to report certain uses of force to National Use of Force Data Collection Database
 - → Require monthly reports, including “Zero Reports”

Recommendation:

- Clarify that agencies are required to report certain use of force incidents to the National Use of Force Data Collection Database “at least monthly,” in accordance with FBI reporting procedures



BODY-WORN CAMERAS

Key comments:

- Model policy should reference requirement to follow body-worn camera policy, including requirement to activate body-worn camera when there is an incident with an apparent potential for violence
- BWC footage should be reviewed as part of use of force reviews

Recommendation:

- Generally, no revisions necessary; agencies with body-worn cameras are required to have a body-worn camera policy as condition to funding, and body-worn camera requirements are more appropriately addressed in that policy
- Limited revision in officer responsibilities when reporting force: “When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall: . . . [preserve any body-worn camera footage in accordance with policy.]”



SUMMONING SUPERVISORS

Key comments:

- Policy should specify when supervisors are required to be summoned to the scene of a use of force (e.g., officers should be required to notify supervisors to report to scene of most serious uses of force)
- Should require that supervisors be immediately requested to respond to a use of force incident as soon as possible

Recommendation:

- No revisions necessary; officers are already required to “notify a supervisor of the [use of force] incident as soon as circumstances allow.”

Policy Name:	Policy Number:	Pages:
Model Use of Force Policy		
Subject Area:	Reference/Notes	
	MPAC Accreditation standards: 1.1.0; <u>1.1.1</u> ; 1.1.2; 1.1.3; 1.1.4; 1.1.5; <u>1.1.6</u> ; <u>1.1.7</u> ; 1.1.8; 1.1.9; 1.1.10; 1.1.11; 1.1.12; <u>1.1.13</u> ; 1.1.14 (<u>* indicates partially covered</u>) CALEA Accreditation Standards: 4.2.1; 4.2.2; 4.2.3; 4.2.4	
Effective Date:	Issuing Authority	
Scheduled Reevaluation Date:	Previously Issued Dates:	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This general order should not be construed as creation of a higher legal standard of safety or care in any evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish [insert agency name] guidelines and limitations concerning the use of force.

II. POLICY

1. The [insert agency name] values the sanctity of life and bodily integrity of all individuals. The [insert agency name] prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the [insert agency name] and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased, consistent with M.G.L. c. 6E, §1.
2. Officers shall seek to de-escalate and gain the voluntary compliance of individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.
3. There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:
 - a. Agency discipline, up to and including termination;
 - b. Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
 - c. Criminal prosecution; and/or

d. Civil liability.

III. DEFINITIONS

Agency: the [insert agency name].

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who are authorized by the agency to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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 with the result of causing bodily injury, unconsciousness, or death.

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

Deadly or Lethal Force: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).

Dog: As defined in 555 CMR 6.03, a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, "force" includes:

1. Any physical strike or attempted strike;
2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
4. Pointing a firearm, ECW, or chemical weapon at an individual; and
5. Deployment of a police dog resulting in contact.

"Force" does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Implicit Bias: Unconscious attitude or stereotype that affects how people perceive and interact with others.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Chief Executive Officer.

MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116.

Non-Deadly or Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in:

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain an individual by causing pain. This shall not include oleoresin capsicum (OC) spray.

~~Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.~~

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC or a form approved by the Chief Executive Officer that collects at a minimum the information collected on the form approved by the Commission and the MPTC.

~~Verbal Commands~~: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.

IV. PROCEDURES

The use of force is authorized only when it is necessary, proportionate, objectively reasonable and for a lawful purpose.

The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. ‡ The totality of circumstances includes, but is not limited to, the officer's own tactical decisions and conduct leading up to the use of force. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that ~~police~~ officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and dynamic and rapidly evolving about the amount of force that is necessary, proportionate and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Accordingly, the agency will thoroughly document, review, and investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

A. General

1. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter.
2. ~~Whenever possible~~When time and circumstances reasonably permit, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.
3. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer should consider modifying their de-escalation tactics and techniques. Officers should also be mindful of the role implicit bias can play in their interactions with individuals, especially in stressful situations.
4. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing

and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.

5. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, summoning a [insert different response model available to agency e.g., co-response, alternative response, peer response, crisis intervention team, etc.], seeking assistance from a mental health professional, and/or calling in specialized units in order to reduce the need for force and increase safety. Officers shall document when such efforts were attempted or were not feasible.
6. Any force used shall be necessary, proportionate, and objectively reasonable in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

B. Use of Force Authorization and Limitations

1. Officers are only authorized to use the amount of force that is necessary, proportionate, and objectively reasonable to accomplish lawful objectives.
2. An officer shall not use 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 and proportionate to:
 - a. Effect the lawful arrest or detention of an individual;
 - b. Prevent the escape of an individual from custody;
 - c. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
 - d. Defend against an individual who initiates force against an officer.
3. The authorized use of force ends when resistance ceases or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.
4. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

C. Verbal Warning

When tactically feasible, officers will identify themselves as [police, law enforcement] and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal commands before resorting to force. A verbal warning is not required where the officer must make a split-second decision or if the officer has an objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted or were not feasible.

D. Use of Non-Deadly or Less-Lethal Force

1. Officers shall use only the amount of force necessary, proportionate, and objectively reasonable to overcome resistance or accomplish the lawful police objective. Non-deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.
2. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force.
4. Use of force does include the pointing of a firearm, ECW, CED, or chemical weapon at an individual and the use of OC spray on or directed toward an individual.
5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

E. Use of Deadly or Lethal Force

1. A law enforcement officer shall not use deadly force upon a 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 prevent imminent harm to an individual and the amount of force used is proportionate to the threat of imminent harm, and
 - a. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;

- b. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
- c. The officer uses only the amount of force that is objectively reasonable.

2. Unconventional Weapons

In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., flashlight, radio, or other equipment) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

3. Deadly Force Restrictions

a. Immediacy of the Threat Required

An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

b. Suicidal Individuals

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

F. Use of Force Restrictions

1. Sitting, Kneeling, or Standing on An Individual

Except to temporarily gain, regain or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head.

2. Oxygen and Blood Flow

An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

3. Restrained Individuals

Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

4. Chokeholds

Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck.

G. Mass Demonstrations and Crowd Management

1. It is the policy of this agency to respect the constitutional rights of individuals engaged in lawful demonstrations, to avoid unnecessary conflict, and to attempt to de-escalate potential conflicts whenever feasible.

2. Pre-Planning

When the agency has advance knowledge of a planned mass demonstration within the agency's jurisdiction, the Chief Executive Officer shall designate an officer in charge of de-escalation planning and communication. The designated officer in charge shall diligently attempt in good faith to:

- a. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants; and
- b. Discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants and ensure that participants are able to safely exercise their rights under the First Amendment and the Massachusetts Declaration of Rights.

3. Use of Weapons and Canines

When engaged in mass demonstration events, officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence an individual's behavior unless:

- a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances;

- b. The measures used are necessary to prevent imminent harm; and
- c. The foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets, or dog is proportionate to the threat of imminent harm.

4. Restrictions

a. Canines

Canines shall not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilians.

b. Kettling

The use of kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

H. Providing Medical Aid

1. Officers shall always provide an appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.
2. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care.
3. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less-lethal force options. If treatment is offered and refused, the refusal shall be documented. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

I. Duty to Intervene

1. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank or agency affiliation of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual.
2. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
3. Officers and other agency personnel who observe an officer or other agency personnel, regardless of the rank or agency affiliation of the officer so observed, engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor— as soon as reasonably possible, but not later than the end of the officer's shift.
4. Any harassment, intimidation, or retaliation against any officer or other agency personnel who:
 - a. Intervened or attempted to intervene to prevent or stop an excessive force incident;
 - b. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
 - c. Provided information or testimony to any investigating entity inside or outside the agencyis prohibited.

Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

J. Response to Officer-Involved Injury or Death

1. Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee.

2. If the use of force involved a weapon, including an unconventional weapon, the Chief Executive Officer [or insert designee] shall secure ~~the weapon or any~~ weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.
3. Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office.

K. Weapons

1. Officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41, § 98, for example, permits officers to carry weapons as authorized by the Chief Executive Officer of the agency. While no law addresses the possession and use of other weapons by officers, the Chief Executive Officer of the agency may both authorize and regulate such activities.
2. Only authorized agency personnel may carry or use weapons in the performance of their designated duties. Authorization must be documented and approved by the Chief Executive Officer or their designee. Authorization is contingent upon successful completion of all training, certification, and proficiency requirements. The Chief Executive Officer may revoke or suspend authorization at any time.
3. Only weapons and ammunition authorized by the agency may be used by authorized agency personnel in the performance of their designated duties.
4. Sworn Officers

Officers are authorized to carry and use the following weapon(s) in the performance of their duties, subject to this Use of Force policy and applicable restrictions:

~~a. Firearms (pursuant to M.G.L. c. 41, § 98);~~

~~b.a.~~ _____ [for each weapon officers are authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon; and any restrictions on the use of the weapon not previously addressed in the use of force policy]

5. Non-sworn agency personnel [if applicable]
 - a. Non-sworn agency personnel may be authorized to carry specified weapons when expressly approved by the Chief Executive Officer and consistent with applicable law. Non-sworn agency personnel authorized to carry weapons must adhere to all provisions of this Use of Force policy as if they were sworn officers, including training, certification, and reporting requirements.

b. The following non-sworn agency positions are authorized to carry the weapons listed:

i. [Insert position title]: A [insert position title] is authorized to carry the following weapons:

A. [for each weapon the position is authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon, and any restrictions on the use of the weapon not previously addressed in the use of force policy.]

6. Security, Storage, and Safe Handling of Weapons

a. Authorized agency personnel shall be trained in accordance with agency guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than authorized agency personnel shall be permitted access to any agency-owned firearm or any other agency-owned weapon, with the exception of: ~~police~~ officers from other jurisdictions in the official performance of their duties; licensed individuals performing repairs or maintenance as approved by the agency; or other circumstances with the express permission of the Chief Executive Officer.

b. Authorized agency personnel shall secure and store firearms and other weapons, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm or weapon. All agency firearms kept at home must be secured in a safe place inaccessible to family members and others, especially children, and conform with the requirements of M.G.L c. 140, § 131L.

c. Whenever an authorized agency personnel is at an agency facility and removes their handgun or other weapon, the item must be secured so that it is not readily accessible to unauthorized individuals.

d. Authorized agency personnel shall not leave firearms or other weapons unsecured in vehicles, lockers, offices, or any other place where unauthorized access may occur.

e. Any loss or theft of a firearm or other agency weapon shall be immediately reported to the authorized agency personnel's supervisor for investigation.

7. Weapons Restrictions

a. Warning Shots Prohibited

Officers are prohibited from discharging their firearms as a means of warning, intimidating, or frightening an individual.

b. Pointing Weapons

- i. Officers are prohibited from pointing their firearms at or in the direction of an individual absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy.
- ii. Pointing a firearm or ECW/CED may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.
- iii. When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.
- iv. Pointing a firearm or an ECW/CED at an individual and using OC spray on ~~an individual or directed~~or toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on or toward an individual and explain the justification.

c. Surroundings

Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.

d. Discharging Firearms into Moving Motor Vehicles

An officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

- i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle;

- ii. Officers 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 at close proximity while dismounted);
- iii. The officer is not firing strictly to disable the vehicle; and
- iv. The circumstances provide a high probability of stopping or striking the intended target.

e. Use of Weapons Against Animals

- i. Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer or to the public. When time and circumstances reasonably permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force.
- ii. Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

f. Use of Agency Weapons for Training and Other Purposes

Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Chief Executive Officer to participate in law enforcement competition events or ceremonial events.

g. Use of Firearms or Weapons While Under the Influence of Alcohol and/or Controlled Substances Prohibited

Officers shall not carry or use any firearms or agency-authorized weapons on- or off-duty while ~~consuming or~~ under the influence of alcohol or controlled substances. Officers shall not carry or use any firearms or agency-authorized weapons on- or off-duty while impaired by any condition (medical or otherwise) that negatively impacts judgment, motor skills, or proficiency.

L. Maintenance and Accountability for Weapons

1. The [insert designated agency position responsible for armorer duties] shall maintain a list of all authorized weapons and ammunition that shall be made available to officers and authorized agency personnel. The [insert designated agency position responsible for armorer duties] shall also maintain inventory reports for all weapons authorized by the agency and update inventories at least annually to include the location of all firearms [list other weapons to be inventoried as needed].
2. The [insert designated agency position responsible for armorer duties] shall maintain a record on each weapon, lethal and less-lethal, authorized for use by the agency. Such record shall include:
 - a. Serial number, if applicable;
 - b. Weapon description;
 - c. Date of issuance;
 - d. Officer receiving weapon;
 - e. Maintenance/repair information;
 - f. Date removed from service and reason; and
 - g. Other information as required by the Chief Executive Officer or designee.
3. All weapons shall be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Weapons failing inspection shall not be issued and shall be repaired or replaced before use.
4. At each training session for lethal or less-lethal weapons, the [insert designated agency position responsible for armorer duties] or instructor shall conduct an inspection of all weapons assigned to each officer present and confirm that:
 - a. The weapons are properly assigned to the officer carrying the weapon.
 - b. That the weapons (lethal and less-lethal) are in working order; and
 - c. That inventory records accurately reflect weapons assigned to individual officers.
5. The procedures listed above shall also apply to any weapons, lethal and less-lethal, authorized by the agency for off-duty carry.
6. Whenever an authorized weapon is found to be unsafe or not functioning properly, it shall be immediately turned in or taken out of service by the officer. The [insert designated agency position responsible for armorer duties] shall maintain an inventory of replacement firearms and ensure that such firearms are available for issuance when needed.

7. The [insert designated agency position responsible for armorer duties] shall ensure that all agency weapons held in storage are secured to prevent damage, theft, or improper issuance. An access log shall be maintained for all entries into weapon storage areas.

M. Training and Qualifications

1. In addition to annual firearms qualification and skills training required by the MPTC and this agency's Firearms Policy XXX, officers shall be properly trained and certified in the use of any less-lethal weapons and control techniques before being authorized to carry or use them. Officers shall only carry and use weapons and control techniques for which they have received agency-authorized training and which are issued and/or approved by the agency.
2. As part of annual in-service training, all officers shall receive training on this agency's use of force policies, reporting requirements, and relevant case law updates.
3. All officers shall complete annual training on all lethal and less-lethal weapons that require annual proficiency training, including ECWs.
4. Weapons without an annual training requirement (e.g., impact weapons, kinetic impact devices, OC spray) shall require requalification at least every two years under a certified instructor.
5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10, ~~including de-escalation, mental health response, responding to mass gatherings, cultural competency, progression of force, and lawful use of force techniques.~~
6. All training, including remedial training, shall be documented in agency training files.
7. Training and proficiency results for any authorized weapon shall be monitored by an MPTC-certified weapons instructor and documented in the agency training files by the Chief Executive Officer or their designee. Documentation for sworn officers shall also be uploaded into the MPTC Acadis system by the Chief Executive Officer or their designee. Sworn officers must demonstrate proficiency with weapons in compliance with MPTC requirements.
8. Officers who fail to demonstrate the required proficiency with agency-issued weapons shall receive remedial training consistent with MPTC standards and relevant agency policy.

9. Any officer who fails to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.
 10. Officers who seek to return to duty after an interruption in service shall first comply with all requirements set forth in 550 CMR 3.04 prior to being authorized to perform police duties and functions.
 11. Only officers demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons.
- 1312.** All officers, including newly hired and veteran officers being issued a new type of weapon, shall be issued copies of applicable policies and receive proficiency training on the weapons prior to being authorized to carry such weapons. The issuance, policy receipt, and training shall be documented.

N. Use of Force Reporting

1. Any officer who uses force shall complete the Use of Force Reporting Form. Reports shall be completed by the end of the officer's shift/tour of duty unless an extension of time is granted by a supervisor not directly involved in the incident.
2. [Discretionary for Agency under 555 CMR 6.07(3): Discharge of a firearm during training, qualification exercises, or for recreational purposes does not need to be reported.]
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.
4. The pointing of a firearm, ECW, CED, or CW at an individual and the use of OC spray on an individual or directed toward an individual is a use of force that must be reported. Any accidental discharge of a firearm, or any action that results in or is alleged to have resulted in injury or death shall be reported.
5. The agency shall report at least monthly, the following incidents to the National Use of Force Data Collection Database:
 - a. When an officer's actions result in death or serious bodily injury of an individual;
or
 - b. When an officer discharges a firearm at or in the direction of an individual.
6. Any officer who ~~has a duty to intervene or~~ observes an officer or other agency personnel, regardless of rank or agency affiliation, engaged in abuse (see Section I)

shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

7. Any harassment, intimidation, or retaliation against any officer or other agency personnel related to a duty to intervene under Section I shall be reported immediately to an appropriate supervisor.
8. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd.
9. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
10. The agency shall report the following incidents to ~~POST~~the Commission:
 - a. Officer-involved injuries or death;
 - b. Excessive force;
 - c. Untruthful statements concerning a material fact regarding a use of force;
 - d. Knowing omission of a material fact regarding a use of force; or
 - e. Any harassment, retaliation, or intimidation of an individual related to a use of force.
11. All Use of Force Reporting Forms shall be retained and maintained by the agency consistent with 555 CMR 12 for [insert length of time consistent with 555 CMR 12]. [For public agencies include the following language: and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.]
12. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

O. Reporting Procedures

1. The agency shall establish a use of force reporting system that allows for the effective review and analysis of all agency use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the agency. Officers shall complete the appropriate reports and the Use of Force Reporting Form whenever they use force, whether deadly or non-deadly.
2. Officer's Responsibilities

a. When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall:

i. Notify a supervisor of the incident as soon as circumstances allow.

ii. Complete the Use of Force Reporting Form, which shall list all ~~other known or identifiable~~ officers ~~or employees involved~~ and other individuals present.

iii. ~~[Preserve any body-worn camera footage in or witnessing the incident.~~ accordance with policy.]

iv. All Use of Force Reporting Forms must be completed and forwarded to a supervisor not directly involved in the incident by the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

b. Any officer who ~~has a duty to intervene or~~ observes an officer or other agency personnel, regardless of rank or agency affiliation, engaged in abuse (see Section I) 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 agency reporting protocols.

c. Any officer who utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd shall write a report detailing the facts and circumstances surrounding the use of force. including a detailed justification of why the use of said weapons was objectively reasonable.

3. Supervisor Not Directly Involved in the Use of Force Incident Responsibilities

a. When a use of force incident involves an officer assigned to patrol, a supervisor not directly involved in the use of force incident or [insert position] has the primary responsibility to make certain that all necessary Use of Force Reporting Forms are properly completed evidence in the custody of law enforcement is preserved and the report is submitted as required by officers under their command.

b. The supervisor who performs the initial review of the reporting forms shall identify and report any clear instances of violations of law or agency policy that necessitates immediate action by the reviewing supervisor, including actions related to the officer's fitness for duty or duty status, to [insert the appropriate chain of command level for notification].

- c. The supervisor shall sign the report and forward it to the Chief Executive Officer of the agency or their designees.
 - d. If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor shall complete the steps as required in the preceding subsections. Supervisors involved in a use of force incident shall forward the Use of Force Reporting Form to the next level of command not involved in the incident.
 - e. In any use of force or incident resulting in death or serious bodily injury, or any firearm discharge at or in the direction of an individual, the on-duty supervisor shall immediately notify the Chief Executive Officer through the chain of command. The officer involved shall be removed from operational assignments pending administrative and potential criminal review.
 - f. When an officer reports pursuant to a duty to intervene (see Section I), the on-duty supervisor shall prepare a report and include the observing officer(s)'s detailed written statement describing the incident in that report.
4. Office of the Chief Executive Officer or their Designee for Administrative Review
- a. The [insert agency designee] shall review the Use of Force Reporting Form in a timely fashion not to exceed [a timeline determined by the agency] to determine:
 - i. Whether the action was consistent with policy, training, and law;
 - ii. Whether further administrative review or investigation is warranted;
 - iii. Whether equipment, training, or policy changes should be considered;
 - iv. Whether a referral to the District Attorney's Office is appropriate;
 - v. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N); and
 - vi. Whether the incident is required to be reported to the Commission (see Section N).
 - b. The Chief Executive Officer or their designee for administrative review may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Chief Executive Officer shall be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
 - c. Use of force reports that warrant further administrative review or investigation shall be referred to the [insert Chief Executive Officer or the agency position responsible for internal affairs function]. Such review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The [insert Chief Executive Officer

or the agency position responsible for internal affairs functions] shall be responsible for the prompt investigation of the matter including the collecting and preserving of evidence consistent with the requirements specified in 555 CMR 13.03(8) and the recommendation of discipline, if appropriate.

- d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.
- e. The [insert agency designee] shall conduct, at a minimum, annual analyses of all “Use of Force” incidents and complaints and provide a comprehensive report to the Chief Executive Officer. This report, at a minimum, shall document:
 - i. Trends in use of force over time;
 - ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer’s use of force behavior and practices, and intervening to improve the officer’s use of force behavior and practices when that is determined to be the case;
 - iii. Recommendations on equipment, training, and/or policy changes, if any;
 - iv. The date, time, and circumstances of incidents;
 - v. The type of force or type of weapons used;
 - vi. Types of encounters resulting in use of force;
 - vii. ~~The Characteristics, including but not limited to known or perceived protected class characteristics such as~~ race, age, gender, ~~and any known or perceived mental~~ and/or physical disability, of individuals involved;
 - viii. Injuries to individuals, officers, or others; and
 - ix. Identification of trends or patterns contributing to injury.
- f. For purposes of transparency, the [insert agency designee] shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency’s website and at the agency for inspection.
- g. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity. [For public agencies include the following language: and upon receipt of a public record request under M.G.L. c. 66, § 10.]

Policy Name:	Policy Number:	Pages:
Model Use of Force Policy		
Subject Area:	Reference/Notes	
	MPAC Accreditation standards: 1.1.0; 1.1.1; 1.1.2; 1.1.3; 1.1.4; 1.1.5*; 1.1.6*; 1.1.7; 1.1.8; 1.1.9; 1.1.10; 1.1.11; 1.1.12*; 1.1.13; 1.1.14 (* indicates partially covered) CALEA Accreditation Standards: 4.2.1; 4.2.2; 4.2.3; 4.2.4	
Effective Date:	Issuing Authority	
Scheduled Reevaluation Date:	Previously Issued Dates:	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This general order should not be construed as creation of a higher legal standard of safety or care in any evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish [insert agency name] guidelines and limitations concerning the use of force.

II. POLICY

1. The [insert agency name] values the sanctity of life and bodily integrity of all individuals. The [insert agency name] prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the [insert agency name] and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased consistent with M.G.L. c. 6E, §1.
2. Officers shall seek to de-escalate and gain the voluntary compliance of individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.
3. There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of an officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:
 - a. Agency discipline, up to and including termination;
 - b. Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
 - c. Criminal prosecution; and/or

d. Civil liability.

III. DEFINITIONS

Agency: the [insert agency name].

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who are authorized by the agency to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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 with the result of causing bodily injury, unconsciousness, or death.

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

Deadly or Lethal Force: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).

Dog: As defined in 555 CMR 6.03, a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, "force" includes:

1. Any physical strike or attempted strike;
2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
4. Pointing a firearm, ECW, or chemical weapon at an individual; and
5. Deployment of a police dog resulting in contact.

"Force" does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Implicit Bias: Unconscious attitude or stereotype that affects how people perceive and interact with others.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Chief Executive Officer.

MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116.

Non-Deadly or Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in:

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain an individual by causing pain. This shall not include oleoresin capsicum (OC) spray.

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC or a form approved by the Chief Executive Officer that collects at a minimum the information collected on the form approved by the Commission and the MPTC.

Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.

IV. PROCEDURES

The use of force is authorized only when it is necessary, proportionate, objectively reasonable and for a lawful purpose.

The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. The totality of circumstances includes, but is not limited to, the officer's own tactical decisions and conduct leading up to the use of force. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and dynamic and rapidly evolving about the amount of force that is necessary, proportionate and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Accordingly, the agency will thoroughly document, review, and investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

A. General

1. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter.
2. When time and circumstances reasonably permit, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.
3. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer should consider modifying their de-escalation tactics and techniques. Officers should also be mindful of the role implicit bias can play in their interactions with individuals, especially in stressful situations.
4. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.
5. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such

as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, summoning a [insert different response model available to agency e.g., co-response, alternative response, peer response, crisis intervention team, etc.], seeking assistance from a mental health professional, and/or calling in specialized units in order to reduce the need for force and increase safety. Officers shall document when such efforts were attempted or were not feasible.

6. Any force used shall be necessary, proportionate, and objectively reasonable in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

B. Use of Force Authorization and Limitations

1. Officers are only authorized to use the amount of force that is necessary, proportionate, and objectively reasonable to accomplish lawful objectives.
2. An officer shall not use 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 and proportionate to:
 - a. Effect the lawful arrest or detention of an individual;
 - b. Prevent the escape of an individual from custody;
 - c. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
 - d. Defend against an individual who initiates force against an officer.
3. The authorized use of force ends when resistance ceases or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.
4. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

C. Verbal Warning

When tactically feasible, officers will identify themselves as [police, law enforcement] and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal commands before resorting to force. A verbal warning is not required where

the officer must make a split-second decision or if the officer has an objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted or were not feasible.

D. Use of Non-Deadly or Less-Lethal Force

1. Officers shall use only the amount of force necessary, proportionate, and objectively reasonable to overcome resistance or accomplish the lawful police objective. Non-deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.
2. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force.
4. Use of force does include the pointing of a firearm, ECW, CED, or chemical weapon at an individual and the use of OC spray on or directed toward an individual.
5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

E. Use of Deadly or Lethal Force

1. A law enforcement officer shall not use deadly force upon a 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 prevent imminent harm to an individual and the amount of force used is proportionate to the threat of imminent harm, and
 - a. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;
 - b. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
 - c. The officer uses only the amount of force that is objectively reasonable.
2. Unconventional Weapons

In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., flashlight, radio, or other equipment) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

3. Deadly Force Restrictions

a. Immediacy of the Threat Required

An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

b. Suicidal Individuals

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

F. Use of Force Restrictions

1. Sitting, Kneeling, or Standing on An Individual

Except to temporarily gain, regain or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head.

2. Oxygen and Blood Flow

An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

3. Restrained Individuals

Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

4. Chokeholds

Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck.

G. Mass Demonstrations and Crowd Management

1. It is the policy of this agency to respect the constitutional rights of individuals engaged in lawful demonstrations, to avoid unnecessary conflict, and to attempt to de-escalate potential conflicts whenever feasible.

2. Pre-Planning

When the agency has advance knowledge of a planned mass demonstration within the agency's jurisdiction, the Chief Executive Officer shall designate an officer in charge of de-escalation planning and communication. The designated officer in charge shall diligently attempt in good faith to:

- a. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants; and
- b. Discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants and ensure that participants are able to safely exercise their rights under the First Amendment and the Massachusetts Declaration of Rights.

3. Use of Weapons and Canines

When engaged in mass demonstration events, officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence an individual's behavior unless:

- a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances;
- b. The measures used are necessary to prevent imminent harm; and
- c. The foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets, or dog is proportionate to the threat of imminent harm.

4. Restrictions

a. Canines

Canines shall not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilians.

b. Kettling

The use of kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

H. Providing Medical Aid

1. Officers shall always provide an appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.
2. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care.
3. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less-lethal force options. If treatment is offered and refused, the refusal shall be documented. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

I. Duty to Intervene

1. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank or agency affiliation of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual.

2. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
3. Officers and other agency personnel who observe an officer or other agency personnel, regardless of the rank or agency affiliation of the officer so observed, engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift.
4. Any harassment, intimidation, or retaliation against any officer or other agency personnel who:
 - a. Intervened or attempted to intervene to prevent or stop an excessive force incident;
 - b. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
 - c. Provided information or testimony to any investigating entity inside or outside the agency

is prohibited.

Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

J. Response to Officer-Involved Injury or Death

1. Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee.
2. If the use of force involved a weapon, including an unconventional weapon, the Chief Executive Officer [or insert designee] shall secure any weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.
3. Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office.

K. Weapons

1. Officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41, § 98, for example, permits officers to carry weapons as authorized by the Chief Executive Officer of the agency. While no law addresses the possession and use of other weapons by officers, the Chief Executive Officer of the agency may both authorize and regulate such activities.
2. Only authorized agency personnel may carry or use weapons in the performance of their designated duties. Authorization must be documented and approved by the Chief Executive Officer or their designee. Authorization is contingent upon successful completion of all training, certification, and proficiency requirements. The Chief Executive Officer may revoke or suspend authorization at any time.
3. Only weapons and ammunition authorized by the agency may be used by authorized agency personnel in the performance of their designated duties.

4. Sworn Officers

Officers are authorized to carry and use the following weapon(s) in the performance of their duties, subject to this Use of Force policy and applicable restrictions:

- a. [for each weapon officers are authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon; and any restrictions on the use of the weapon not previously addressed in the use of force policy]

5. Non-sworn agency personnel [if applicable]

- a. Non-sworn agency personnel may be authorized to carry specified weapons when expressly approved by the Chief Executive Officer and consistent with applicable law. Non-sworn agency personnel authorized to carry weapons must adhere to all provisions of this Use of Force policy as if they were sworn officers, including training, certification, and reporting requirements.

- b. The following non-sworn agency positions are authorized to carry the weapons listed:

- i. [Insert position title]: A [insert position title] is authorized to carry the following weapons:

- A. [for each weapon the position is authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the

weapon, and any restrictions on the use of the weapon not previously addressed in the use of force policy.]

6. Security, Storage, and Safe Handling of Weapons

- a. Authorized agency personnel shall be trained in accordance with agency guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than authorized agency personnel shall be permitted access to any agency-owned firearm or any other agency-owned weapon, with the exception of: officers from other jurisdictions in the official performance of their duties; licensed individuals performing repairs or maintenance as approved by the agency; or other circumstances with the express permission of the Chief Executive Officer.
- b. Authorized agency personnel shall secure and store firearms and other weapons, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm or weapon. All agency firearms kept at home must be secured in a safe place inaccessible to family members and others, especially children, and conform with the requirements of M.G.L c. 140, § 131L.
- c. Whenever an authorized agency personnel is at an agency facility and removes their handgun or other weapon, the item must be secured so that it is not readily accessible to unauthorized individuals.
- d. Authorized agency personnel shall not leave firearms or other weapons unsecured in vehicles, lockers, offices, or any other place where unauthorized access may occur.
- e. Any loss or theft of a firearm or other agency weapon shall be immediately reported to the authorized agency personnel's supervisor for investigation.

7. Weapons Restrictions

a. Warning Shots Prohibited

Officers are prohibited from discharging their firearms as a means of warning, intimidating, or frightening an individual.

b. Pointing Weapons

- i. Officers are prohibited from pointing their firearms at or in the direction of an individual absent an objectively reasonable determination that the situation

may escalate to the point where deadly force would be authorized under this policy.

- ii. Pointing a firearm or ECW/CED may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.
 - iii. When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.
 - iv. Pointing a firearm or an ECW/CED at an individual and using OC spray on or toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on or toward an individual and explain the justification.
- c. Surroundings

Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.

d. Discharging Firearms into Moving Motor Vehicles

An officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

- i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle;
 - ii. Officers 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 at close proximity while dismounted);
 - iii. The officer is not firing strictly to disable the vehicle; and
 - iv. The circumstances provide a high probability of stopping or striking the intended target.
- e. Use of Weapons Against Animals

- i. Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer or to the public. When time and circumstances reasonably permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force.
- ii. Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

f. Use of Agency Weapons for Training and Other Purposes

Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Chief Executive Officer to participate in law enforcement competition events or ceremonial events.

g. Use of Firearms or Weapons While Under the Influence of Alcohol and/or Controlled Substances Prohibited

Officers shall not carry or use any firearms or agency-authorized weapons on- or off-duty while under the influence of alcohol or controlled substances. Officers shall not carry or use any firearms or agency-authorized weapons on- or off-duty while impaired by any condition (medical or otherwise) that negatively impacts judgment, motor skills, or proficiency.

L. Maintenance and Accountability for Weapons

1. The [insert designated agency position responsible for armorer duties] shall maintain a list of all authorized weapons and ammunition that shall be made available to officers and authorized agency personnel. The [insert designated agency position responsible for armorer duties] shall also maintain inventory reports for all weapons authorized by the agency and update inventories at least annually to include the location of all firearms [list other weapons to be inventoried as needed].
2. The [insert designated agency position responsible for armorer duties] shall maintain a record on each weapon, lethal and less-lethal, authorized for use by the agency. Such record shall include:

- a. Serial number, if applicable;
 - b. Weapon description;
 - c. Date of issuance;
 - d. Officer receiving weapon;
 - e. Maintenance/repair information;
 - f. Date removed from service and reason; and
 - g. Other information as required by the Chief Executive Officer or designee.
3. All weapons shall be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Weapons failing inspection shall not be issued and shall be repaired or replaced before use.
 4. At each training session for lethal or less-lethal weapons, the [insert designated agency position responsible for armorer duties] or instructor shall conduct an inspection of all weapons assigned to each officer present and confirm that:
 - a. The weapons are properly assigned to the officer carrying the weapon.
 - b. That the weapons (lethal and less-lethal) are in working order; and
 - c. That inventory records accurately reflect weapons assigned to individual officers.
 5. The procedures listed above shall also apply to any weapons, lethal and less-lethal, authorized by the agency for off-duty carry.
 6. Whenever an authorized weapon is found to be unsafe or not functioning properly, it shall be immediately turned in or taken out of service by the officer. The [insert designated agency position responsible for armorer duties] shall maintain an inventory of replacement firearms and ensure that such firearms are available for issuance when needed.
 7. The [insert designated agency position responsible for armorer duties] shall ensure that all agency weapons held in storage are secured to prevent damage, theft, or improper issuance. An access log shall be maintained for all entries into weapon storage areas.

M. Training and Qualifications

1. In addition to annual firearms qualification and skills training required by the MPTC and this agency's Firearms Policy XXX, officers shall be properly trained and certified in the use of any less-lethal weapons and control techniques before being authorized to carry or use them. Officers shall only carry and use weapons and control techniques for which they have received agency-authorized training and which are issued and/or approved by the agency.

2. As part of annual in-service training, all officers shall receive training on this agency's use of force policies, reporting requirements, and relevant case law updates.
3. All officers shall complete annual training on all lethal and less-lethal weapons that require annual proficiency training, including ECWs.
4. Weapons without an annual training requirement (e.g., impact weapons, kinetic impact devices, OC spray) shall require requalification at least every two years under a certified instructor.
5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10.
6. All training, including remedial training, shall be documented in agency training files.
7. Training and proficiency results for any authorized weapon shall be monitored by an MPTC-certified weapons instructor and documented in the agency training files by the Chief Executive Officer or their designee. Documentation for sworn officers shall also be uploaded into the MPTC Acadis system by the Chief Executive Officer or their designee. Sworn officers must demonstrate proficiency with weapons in compliance with MPTC requirements.
8. Officers who fail to demonstrate the required proficiency with agency-issued weapons shall receive remedial training consistent with MPTC standards and relevant agency policy.
9. Any officer who fails to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.
10. Officers who seek to return to duty after an interruption in service shall first comply with all requirements set forth in 550 CMR 3.04 prior to being authorized to perform police duties and functions.
11. Only officers demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons.
12. All officers, including newly hired and veteran officers being issued a new type of weapon, shall be issued copies of applicable policies and receive proficiency training on the weapons prior to being authorized to carry such weapons. The issuance, policy receipt, and training shall be documented.

N. Use of Force Reporting

1. Any officer who uses force shall complete the Use of Force Reporting Form. Reports shall be completed by the end of the officer's shift/tour of duty unless an extension of time is granted by a supervisor not directly involved in the incident.
2. [Discretionary for Agency under 555 CMR 6.07(3): Discharge of a firearm during training, qualification exercises, or for recreational purposes does not need to be reported.]
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.
4. The pointing of a firearm, ECW, CED, or CW at an individual and the use of OC spray on or toward an individual is a use of force that must be reported. Any accidental discharge of a firearm, or any action that results in or is alleged to have resulted in injury or death shall be reported.
5. The agency shall report, at least monthly, the following incidents to the National Use of Force Data Collection Database:
 - a. When an officer's actions result in death or serious bodily injury of an individual;
or
 - b. When an officer discharges a firearm at or in the direction of an individual.
6. Any officer who observes an officer or other agency personnel, regardless of rank or agency affiliation, engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
7. Any harassment, intimidation, or retaliation against any officer or other agency personnel related to a duty to intervene under Section I shall be reported immediately to an appropriate supervisor.
8. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd.
9. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject

to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

10. The agency shall report the following incidents to the Commission:

- a. Officer-involved injuries or death;
- b. Excessive force;
- c. Untruthful statements concerning a material fact regarding a use of force;
- d. Knowing omission of a material fact regarding a use of force; or
- e. Any harassment, retaliation, or intimidation of an individual related to a use of force.

11. All Use of Force Reporting Forms shall be retained and maintained by the agency consistent with 555 CMR 12 for [insert length of time consistent with 555 CMR 12]. [For public agencies include the following language: and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.]

12. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

O. Reporting Procedures

1. The agency shall establish a use of force reporting system that allows for the effective review and analysis of all agency use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the agency. Officers shall complete the appropriate reports and the Use of Force Reporting Form whenever they use force, whether deadly or non-deadly.

2. Officer's Responsibilities

a. When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall:

i. Notify a supervisor of the incident as soon as circumstances allow.

ii. Complete the Use of Force Reporting Form, which shall list all known or identifiable officers and other individuals present.

iii. [Preserve any body-worn camera footage in accordance with policy.]

iv. All Use of Force Reporting Forms must be completed and forwarded to a supervisor not directly involved in the incident by the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

- b. Any officer who observes an officer or other agency personnel, regardless of rank or agency affiliation, engaged in abuse (see Section I) 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 agency reporting protocols.
 - c. Any officer who utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd shall write a report detailing the facts and circumstances surrounding the use of force. including a detailed justification of why the use of said weapons was objectively reasonable.
3. Supervisor Not Directly Involved in the Use of Force Incident Responsibilities
- a. When a use of force incident involves an officer assigned to patrol, a supervisor not directly involved in the use of force incident or [insert position] has the primary responsibility to make certain that all necessary Use of Force Reporting Forms are properly completed evidence in the custody of law enforcement is preserved and the report is submitted as required by officers under their command.
 - b. The supervisor who performs the initial review of the reporting forms shall identify and report any clear instances of violations of law or agency policy that necessitates immediate action by the reviewing supervisor, including actions related to the officer's fitness for duty or duty status, to [insert the appropriate chain of command level for notification].
 - c. The supervisor shall sign the report and forward it to the Chief Executive Officer of the agency or their designees.
 - d. If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor shall complete the steps as required in the preceding subsections. Supervisors involved in a use of force incident shall forward the Use of Force Reporting Form to the next level of command not involved in the incident.
 - e. In any use of force or incident resulting in death or serious bodily injury, or any firearm discharge at or in the direction of an individual, the on-duty supervisor shall immediately notify the Chief Executive Officer through the chain of command. The officer involved shall be removed from operational assignments pending administrative and potential criminal review.

- f. When an officer reports pursuant to a duty to intervene (see Section I), the on-duty supervisor shall prepare a report and include the observing officer(s)'s detailed written statement describing the incident in that report.
4. Office of the Chief Executive Officer or their Designee for Administrative Review
- a. The [insert agency designee] shall review the Use of Force Reporting Form in a timely fashion not to exceed [a timeline determined by the agency] to determine:
 - i. Whether the action was consistent with policy, training, and law;
 - ii. Whether further administrative review or investigation is warranted;
 - iii. Whether equipment, training, or policy changes should be considered;
 - iv. Whether a referral to the District Attorney's Office is appropriate;
 - v. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N); and
 - vi. Whether the incident is required to be reported to the Commission (see Section N).
 - b. The Chief Executive Officer or their designee for administrative review may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Chief Executive Officer shall be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
 - c. Use of force reports that warrant further administrative review or investigation shall be referred to the [insert Chief Executive Officer or the agency position responsible for internal affairs function]. Such review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The [insert Chief Executive Officer or the agency position responsible for internal affairs functions] shall be responsible for the prompt investigation of the matter including the collecting and preserving of evidence consistent with the requirements specified in 555 CMR 13.03(8) and the recommendation of discipline, if appropriate.
 - d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.
 - e. The [insert agency designee] shall conduct, at a minimum, annual analyses of all "Use of Force" incidents and complaints and provide a comprehensive report to the Chief Executive Officer. This report, at a minimum, shall document:
 - i. Trends in use of force over time;

- ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when that is determined to be the case;
 - iii. Recommendations on equipment, training, and/or policy changes, if any;
 - iv. The date, time, and circumstances of incidents;
 - v. The type of force or type of weapons used;
 - vi. Types of encounters resulting in use of force;
 - vii. Characteristics, including but not limited to known or perceived protected class characteristics such as race, age, gender, mental and/or physical disability, of individuals involved;
 - viii. Injuries to individuals, officers, or others; and
 - ix. Identification of trends or patterns contributing to injury.
- f. For purposes of transparency, the [insert agency designee] shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency's website and at the agency for inspection.
- g. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity. [For public agencies include the following language: and upon receipt of a public record request under M.G.L. c. 66, § 10.]

**Public Comments
Model Use of Force Policy**

Section	Comment ¹	Commenter/Entity
Process	<p>I have reviewed the Commissions Model Use of Force Policy and believe it necessary to on behalf of the MPPA offer several comments regarding it. I believe the Model is constructed well and is perfectly inline with 555 CMR 6.00. The plain language used and similarity to the CMR, I believe will make this policy highly understandable to both the public and Officers. While this CMR was at first a flash point with Officer's at its implementation, I believe through the tireless work of the MPTC it is now widely understood by Officers in the Commonwealth as the standard in Use of Force. I believe the Working Group deserves praise for understanding the CMR should be reflected heavily in the creation of this Use of Force Model.</p> <p>While I believe this model to be fair and will be largely beneficial I would like to register a criticism regarding the Working Group used to construct it and I would assume modify it in the future. Commissioner Calderone in the 02/18 meeting of the commission commented to lack of rank and file input with the Working Group and I would strongly second those comments. I will however offer that I believe the addition of Coordinator Dicharra and Counselor Flagg to be outstanding additions to the group. Their work with the MPTC in the Instruction of the 555 CMR 6.00 was monumental and is a large reason the roll out of its instruction was successful. I can recall being hesitant of the CMR until attending a training with both and leaving with a firm understanding I could pass on back at my department.</p> <p>I believe going forward however the Working Group should be expanded to offer more input from rank and file officers. Use of Force is the central science of Policing. The ability to use physical force is what separates Police Officers from all other members of government. Like any other science Use of Force is constantly evolving and often at a very rapid pace. Nobody has a better understanding of this then actual police officers involved in its application and further it's instruction. I am not using the word science for dramatic effect either. Within the last 5-10 years there has been a revolution in Use of Force Instruction as more and more actual hard science influences the subject matter. Studies in perception, cognition and human performance are now the industry standard used in informing how officers are trained in the application of Use of Force.</p> <p>I believe it would be a tremendous mistake for this Working Group to not be extended with more instructor and officer members as they are actual practitioners of this rapidly evolving subject matter.</p>	Padraig Calnan, Medford Police Patrolmen's Association

¹ Except where bracketed, comments are reproduced verbatim without corrections.

	<p>Finally, I would like to offer a second reason for the expansion of the Working Group to more officers and instructors in regards to geography. The Commonwealth is a diverse state when it comes to the size of its municipalities and make up of it's police departments. This influences Use of Force greatly as the availability of resources in critical incidents is perhaps the biggest factor in deescalating a potential Use of Force Incident.</p> <p>I work in a large department in Metro Boston. Our resources are near limitless in Medford as we are surrounded by Somerville, Everett, Malden and Boston. My options in de-escalation and the tactics used are going to be far different then a police officer on midnights in the Berkshires who may have access to if they are lucky a nearby town and maybe a trooper or two. This contrast I believe is critical to understand when creating any Statewide Use of Force guidance. I believe the only way this can be achieved is expansion of the Working Group to officers and instructors from varied communities throughout the Commonwealth.</p>	
All	<p>What I am seeing across the US is agencies developing a suite of use of force policies. This makes each one shorter, specific, and easily understood by both officers and members of the public. The one that was shared by MAPLE President Dennis Galvin is 14 pages, not well formatted or organized, and highly repetitive. It is too big to consume and too cumbersome to be a useful resource.</p> <p>...</p> <p>For a suite of policies, I'd suggest breaking up the draft policies into smaller policies. Consider the following:</p> <ul style="list-style-type: none"> • Definitions • General Use of Force • De-escalation • Intermediate or Less-lethal weapons • Use of Force Reporting • Supervisory Reviews and Investigations • Force on Animals • Force Reviews or Force Review Board (purpose and actions) • Investigations of serious use of force 	Christine Cole, Citizen
All	<p>For the final policy, we urge POST to amend the draft to more clearly and prominently highlight: (1) the effects that mental health can have on police interactions; and (2) how implicit bias impacts policing.</p> <p>I. How Mental Illness Affects Interactions With Law Enforcement</p>	Lawyers for Civil Rights

With more than one in five adults living with a mental illness, encounters between law enforcement and individuals in crisis are inevitable. Serious mental illness substantially interferes with a person's daily functioning, making these interactions particularly complex. To ensure the safety of all parties, law enforcement must be equipped with a clear understanding of how mental illness impacts a person's behavior. Yet, the Proposed Policy makes scant reference to mental illness and provides little guidance on how law enforcement should account for these factors when evaluating whether the use of force is appropriate.

Currently, the Proposed Policy describes de-escalation tactics that law enforcement officers should employ before using force and outlines numerous "non-criminal factors" that may impact an officer's interaction with a member of the public. Among these factors are mental health conditions. However, the Proposed Policy does not define mental illness at all, which limits the Proposed Policy's effectiveness in guiding officers on how to account for these non-criminal factors. Accordingly, POST and MPTC should create a standalone section addressing mental illness that provides clear definitions and examples of how mental illness may manifest during law enforcement encounters.

POST and MPTC can define "mental illness" in the Proposed Policy as a "medical condition that disrupt[s] a person's thinking, feeling, mood, daily function, and ability to relate to others." The Proposed Policy should include warning signs for a mental health crisis so that officers can better identify those in the midst of a crisis and evaluate whether use of force is appropriate. Such warning signs include "rapid mood swings,...inability to stay still,...increased agitation, verbal threats, violent, out-of-control behavior,...[and] abusive behavior to self and others."

Clear guidance is critical because many interactions between law enforcement and individuals experiencing mental health crises do not involve a threat of violence, yet can escalate rapidly when symptoms are misunderstood. For example, in October 2016, Boston Police officers shot and killed Terrence Coleman, a young Black man living with a mental health condition, outside his home after his mother called 911 for medical assistance. On behalf of Mr. Coleman's mother, LCR brought a federal lawsuit against the City of Boston and won a major settlement. This case illustrates a tragic reality: when law enforcement fails to account for underlying mental illness, interactions with the police can turn deadly. It is therefore vital that the Proposed Policy more prominently include mental health considerations in use-of-force evaluations. While detailing mental illness as a non-criminal factor is a step in the right direction, it is insufficient in protecting the safety of those with mental illness from disproportionate use of force by law enforcement.

Further, a more robust consideration of mental health-related factors should be incorporated into the Proposed Policy, as individuals experiencing a mental health crisis can often act in ways that officers may misinterpret as defiance or aggression. What may appear to be noncompliance can, in reality, reflect

confusion, fear, an inability to process verbal commands, or difficulty understanding instructions.⁹ Acute mental health distress can present as non-cooperation, withdrawal, and hostility, behaviors that, absent appropriate training, are easily construed as resistance. This information is needed in the Proposed Policy so that officers can modify their use-of-force evaluations accordingly. Individuals with mental illness are disproportionately subject to the use of force by law enforcement. Research indicates that approximately one in four people with a mental health condition has been arrested at some point in their lifetime. In New York City and Baltimore, those with serious mental illnesses are more likely than those without to be involved in violent incidents with the police. Moreover, individuals who show signs of mental illness during police interactions face a mortality rate seven times higher than those who do not display such signs. The rates of contact between police and those with mental illnesses are correlated with other factors, including homelessness, substance use problems, gender, and race.

In its section on de-escalation tactics, the Proposed Policy should also specifically reference the use of crisis intervention teams to respond to calls with individuals appearing to suffer from a mental health crisis. The use of crisis intervention teams is the safest method for both the individual and law enforcement officers. Police officers who serve on these teams undergo training to recognize the symptoms of mental health conditions, interact with people who have suffered from mental health crises, and engage in role-playing that helps foster de-escalation skills. The Proposed Policy should advise the use of crisis intervention teams in de-escalation tactics and should consider including this specialized training in its annual in-service training. During the annual use-of-force training, mental health education should be incorporated to help officers better understand how to include this in their evaluation of the use of force. Clearer guidance on recognizing and responding to mental health crises would help reduce misinterpretation of symptoms as resistance or threat. There are currently six crisis intervention teams operational in Massachusetts, and continued statewide implementation could be lifesaving for the public and for law enforcement.

II. How Implicit Bias Influences Law Enforcement Decision-Making

In addition to strengthening guidance related to mental health, the Proposed Policy should more clearly recognize and address the role of implicit bias throughout its provisions governing officer decision-making and use-of-force evaluations. POST and MPTC should include a dedicated section on implicit bias that provides a clear definition and discusses the key concepts outlined below.

The Proposed Policy should define “implicit bias” as “a negative attitude, of which one is not consciously aware, against a specific social group.” It should also highlight that such biases shape perception and judgment, potentially influencing enforcement outcomes even absent intentional discrimination. The Proposed Policy should explain that use-of-force encounters typically occur under conditions marked by time pressure, distraction, cognitive load, and highly sensitive emotions, including fear and anger. In

	<p>these circumstances, officers must make rapid assessments while operating under significant cognitive demands. Research demonstrates that when cognitive demands are high, individuals are more likely to rely on mental shortcuts such as stereotyping. This is the exact type of work that policing focuses on—reading “ambiguous” behavior and deciding whether to take action—and implicit biases must be understood in this context.</p> <p>For example, officers may have to make split-second decisions about whether to use force based on their assessment of someone's level of aggression or hostility. This assessment is also highly influenced by implicit bias—with many people automatically, and unconsciously, associating Black men with “aggressive” and “violent” tendencies. Without explicit acknowledgement of implicit bias, these unconscious associations may influence threat perception and contribute to the well-documented disproportionate use of force against Black individuals and other marginalized communities.</p> <p>Further, in its training section, the Proposed Policy should include implicit bias training. Training is important and effective when mitigating implicit bias in policing. The Implicit Association Test, a common tool that yields a bias score, can be used in training officers to help them understand the implicit biases they hold. Such training should emphasize slowing down, maintaining distance, and seeking cover to reduce opportunities for the use of force. These tactics also help mitigate unconscious biases that may fuel split-second decisions to use force.</p> <p>An additional method to mitigate the effects of implicit bias is to provide clearer guidance on what constitutes “reasonable” in use-of-force determinations. At present, determinations of when the use of force is necessary or appropriate can remain extremely subjective. The Proposed Policy states that force is authorized when “necessary, proportionate [and] objectively reasonable,” without much exploration of how those terms are defined. While the Proposed Policy includes important restrictions, it would benefit from concrete examples illustrating how reasonableness should be evaluated in practice. Providing scenario-based examples would help officers better understand how to assess threat, resistance, and proportionality. Research on discretionary policing decisions demonstrates that when standards are vague, implicit biases are more likely to influence decisions, leading to greater racial disparities.</p> <p>Other methods to mitigate implicit bias include engaging in non-negative contact with “out-group members,” exposure to counter-stereotypic stimuli, and practicing stereotype negation. At the agency level, training officers on concepts such as racial bias and cultural competence is a step in the right direction.</p>	
All	<p>Most critically, the regulations need to reflect critical wording and requirements in Chapter 253 of the Acts of 2020. Specifically, the act identifies both “excessive” and, separately, “prohibited” use of force. A definition of prohibited use of force is critical. It may be overlapping or the same as excessive use in certain circumstances, but in other circumstances, it is, itself, a separate violation.</p>	Grace Ross, Mass. Alliance Against Predatory Lending

	<p>Second, the emphasis in Chap. 253 on “bias free” policing and recognition by the MPTC of the need for cultural competency is not reflected in the definitions. A short hand is referenced in the training list and appears belatedly in review criteria for a use of force incident, without the necessary, full range of training in bias free policing/cultural competency. These needs also, it appears, to be in the definitions and should reflect applicable Attorney General profiling standards (in Chap. 253) and criminal statutory requirements of avoiding assault and battery as intimidation, Ch. 265 §39.</p> <p>The commitment to not having commissioned officers witnessing violations of the Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth, regardless of whether they are members of the same “agency” or not, is missing. Yet, it is required intervention in the misuse of force which could have saved George Floyd’s life and as the entire purpose of this enactment.</p>	
All	<p>The word “necessary” is in the document approximately 20 times yet you don’t seem to offer a definition or explanation for the word. Question, why are you proposing a deviation from “objectively reasonable”, a term that has a definition and legal standing in <i>Gram vs Connor</i>. When the CMR’s use the word necessary, they expound upon what necessary means in the context of the sentence... such as ... “necessary to prevent imminent harm to a person” or “necessary and proportionate to: (a) effect the lawful arrest or detention of a person; (b) prevent the escape from custody; (c) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or (d) defend against an individual who initiates force against an officer.” etc. If you insist on using the word necessary, please look to the CMR’s as an example of how to use the word necessary as to keep policy clear for all involved and those critiquing in a legal setting. https://www.mass.gov/doc/550-cmr-6-use-of-force-by-law-enforcement-officers/download</p>	Patricia Fisher, Newbury PD
All	<p>There is no mention of body cameras. There should be a reference that officers must follow policies with regard to their use and that when officers encounter any incident where the potential for violence becomes apparent, the cameras should be activated.</p>	Massachusetts Association for Professional Law Enforcement (MAPLE)
All	<p>I also think it is a mistake not to include the Totality Triangle in this document, as we have in the past.</p>	Training Officer Thomas Larkin, Taunton PD
I	<p>The Purpose should explain “why” a policy exists. The Purpose, as written, tells us “what” we are doing, not “why” we are doing it. It is a common error in policy drafting.</p>	Edward Denmark, Citizen

<p>II</p>	<p>SFY suggests that this section add a provision with explicit statements about understanding of and respect for the life and bodily integrity of vulnerable people, including youth and individuals with disabilities. Additional language is necessary both to complement the Model Policy’s statements about valuing the sanctity of life and bodily integrity of all individuals, and to help to ensure that the Model Policy is consistent with provisions in the draft JOS and the draft Officer Response Procedures Standard (ORS). Additional language would also be consistent with revisions to the Use of Force and Reporting Standards (UFRS) last considered by the POST in March 2025.</p> <p>The JOS requires that agency policy encourage officers to understand the developmental differences between youth and adults, and to adjust their interactions with youth to take into account those differences. Both the draft JOS and the draft ORS require policies that direct officers to recognize and take certain steps when encountering “vulnerable person[s],” including individuals who may be “historically and disproportionately at risk of involvement with the criminal justice system” based on such factors as mental or physical condition, age or developmental maturity, language or cultural differences, or being a youth, a person with a disability, or an individual who is part of a racial or ethnic minority. These standards also require that an agency’s sub-policy or provision regarding vulnerable persons “set forth specific and comprehensive requirements and/or restrictions concerning the use of force” and regarding “the use of restraints, including prone restraints.”</p> <p>In addition, in March 2025, the POST considered UFRS language proposed by POST legal counsel, after consultation with the MPTC, that would require agency policy to: [e]ncourage officers to be conscious of non-criminal factors, including but not limited to, mental or physical condition, age or developmental status, language or cultural differences, the legacy of policing on vulnerable populations, and the agency’s history with the public, and the fact that those factors may impact interactions between an individual and an officer, in ways that include, but are not limited to, affecting an individual’s ability to understand, respond to, and comply with an officer’s commands, such that an officer may have to modify their deescalation tactics and techniques.</p> <p>Given the clear need across draft Standards to address the needs of youth and other vulnerable individuals, SFY suggests that the Model Policy include a new provision under Policy with the following language: In interacting with youth, officers should, consistent with policies or sub-provisions developed pursuant to 555 CMR 13.03(6), be aware of the developmental differences between youth and adults and the ways in which those differences may impact interactions between a youth and an officers, including, but not limited to affecting a youth’s ability to understand, respond to, and comply with an officer’s commands. Officers should also, consistent with policies or sub-provisions developed pursuant to 555 CMR § 13.03(4)(c), be aware that individuals with disabilities and other vulnerable people may be</p>	<p>Strategies for Youth</p>
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	impacted in ways that include, but are not limited to, affecting the ability to understand, respond to, and comply with an officer's commands.	
II.1	...bodily integrity of all individuals <u>equally</u> .	Grace Ross, Mass. Alliance Against Predatory Lending
II.1	This section should fall under the Purpose. The Policy should be limited to a few sentences to describe "What" the agency will do. #2 in this section should be the Policy. Along with the last sentence of #3. Policy statements should be limited to what officers can reasonably be expected to recite when questioned. All of the other extraneous information is not relevant policy language for accountability purposes.	Edward Denmark, Citizen
II.2	suggest "to control the subject" add something like: Officers shall continue to assess/evaluate whether the force response being deployed remains proportional to the changing nature of the threat or circumstances being encountered, while still achieving the lawful objective; officers shall reduce the level of force applied as the nature of the threat diminishes.	Christine Cole, Citizen
II.3	...services to the community <u>especially historically vulnerable populations</u> .	Grace Ross, Mass. Alliance Against Predatory Lending
II.3	This section should also be under the Purpose. It explains the importance of having the policy and why the policy needs to be in place.	Edward Denmark, Citizen
III	Prohibited force: Force that is not authorized by statute or regulation or order by Agency authorized to order such as by those appearing to be Officers of the Peace but are not or lack Commission-required training and certification. Or Force which otherwise lawful (such as in violation of orders such as court authorized order or in violation of other statutes or fundamental rights to self defense.) Bias-free policing includes policing decisions made by and conduct of law enforcement officers that shall not consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level. This definition shall include policing decisions made by or conduct of law enforcement officers that: (1) are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or (2)	Grace Ross, Mass. Alliance Against Predatory Lending

	<p>consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level because such factors are an element of a crime. It also includes avoidance of “racial or other profiling” meaning differential treatment by a law enforcement officer based on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, gender, gender identity or sexual orientation in conducting a law enforcement action, whether intentional or evidenced by a statistical pattern. Nor can use of force be a commission of assault or a battery upon a person or damaging the real or personal property of a person with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, gender identity, or disability. Special attention shall be made to determine if a person is deaf or hard of hearing and must use sign language to communicate to avoid other misinterpretation of the intent of their hand movements nor allow them to be cuffed so they cannot communicate.</p> <p>Cultural competency shall include not only sensitivity to language or cultural differences including in style and communication but also address implicit bias and the legacy of policing on vulnerable populations and communities which have historically experienced disparate treatment.</p>	
III	I don't believe you'll need "Agency Name" The agency name will eventually be in the header once the policy is adopted by each individual agency.	Matthew McNeil, Hopkinton PD
III	<p>Consistent with our belief that the Model Policy should more directly address interactions with youth and other vulnerable people, we suggest that the Model Policy include the following definitions, which are the same as in the preliminarily approved draft JOS (for Youth) and ORS (for Youth and Vulnerable Person):</p> <p>Vulnerable Person. A person who is part of a population that is historically and disproportionately at risk of involvement with law enforcement and harm from involvement with the criminal justice system. A person may be vulnerable based on mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and/or the agency’s history with the public, such as an individual experiencing a medical, behavioral, mental health, or substance use crisis; an individual experiencing homelessness; an individual who is the alleged survivor of domestic violence, sexual assault, or human trafficking; a youth; an individual with a disability; an individual experiencing poverty; a veteran; an individual who is the alleged subject of a hate crime; an individual who is LGBTQIA2S+; and/or an individual who is part of a racial or ethnic minority.</p> <p>Youth: An individual under the age of eighteen.</p>	Strategies for Youth

III	<p>As written, the chokehold is permissible if there is no restricted breathing or blood flow, there is no intent, or actual, bodily injury, unconsciousness, or death. With this definition, a headlock is okay?</p> <p>Necessary definition should be added. It has great meaning in this policy and is a very subjective term. Necessary by whose standard? The officer? POST? The public? If this is not clear it could be very problematic.</p>	Edward Denmark, Citizen
III.	<p>I have read the draft of the proposed Use of Force Model and my biggest concern is the continual use of the word "Proportionate" throughout the document. I believe the use of this word without including the definition, is much too open and vague. I propose that a similar definition (similar to the one below) is added to the definitions section:</p> <p>PROPORTIONATE - To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the perceived situation to decide an appropriate level of force to be applied. Reasonable and sound judgement will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat, the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable and necessary to counter it.</p>	Training Officer Thomas Larkin, Taunton PD
IV.A.1	<p>We recommend that you insert the following: <u><i>“Police Officers have an affirmative duty to take such actions that are lawful, authorized and reasonable, to protect and defend persons from violent attack.”</i></u> The rationale behind this comment is to clearly reaffirm that officers are expected to attempt to interdict incidents involving active shooters and that all government agencies must make that expectation clear. Needless to say, police officers must be trained to meet that contingency. There is a redundant emphasis throughout this standard that emphasizes de-escalation. This is appropriate but its’ emphasis is so prominent, that we believe a statement reaffirming a police officer’s primary duty to protect, must also be included to give this standard its’ proper balance. A reference to active shooter situations must be explicit. We would recommend the following be added: <u><i>“In an active shooter situation, the first priority of responding officers is to locate and terminate the threat. Officers may need to make immediate tactical decisions to save lives, which could unintentionally endanger bystanders. However, so long as the officer(s) actions are consistent with training and do not recklessly endanger the public, the priority must remain to stop the shooter as soon as possible.”</i></u></p>	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.A.1	<p>[Responding to MAPLE comment (above):] I agree with the statement, however, in establishing an affirmative duty, we are opening liability issues. (Think Parkland and Uvalde, in both instances there was</p>	Edward Denmark, Citizen

	<p>no affirmative duty, which is why involved officers were not held criminally responsible) I think there is an out established by inserting “reasonable”, but wanted to raise the issue.</p>	
<p>IV.A.2</p>	<p>The current policy evaluates the reasonableness of force “from the perspective of a reasonable officer on the scene” at the moment force is used, but does not specifically tie the reasonableness of the use of force to the law enforcement actions leading up to that use of force.</p> <p>The Supreme Court’s recent unanimous decision in <i>Barnes v. Felix</i> (2025) underscores the importance of addressing that connection here. In <i>Barnes</i>, the U.S. Court of Appeals for the Fifth Circuit had applied a “moment of threat” doctrine to a police shooting, limiting its reasonableness inquiry to the two-second window during which an officer stood on the running board of a moving vehicle before opening fire and killing Mr. Barnes during a traffic stop. Writing for a unanimous Court, Justice Kagan held that this approach was wrong. A proper Fourth Amendment inquiry into the reasonableness of police force “has no time limit,” she wrote, and courts may consider the facts and events leading up to the use of force because they “may bear on how a reasonable officer would have understood and responded to later ones.” A court, she concluded, “cannot review the totality of the circumstances if it has put on chronological blinders.”</p> <p>Holding in favor of the plaintiff in <i>Barnes</i>, the Supreme Court expressly reserved the question of whether and how courts should consider an officer’s contribution to the dangerous situation that preceded the use of force because the lower courts had never reached that issue below. That open question is precisely the one the Commission’s model policy should now address.</p> <p>The need for this requirement is illustrated by cases Massachusetts residents know well. In 2020, the killing of Breonna Taylor in Louisville arose in part from officers’ tactical decision to execute a no-knock warrant at night under circumstances that made a violent confrontation foreseeable. Officers created the conditions that made the use of deadly force more likely, including making material misstatements in search warrant applications — yet if we ignore the actions law enforcement took that precipitated the use of force, the inquiry will focus only on what the officers faced in the seconds they were inside the apartment, not on whether those circumstances were of their own making. The <i>Barnes</i> case itself presents the same dynamic: an officer jumped onto a moving vehicle during a traffic stop over unpaid tolls, and the resulting threat to the officer was then offered as justification for lethal force. A policy that requires examination of pre-incident tactical decisions and actions creates accountability for exactly these choices, better protecting officer safety and the safety of people subject to law enforcement stops and other activities.</p> <p>The Commission’s own de-escalation framework implicitly recognizes the importance of pre-incident conduct: if officers must attempt to create time and distance, it follows that an officer who instead closes</p>	<p>Kade Crockford, ACLU of Massachusetts</p>

distance unnecessarily and provokes a confrontation should not benefit from a reasonableness analysis that ignores those choices. The proposed amendments below make that logic explicit.

The Gap in the Current Draft

The current draft takes a meaningful but incomplete step in Section A.2, which states that officers “shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.” We appreciate this provision, but it has two limitations:

First, the word “intentionally” limits the prohibition to deliberate escalation, leaving reckless or negligent tactical decisions outside the policy’s reach. Officers who create dangerous conditions through poor judgment — not malice — fall into this gap.

Second, and more importantly, the policy does not require that pre-incident conduct be factored into the reasonableness analysis when a use of force is reviewed. Section A.2 is an operational prohibition, but it is not connected to the review and accountability framework in Section O. An officer could violate Section A.2 and still have their use of force deemed reasonable under the current review standard.

Proposed Amendments

We offer three targeted edits, each of which can be adopted independently but which work best together. We recommend the Commission adopt all three.

Amendment 1 — Reasonableness Standard (Procedures Section)

After the sentence beginning “The reasonableness of a particular use of force is based on the totality of circumstances,” add:

“The totality of circumstances includes the officer’s own tactical decisions and conduct leading up to the use of force, including whether the officer created or contributed to the circumstances that made force necessary or more likely.”

Amendment 2 — Section A.2

Replace the current language with:

“Whenever possible, officers shall attempt to resolve encounters without resorting to force. Officers shall not employ tactics that foreseeably create or escalate the need for force, regardless of intent. In reviewing

	<p>any use of force, the agency shall consider whether the officer’s pre-incident tactical decisions contributed to circumstances that made force necessary.”</p> <p>...</p> <p>Conclusion</p> <p>The Commission has already done the difficult work of establishing that de-escalation must come before force. The Supreme Court has now confirmed, in <i>Barnes v. Felix</i>, that a proper Fourth Amendment analysis cannot put on “chronological blinders.” Our suggested amendments to the use of force policy follow that holding to its logical conclusion by ensuring that when officers bypass available de-escalation, or create the conditions that later necessitate a deadly confrontation, investigators cannot then evaluate the reasonableness of the use of force without taking into account the officer’s own prior actions. Accountability for pre-incident tactics is not a punitive measure — it is an incentive structure that encourages better decisions at every stage of an encounter, and it is precisely the kind of standard the Commission’s enabling authority empowers it to establish.</p>	
IV.A.2	<p>“Shall” creates a requirement and leaves no room for extenuating circumstances. “Possible” is too subjective. Shall is a requirement. Should is an expectation requiring an explanation for deviation from the policy. Could is an option. I think in this case should is most appropriate.</p>	Edward Denmark, Citizen
IV.A.3	<p>Similar to my comment above. Encouraged is a suggestion. I think this is better framed as a “should” situation, necessitating an explanation of why the officer didn’t take non-criminal factors into account.</p>	Edward Denmark, Citizen
IV.A.4	<p>As previously noted, SFY appreciates the repeated references in the Model Policy to the need for officers to de-escalate encounters. We believe that the Model Policy must also explicitly address the need for officers to <i>avoid</i> escalating encounters. An explicit reference to avoiding escalation would harmonize the Model Policy with modifications to the draft JOS5 and UFRS as considered by the POST in March 2025. It would also be consistent with the U.S. Supreme Court’s recent decision in <i>Barnes v. Felix</i>, 605 U.S. 73 (2025), where the Court held that the “totality of the circumstances” test used to evaluate claims of excessive force by law enforcement must encompass “all the relevant circumstances, <i>including facts and events leading up to the climactic moment,</i>” not merely the facts and circumstances of the “moment of the threat” that sparked the use of force (emphasis added).</p> <p>We suggest the following revision to Section IV.A.4 (additional language underlined and in red): When time and circumstances reasonably permit, officers shall <u>take steps to avoid escalating interactions, and attempt to de-escalate an encounter at all available and appropriate opportunities, including by</u></p>	

	assessing and gathering information before an officer arrives on scene, <u>and make efforts to de-escalate before using force</u> , before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.	
IV.A.4	This conflicts with #2. Is the standard “possible” or “when time and circumstances reasonably permit”? They are two different standards. Consistency matters in policy.	Edward Denmark, Citizen
IV.A.5	Suggestion. Encourage summoning of regional SWAT law enforcement response to assist is higher level of tactical and precision force to resolve crisis. As a professor of public communications who has studied crisis and hostage communications with NYPD Hostage Response Team, and who has lectured on this to criminal justice students and te ruins at a regional police academy, verbal AND non verbal communications must be part of deescalation. I’d like to see this discipline taught in partnership with an academy instructor AND a professional non law enforcement public speaking instructor who has greater understanding of how to use an officers voice and body language as highly persuasive in crisis negotiations.	Rick Pozniak, Citizen
IV.A.5	Related to summoning an alternative response. The question identified "is this practical?" really relates to the MSP. I can see this as an option in a particular city or town with the resources as opposed to a road trooper on the highway if you will. If incorporated will that hold us to a standard that may be impractical for us.	Major JM Greene, Massachusetts State Police
IV.A.5	And allow reasonable time for compliance.	Edward Denmark, Citizen
IV.A.5	It should be stated in the policy that specialized units should be contacted in violent situations as soon as possible.	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.B.1	and control the subject	Christine Cole, Citizen
IV.B.3	When resistance ceases, the threat perceived by the officer is mitigated, or the officer has accomplished the lawful objective. Example: an officer may still reasonably believe a suspect is armed if they didn’t actually see them drop a weapon. Technically, once the weapon was dropped, the resistance ceased. An officer would still be justified in using force until such time they knew the threat had ended.	Edward Denmark, Citizen

IV.B.4inhumane, <u>intimidating</u> or degrading treatment.	Grace Ross, Mass. Alliance Against Predatory Lending
IV.D.1	<p>As previously noted, we see the Model Policy as key to promoting uniformity and consistency on use of force throughout the Commonwealth. We are concerned that some statements in the Model Policy authorizing agencies to follow their own individual policies or practices undercut this goal.</p> <p>We ask that the POST and MPTC review and remove the following references:</p> <ul style="list-style-type: none"> • IV.D.1 (“Non- deadly force shall conform to the agency’s standard of conduct, policies, procedures, and training.”) 	Strategies for Youth
IV.D.4	these should be included as reportable uses of force. Later in the document they are deemed reportable so it is unclear why here they are not included as a use of force.	Christine Cole, Citizen
IV.D.5	<p>Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if INTENTIONALLY applied in a manner or to a part of the body likely to cause death or serious bodily injury.</p> <p>During our training for Taser and impact weapons (Less Lethal Shotgun and Baton) we talk I about Intended Target Areas(ITA’s). If my intended target area is a green area, during a dynamic use of force encounter, I may strike a red target area (lethal force area),unintentionally, due to subject movement or other factors. The addition of this word takes into account the dynamic and ever changing nature of a use of force incident where things rarely go as planned.</p>	Sgt. Kevin Piers, Ashland PD
IV.D.5	<p>Define "appropriate target areas" and "parts of the body likely to cause death or serious bodily injury." The body chart was removed and should be replaced with definitions or appropriate wording so that the reader can understand which body areas are appropriate and which are potentially deadly.</p>	Matthew McNeil, Hopkinton PD
IV.E.1	<p>too wordy. Suggest " Deadly force may be used only if a subject, through their own actions, poses an imminent threat of death or serious physical harm to an officer or another. Officers are required to use only the degree of force necessary under the circumstances governing force.</p>	Christine Cole, Citizen

IV.E.1.b	<p>This section makes references to the use of barriers linking them to de-escalation. MAPLE finds this reference confusing and improper. The reference to barriers interjects tactical expectations into the standard. The standard of de-escalation is clearly stated throughout the section as is the standard requiring proportionality. It is abundantly clear that use of force justification involves a consideration of the totality of circumstances and that de-escalation where feasible is required. Adding a reference to barriers is a step toward micro-managing deadly encounters. Neither the commission nor any police authority is in a position to do that. This wording interjects a factor into the use of force evaluation that in our judgement could: (1) result in an officer hesitating when confronted with having to stop a threat involving death or serious injury and (2) could distract from an overall fair and objective evaluation of the facts. Cover and concealment are factors to be considered, but on a case by case basis. They should not be memorialized in a standard.</p> <p>The inclusion of barriers does not belong in the use of force standard.</p>	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.E.1.c	It's helpful to provide examples of when deadly force may be used	Christine Cole, Citizen
IV.E.2	around the country I have not seen this included rather, policies are written so as if/when this happens there is not a policy violation or criminal fear	Christine Cole, Citizen
IV.E.5	This section should be included in Section D. Use of Non-Deadly or Less-Lethal Force as well. We can certainly envision endless scenarios where Non-Deadly or Less-Lethal Force would be authorized but where a Unconventional weapon or a tool of available means (as we used to call it) may be necessary, reasonable and appropriate.	Sgt. Kevin Piers, Ashland PD
IV.F	<p>In order to ensure conformity with the draft ORS requirement that LEA policy on vulnerable persons (including youth) “[s]et forth specific and comprehensive requirements and/or restrictions concerning the use of restraints,” the Model Policy should address the use of handcuffs with youth. SFY recommends that the Model Policy <i>prohibit</i> the use of handcuffs on youth younger than 13 who pose no threat to officers, and other youth who would be particularly vulnerable to harm when handcuffs are deployed. Prohibiting the use of handcuffs under these circumstances would be consistent with recent legislation in Connecticut, and with law enforcement policies in other jurisdictions.</p> <p>Our suggested language is as follows:</p> <p>F. Use of Force Restrictions</p> <p>Handcuffing of Youth</p>	Strategies for Youth

	<p>Officers shall not handcuff youth under the following circumstances:</p> <ul style="list-style-type: none"> a. When the youth is under the age of 13 years old, unless the youth is using or threatening to use physical force or is presenting a clear danger to themselves; b. for the purposes of attaching a youth to a fixed or stationary object; c. when the youth is unsupervised by an officer, and; d. when an officer has reason to believe that the handcuffs are deployed in a way that would interfere with a medical condition or the ability of the youth to breathe. <p>In addition, the Model Policy is ambiguous about whether the use of handcuffs is a use of force. The Definitions section of the Model Policy states that the definition of force “does not include physically escorting or handcuffing an individual who offers minimal or no resistance.” This language implies, but does not explicitly state, that the use of handcuffs where an individual offers resistance is a use of force. We suggest that the POST and MPTC clarify this language and ensure its consistent use throughout the standards and policies.</p> <p>We suggest that the Model Policy include an explicit restriction on using force on or near the head of youth. Young brains are still developing, and traumatic brain injury is the leading cause of death and disability in children. There is also research indicating that traumatic injury may be linked to a risk of delinquency. Prohibiting officers from use of force that could result in brain injury would also be consistent with the Model Policy’s prohibition in IV.F.1 on intentionally kneeling, sitting, or standing on an individual’s neck or head.</p> <p>We suggest the following language be added to the Model Policy:</p> <p>F. Use of Force Restrictions:</p> <p>Striking Youth:</p> <p>In situations where the use of deadly force is not justified, officers shall not use the following with youth:</p> <ul style="list-style-type: none"> a. Head strikes using fists or weapons including flashlight, weapon stock, or weapon handle; or b. Use of fists or weapons including a flashlight, weapon stock, or weapon handle to strike a youth on their neck, sternum, or spine, groin, or kidneys. 	
IV.F.1	this is in conflict with number 2	Christine Cole, Citizen

IV.F.1	This contradicts the first sentence. We put people on their stomachs all of the time for prone handcuffing. It should be clarified that prolonged sitting, kneeling, standing is prohibited. It is addressed appropriately in the next section, but this section is sending a mixed message.	Edward Denmark, Citizen
IV.F.2	#1 says this can't be done	Christine Cole, Citizen
IV.F.2	<p>This section addresses prohibited actions, that are applied to police officers with regard to their use of force. Section 2 re-iterates the prohibition against chokeholds. MAPLE urges a re-consideration of this prohibition in one very specific instance. To impose a total ban on chokeholds as a use of force option, under circumstance, where an officer or another is in danger of death or serious injury is not reasonable. If an officer is engaged in a physical confrontation alone with a subject, and there is a fear of death, or serious bodily injury, the officer should not be prohibited from applying a choke hold to ensure his/her own survival. A chokehold should be regarded as a lethal force option on the same level as the use of a firearm. We recommend that this exception be allowed and be made explicitly clear.</p> <p>Suggest adding: Nothing in this section shall be construed as limiting the right of a police officer to employ a choke hold, when he/she is engaged alone in a physical altercation is in fear of life or serious bodily injury.</p>	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.G.1	<p>This section addresses the issue of use of force involving crowd control situations. This entire section appears to place the full onus on the police to prevent an escalation of violence. This reflects assumptions of police crowd control responsibilities that are neither fair nor realistic. There are many violent groups and individuals, who are in the business of hijacking demonstrations for the purpose of turning them into violent encounters. We recommend that you interject after the paragraph 1 the following: <i>“However, when conditions present themselves that reflect those constituting an unlawful assembly as described in MGL 269 Section 1, it is the responsibility of the police to restore public order and to prevent the spread of violent activity.”</i> This addition will make the standard much more balanced and appropriate.</p>	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.G.2.c	<p>This section outlines police responsibilities with regard to civil demonstrations. It details planning considerations that are appropriate and necessary to ensure orderly conduct. However, MAPLE finds this section lacks one important element. Demonstration organizers should be informed of the provisions of MGL Chapter 269 Section 1. A copy of that law should be given to them. This section describes in detail, what constitutes an unlawful assembly. All persons engaged in planning demonstrations should be made aware of this law in advance of any planned demonstration.</p>	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.G.3-4	<p>We suggest that the POST and MPTC clarify the Model Policy’s provisions on dogs, and strictly curtail their use on youth. Although the “deployment of a police dog resulting in contact” is included in the</p>	Strategies for Youth

	<p>Model Policy’s definition of force, the Procedures section of the Model Policy discusses the use of dogs only in the context of “crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations.” IV.G.4.a; <i>see also</i> IV.G.3. We were unsure whether the Model Policy therefore prohibits the use of dogs in all other circumstances. We believe that canine use on youth should be prohibited or greatly restricted, particularly when youth pose no immediate threat of serious injury to others.</p>	
IV.G.3.b	<p>MAPLE Recommends that the reference to “(b) measure used are necessary to prevent imminent harm” be more specific. Harm to whom ?</p>	<p>Massachusetts Association for Professional Law Enforcement (MAPLE)</p>
IV.G.4.b	<p>The issue of “kettling” is a new concept and the purpose of its inclusion into this standard is unclear. It has been long standing practice by police agencies to allow for avenues of egress for people, when the decision is made to disperse a crowd. If “kettling” seeks to reiterate that practice than MAPLE is in agreement. However, we believe that it needs to be modified to be more explicit and it should include the following statement: “ <i>kettling does not include the pursuit and apprehension of individuals engaging in violent actions by the police, who have interspersed themselves within a crowd.</i> ”</p>	<p>Massachusetts Association for Professional Law Enforcement (MAPLE)</p>
IV.H.2	<p>suggest deleting “non-deadly.”</p>	<p>Christine Cole, Citizen</p>
IV.I	<p>Add <u>5.c. The use of any weapon by a nonsworn agency personnel in an official capacity shall be reported in the same manner as any use of force incident would require. Further, it shall include a specific determination if it was prohibited.</u></p>	<p>Grace Ross, Mass. Alliance Against Predatory Lending</p>
IV.I.1	<p>This has been a very hot topic specifically how is "another officer" in paragraph 1 defined? Is it an officer for your own department or <u>any</u> office whether state, local or federal. In paragraph 3 it goes into saying "other <u>agency</u> personnel" which tends to lean to just officers in your agency. This may be a good time to clarify</p>	<p>James Hicks, Natick PD</p>
IV.I.1	<p>... attempting to use force, including <u>deadly or prohibited</u> force, beyond that...regardless of the rank of the officer <u>or what Agency the officer so observed is employed by</u>, unless...</p>	<p>Grace Ross, Mass. Alliance Against Predatory Lending</p>
IV.I.1	<p>This issue creates an affirmative duty on the part of police officers to intervene when an “objectively unreasonable” application of force is observed. The preservation of unit discipline and trust among</p>	<p>Massachusetts Association for</p>

	officers during crowd control operations, which is essential for ensuring an orderly response, requires that this obligation be further defined. When agency mobilizations are required, it is supervisors who have the primary obligation to maintain order and control among the officers under their guidance. The “duty to intervene” within the mobilization context could actually weaken the chain of control, allowing officers of various experience and ranks in an ad hoc manner to interfere and disrupt that control. Because of this risk, the standard for intervention must be further defined. MAPLE offers the following: <i>“<u>officer intervention must be predicated upon observed conduct, that objectively contradicts, or grossly departs from standard and authorized methods and techniques as are authorized by the agency.</u>”</i>	Professional Law Enforcement (MAPLE)
IV.I.3	the officer should also document the observation	Christine Cole, Citizen
IV.I.3	<i>Officers and other agency personnel who observe an officer or other agency personnel engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor</i> <i>BEFORE THE END OF THE SHIFT</i> The addition of this qualifier complies with the law and POST standards for reporting excessive force and the duty to intervene.	Sgt. Kevin Piers, Ashland PD
IV.I.3	Officers and other agency personnel who observe an officer <u>from any agency or an apparently independent Officer of the Peace</u> or other agency personnel engaged in abuse ,meaning excessive <u>or prohibited</u> force...	Grace Ross, Mass. Alliance Against Predatory Lending
IV.I.4.a	... stop an excessive <u>or prohibited</u> force incident	Grace Ross, Mass. Alliance Against Predatory Lending
IV.I.4.b	... witnessed excessive <u>or prohibited</u> force incident	Grace Ross, Mass. Alliance Against Predatory Lending
IV.J	I would expect this section to discuss the need to wall off administrative from criminal investigations, Garrity interviews, public safety statements of involved officer and some expectations of the investigation.	Christine Cole, Citizen
IV.J.1	suggest that this investigation be completed by an outside agency for OIS and SBI	Christine Cole, Citizen

IV.J.2	please define “weapon”.. does this include baton, pepper spray, anything other than hands?	Patricia Fisher, Newbury PD
IV.J.3	all this is repetition of 1 and 2 above	Christine Cole, Citizen
IV.J.3	It is recommended the reporting responsibility to the District Attorney be specified. Our recommendation is that the Chief Executive Officer of the agency or designee make the notification.	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.J.5	most places have replaced [non-sworn agency personnel] with Professional Staff	Christine Cole, Citizen
IV.J.7.a	this should be in the section above of restricted activities	Christine Cole, Citizen
IV.J.7.b.iv	in a previous section the indication was that these are not reportable uses of force	Christine Cole, Citizen
IV.J.7.d	this should be in the section of prohibited or restricted activities [Suggest adding after “a moving motor vehicle unless”] <u>unless the use of deadly force is justified by something other than the threat of the moving vehicle. Officers shall not reach into or place themselves in the path of a vehicle. Officers shall move out of the path of a moving vehicle.</u> suggest deleting all or most of [“based on the totality of the circumstances . . . the circumstances provide a high probability of stopping or striking the intended target.”]	Christine Cole, Citizen
IV.J.7.e	[Regarding seeking authorization from a supervisor prior to using deadly force whenever possible:] this doesn’t seem reasonable to do if the issue presents an imminent threat. Officers should be able to justify the use of force	Christine Cole, Citizen
IV.K.1	As previously noted, we see the Model Policy as key to promoting uniformity and consistency on use of force throughout the Commonwealth. We are concerned that some statements in the Model Policy authorizing agencies to follow their own individual policies or practices undercut this goal. We ask that the POST and MPTC review and remove the following references: . . .	Strategies for Youth

	IV.K.1 (Permitting the Chief Executive Officer of the agency to "both authorize and regulate" officers' possession and use of weapons)	
IV.K.2	Last sentence remove "at any time" and add "If requirements are not met or for just cause". This is to avoid any punitive actions by the chief executive officer.	Matthew McNeil, Hopkinton PD
IV.K.4	This section is very confusing. MAPLE urges that the wording be simplified to read: " <u>sworn officers are authorized to carry and use only those weapons approved by the Chief Executive Officer of their agency and for which they have been trained and certified in their use.</u> "	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.K.6.c	MAPLE recommends that the following wording be added: " <u>in a locked cabinet with the key retained by the officer until the weapons is retrieved.</u> "	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.K.6.e	MAPLE recommends that the following wording be added to this sentence: " <u>The circumstances surrounding the loss of a service weapon issued to a police officer shall be investigated by the Chief Executive Officer of the agency or his/her designee.</u> "	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.K.7	<p>The Model Policy should explicitly address the use of these weapons with youth. Youth are at risk when ECWs and CEDs are used, because youth can experience different and more harmful reactions to these weapons than adults.</p> <p>We suggest that the Model Policy include the following language:</p> <p>Weapons Restrictions</p> <p>Use of ECD/CEW with Youth</p> <p>i. ECD/CEW shall not be used on youth under the age of 14. ii. ECD/CEW shall not be used, where youth:</p>	Strategies for Youth

	<p>a. Have not committed an offense;</p> <p>b. Are fleeing the scene;</p> <p>c. Are on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) and are at risk of falling, unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net); or</p> <p>d. Are operating a scooter or bicycle.</p> <p>iii. ECD/CEW shall not be used to target a youth’s head, neck, chest, or genitals.</p> <p>iv. ECD/CEW should not be used in multiple deployments on a youth.</p> <p>v. ECD/CEW should not be discharged by directly pacing the weapon against the skin of a youth.</p>	
IV.K.7.b.iii	This eliminates the possibility to use your firearm as a show of force, which we are allowed to do and is frequently necessary.	Patricia Fisher, Newbury PD
IV.K.7.b.iv	Using OC on an individual or directed toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on an individual and explain the justification.	Major JM Greene, Massachusetts State Police
IV.K.7.c	<p>We suggest a youth-related expansion to this provision, which concerns the need for officer awareness prior to discharging a firearm, ECW/CED, or other weapon. Youth tend to gather in groups, and research has found that juvenile crime often involves group offending. Youth are therefore likely to be in the company of their peers when they encounter law enforcement. Youth are also surrounded by peers in school, and are often in the presence of peers and other bystanders when they are in public settings such as playgrounds and parks. Youth may also be present when officers execute residential search warrants or arrest their parents or caretakers, and are thus vulnerable to harm if officers use force in those settings.</p> <p>These facts argue for the Model Policy to address surroundings where youth are likely to be present, including by ensuring consistency between the Model Policy and the draft JOS requirement that agencies develop a sub-policy or provision when youth are affected by law enforcement actions where the youth is not the target.</p> <p>We suggest the following revision to Section IV.K.7(c) (additional language underlined and in red):</p> <p>Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so. <u>The officer shall, to the extent feasible, consider the potential risks to youth when youth are present, or when the officer is considering discharging a firearm, ECW/CED, or other weapon near a school or playground, or during the execution of a residential search warrant or arrest of a youth’s parent or caregiver.</u></p>	Strategies for Youth

IV.K.7.d	<p>There is a question as to whether specific crowd control requirements should be entered into the use of force policy at all. The policy should be able to stand alone and be broad enough to extend to all contingencies without having to specify them.</p> <p>This is a very problematic and confusing section, which would appear to be predicated upon the Minneapolis shooting of a motorist by an ICE agent. Our recommendation is to strike sections (i),(ii), (iii), (iv). Each of these sections attempts to establish tactical conditions in anticipation of a future action. This is a fatal error in the establishment of standards. Each situation under this section will inevitably involve an infinite number of contingencies and factors which it is impossible to anticipate. Such an attempt to micro define the conditions runs the risk of placing persons, who are acting completely in good faith in danger of running afoul of a provision that the POST commission may not have even intended. The general intent of the use of a firearm with regards to vehicles is well stated in the body of this section. Do not attempt to define it further. Leave this to fact finding and adjudication.</p>	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.K.7.d	[Responding to MAPLE comment (above):] All of these sections are consistent with IACP and PERF Model UOF policies.	Edward Denmark, Citizen
IV.K.7.g	The word "consuming" is concerning. An off-duty officer can certainly consume alcohol without being impaired and without being over the standard of .08. Also the phrase "or weapons" is concerning. So if an off-duty officer is carrying a pocket knife and has a single alcoholic beverage, they would be violating this policy?	Ryan Couture, Hubbardston PD
IV.K.7.g	This provision addresses a very critical and relevant issue, that of police officers being armed while intoxicated. MAPLE would recommend the following modifications. After the first sentence, insert the phrase “ <i>without the authorization of the Chief Executive Officer of the agency</i> ”. The reason for this qualification is that officers engaged in undercover work, are often required to pursue leads and witnesses in barrooms. Barrooms are often the venue, where criminal planning and organizing occur. Officers must have the ability to partake in alcoholic beverages and it is the responsibility of the appointing agency, through its supervision, to ascertain if the officer is placed at risk of impairment. However, we also urge that a third sentence be added to this section: “ <i>all incidents involving the possession or use of a firearm involving both on and off duty police officers, where intoxication or substance abuse is suspected must be investigated by the Chief Executive Officer of the agency or designee. Reports of such incidents should be reviewed by the Mass POST commission to determine the officer’s fitness for duty.</i> ”	Massachusetts Association for Professional Law Enforcement (MAPLE)

IV.L	Add L. 8. In each of the above circumstances, if a weapon is permitted or obtained by an <u>unsworn personnel, it shall be noted, and whether there was a separate authorizing order and by whom for what purpose.</u>	Grace Ross, Mass. Alliance Against Predatory Lending
IV.L	MAPLE recommends that the following sentence be added after section 1: “ <u>All modifications to issued service weapons, performed by outside vendors, must be reported to the agency armorer, who shall inspect all modifications and certify that they are approved by the Chief Executive Officer of the agency.</u> ”. The following sentence should be added after the first sentence in section 6: “ <u>and reported to the armorer</u> ”.	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.L.2	[Suggest moving “officer receiving weapon” to the top.]	Christine Cole, Citizen
IV.L.4	Can you use the word inventory opposed to inspection. For us, an inspection is far more detailed than that which is outlined in this section.	Patricia Fisher, Newbury PD
IV.M	<p>We were pleased to see the detailed requirements for officer training on use of force. As noted throughout our comments, there are areas where youth and other vulnerable individuals may be particularly at risk from the use of some types of force. The Model Policy should require officer training about those vulnerabilities.</p> <p>We suggest the following to Section IV.M (additional language underlined and in red):</p> <p>M. Training and Qualifications</p> <p>5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10, including deescalation, mental health response, responding to mass gatherings, cultural competency, progression of force, <u>use of force with youth and other vulnerable persons</u>, and lawful use of force techniques.</p>	Strategies for Youth
IV.M.2	[Suggest adding to the end,] “Additional training for supervisory review of force shall be provided to new supervisors and annually for all supervisors.”	Christine Cole, Citizen
IV. M.3	I am of the understanding that we do not have a "qualification/requalification" for these weapons. Do we have a curriculum?	James Hicks, Natick PD
IV.M.5	[Regarding “simulate actual conditions”:] night or low light training?	Christine Cole, Citizen

IV.M.5	Would in-service satisfy this requirement?	James Hicks, Natick PD
IV.N.1	Will a sample Use of Force Reporting Form be created?	James Hicks, Natick PD
IV.N.4	Use of OC on an individual or directed toward an individual is a use of force that must be reported. Just clarification on OC spray on an individual or when directed toward an individual, as the highlighted portion states for documenting in their report that OC spray was used. If it is a reportable UOF for us, it must be documented in the report.	Major JM Greene, Massachusetts State Police
IV.N.4	Add after N.4: <u>a. Report shall include if any deescalation or less-lethal force was attempted.</u> <u>b. If at a mass. demonstration was agency or officer notified in advance, how far in advance, what communication what discussion of logistical plans was attempted or occurred.</u>	Grace Ross, Mass. Alliance Against Predatory Lending
IV.N.5	I think we need to add some emphasis because this is not being done on a regular basis. I'd like to see language stating it must be reported "Monthly. If no reportable incidents then a Zero Report must be submitted Monthly"	James Hicks, Natick PD
IV.N.6	every witness officer should have the duty to intervenex	Christine Cole, Citizen
IV.N.6	Any officer who has a duty to intervene or observes an officer <u>from any agency or an apparently independent Officer of the Peace</u> or other agency personnel engaged in abuse...	Grace Ross, Mass. Alliance Against Predatory Lending
IV.N.8	Is this in addition to the annualreported submitted to EOPSS fro ECWs?	James Hicks, Natick PD
IV.O.1	As previously noted, we see the Model Policy as key to promoting uniformity and consistency on use of force throughout the Commonwealth. We are concerned that some statements in the Model Policy authorizing agencies to follow their own individual policies or practices undercut this goal. We ask that the POST and MPTC review and remove the following references: ...	Strategies for Youth

	IV.O.1 (apparently authorizing each agency to establish its own use of force reporting system, rather than establishing a statewide system)	
IV.O.2.a.i	for any kind of use of force? are you considering force Levels? Most UOF policies with which I am familiar have levels of force – 1, 2 or 3 for example, with 3 being the most serious -- and reviews and requirements to notify supervisors to report to the scene are based on the level of the use of force.	Christine Cole, Citizen
IV.O.2.a.i	There should be a provision that requires an immediate request for a supervisor to respond to a use of force incident as soon as possible. This may be difficult, but a supervisor should at least be made aware of the UOF incident as soon as possible.	Massachusetts Association for Professional Law Enforcement (MAPLE)
IV.O.2.a.ii	what about witnesses from the public?	Christine Cole, Citizen
IV.O.2.b	not all?	Christine Cole, Citizen
IV.O.2.b	Any officer who has a duty to intervene or observes an officer <u>from any agency or an apparently independent Officer of the Peace</u> or other agency personnel engaged in abuse...	Grace Ross, Mass. Alliance Against Predatory Lending
IV.O.3-4	Additionally, I would expect to see some detail about investigations of the most serious uses of force, timelines, and processes. There is some mention of annual reviews. Reviews should be more timely than annually to correct errors, provide feedback, and enhance officer safety. That is all absent from this policy. Body worn camera images of force should also be reviewed by supervisors or review boards for training opportunities (good and less stellar work), and to review the events leading up to the use of force.	Christine Cole, Citizen
IV.O.3.a	this is not necessary if a supervisor not involved has the responsibility	Christine Cole, Citizen
IV.O.3.d	involved supervisors should also make a report	Christine Cole, Citizen

IV.O.4.a	<p>As previously noted, we see the Model Policy as key to promoting uniformity and consistency on use of force throughout the Commonwealth. We are concerned that some statements in the Model Policy authorizing agencies to follow their own individual policies or practices undercut this goal.</p> <p>We ask that the POST and MPTC review and remove the following references:</p> <p>...</p> <p>IV.O.4.a (allowing each agency to establish its own timeline for reviewing the Use of Force Reporting Form)</p>	Strategies for Youth
IV.O.4.a.i	should consider actions leading to the use of force as well as efforts to de-escalate	Christine Cole, Citizen
IV.O.4.a.iv	[Suggest adding “tactics.”]	Christine Cole, Citizen
IV.O.4.d	<p><i>After the existing sentence in Section O.4.d, add:</i></p> <p>“Administrative reviews shall specifically evaluate whether the officer’s tactical conduct and decisions prior to the use of force — including approach, positioning, communication, and use of available time — contributed to the necessity of force, and this evaluation shall be documented as part of the review record.”</p>	Kade Crockford, ACLU of Massachusetts
IV.O.4.d.	<p>Consistent with our comments about the need for the Model Policy to address avoiding the escalation of force, we suggest that Section IV.O.4, regarding administrative review of use of force reports, be revised as follows (additional language underlined and in red):</p> <p>O. Reporting Procedures</p> <p>4. Office of the Chief Executive Officer or their Designee for Administrative Review</p> <p>d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions, <u>before or during the encounter</u>, could have reduced the likelihood of force or injury.</p>	Strategies for Youth
IV.O.4.e	Reviews should be more often than annual. Annual reporting makes sense.	Christine Cole, Citizen
IV.O.4.e.ii	it makes more sense to use a number -- two or more for example. disproportionate share is too subjective	Christine Cole, Citizen
IV.O.4.e.iv	in the aggregate, not by incident makes more sense	Christine Cole, Citizen
IV.O.4.e.vi	suggesting listing some that indicate an area of concern -- UOF with disturbing the peace for example	Christine Cole, Citizen

IV.O.4.e.vii	consider adding people in crisis or substance involved as other categories	Christine Cole, Citizen
IV.O.4.e.vii	...known or perceived mental or physical disability or <u>national origin outside of the United States, sexual orientation or gender identity</u> of individuals involved.	Grace Ross, Mass. Alliance Against Predatory Lending
IV.O.4.f	isn't this the same as item e?	Christine Cole, Citizen

February 27, 2026

Counsel Annie. E Lee
Massachusetts Peace Officer Standards and Training
84 State Street, Suite 200
Boston, MA 02109

Counsel Lee,

My name is Pdraig Calnan. I am a patrolman with the Medford Police Department and the current President of the Medford Police Patrolmen's Association (MPPA). I also serve as a Defensive Tactics/ Use of Force Instructor for the department and have been certified as instructor by the MPTC since about 2015.

I have reviewed the Commissions Model Use of Force Policy and believe it necessary to on behalf of the MPPA offer several comments regarding it. I believe the Model is constructed well and is perfectly inline with 555 CMR 6.00. The plain language used and similarity to the CMR, I believe will make this policy highly understandable to both the public and Officers. While this CMR was at first a flash point with Officer's at its implementation, I believe through the tireless work of the MPTC it is now widely understood by Officers in the Commonwealth as the standard in Use of Force. I believe the Working Group deserves praise for understanding the CMR should be reflected heavily in the creation of this Use of Force Model.

While I believe this model to be fair and will be largely beneficial I would like to register a criticism regarding the Working Group used to construct it and I would assume modify it in the future. Commissioner Calderone in the 02/18 meeting of the commission commented to lack of rank and file input with the Working Group and I would strongly second those comments. I will however offer that I believe the addition of Coordinator Dicharra and Counselor Flagg to be outstanding additions to the group. Their work with the MPTC in the Instruction of the 555 CMR 6.00 was monumental and is a large reason the roll out of its instruction was successful. I can recall being hesitant of the CMR until attending a training with both and leaving with a firm understanding I could pass on back at my department.

I believe going forward however the Working Group should be expanded to offer more input from rank and file officers. Use of Force is the central science of Policing. The ability to use physical force is what separates Police Officers from all other members of government. Like any other science Use of Force is constantly evolving and often at a very rapid pace. Nobody has a better understanding of this then actual police officers involved in its application and further it's instruction. I am not using the word science for dramatic effect either. Within the last 5-10 years there has been a revolution in Use of Force Instruction as more and more actual hard science influences the subject matter. Studies in perception, cognition and human performance are now the industry standard used in informing how officers are trained in the application of Use of Force.

MPPA **MEDFORD POLICE PATROLMEN'S ASSOCIATION**

P.O. Box 53039 • Medford, MA 02153

I believe it would be a tremendous mistake for this Working Group to not be extended with more instructor and officer members as they are actual practitioners of this rapidly evolving subject matter.

Finally, I would like to offer a second reason for the expansion of the Working Group to more officers and instructors in regards to geography. The Commonwealth is a diverse state when it comes to the size of its municipalities and make up of it's police departments. This influences Use of Force greatly as the availability of resources in critical incidents is perhaps the biggest factor in deescalating a potential Use of Force Incident.

I work in a large department in Metro Boston. Our resources are near limitless in Medford as we are surrounded by Somerville, Everett, Malden and Boston. My options in de-escalation and the tactics used are going to be far different then a police officer on midnights in the Berkshires who may have access to if they are lucky a nearby town and maybe a trooper or two. This contrast I believe is critical to understand when creating any Statewide Use of Force guidance. I believe the only way this can be achieved is expansion of the Working Group to officers and instructors from varied communities throughout the Commonwealth.

Respectfully,



Padraig Calnan, President
Medford Police Patrolman's Association

From: [Lee, Annie \(PST\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: FW: MAPLE UPDATE POST News Use of Force Policy
Date: Tuesday, March 3, 2026 4:01:48 PM
Attachments: [MPTC UOF Policy with comments.docx](#)

From: Christine Cole <[REDACTED]>
Sent: Thursday, February 26, 2026 6:24:05 PM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Cc: Dennis Galvin <galsix90@aol.com>
Subject: Re: MAPLE UPDATE POST News Use of Force Policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

POST Committee:

I am submitting the attached and the notes below for consideration of the UOF Policy for Massachusetts Police Departments. I am a resident of MA and work on police improvement efforts around the country. I am currently the Federal Monitor on the Police Consent Decree in Cleveland Ohio. We recently submitted an assessment of their use of force which has remarkably improved during the consent decree. While consent decrees are indeed onerous and expensive and many don't support them, the policies that the departments, with subject matter experts create, in response to often serious constitutional violations, tend to be very good. I'd suggest looking at major cities' websites for online policies in general, and particularly consent decree sites. UOF policies in consent decree cities have been vetted by the Department of Justice Civil Rights Attorney's, subject matter experts, members of the public, and courts. See Baltimore, Seattle, New Orleans, Cleveland, Albuquerque for contemporary examples. See also a [report](#) in which I participated that reviewed these consent decrees (and others) and summarized the content most important for inclusion in use of force policies and investigations.

What I am seeing across the US is agencies developing a suite of use of force policies. This makes each one shorter, specific, and easily understood by both officers and members of the public. The one that was shared by MAPLE President Dennis Galvin is 14 pages, not well formatted or organized, and highly repetitive. It is too big to consume and too cumbersome to be a useful resource.

Most UOF policies with which I am familiar have levels of force -- 1, 2 or 3 for example,

with 3 being the most serious -- and reviews and requirements to notify supervisors to report to the scene are based on the level of the use of force.

Additionally, I would expect to see some detail about investigations of the most serious uses of force, timelines, and processes. There is some mention of annual reviews. Reviews should be more timely than annually to correct errors, provide feedback, and enhance officer safety. That is all absent from this policy. Body worn camera images of force should also be reviewed by supervisors or review boards for training opportunities (good and less stellar work), and to review the events leading up to the use of force.

For a suite of policies, I'd suggest breaking up the draft policies into smaller policies. Consider the following:

- Definitions
- General Use of Force
- De-escalation
- Intermediate or Less-lethal weapons
- Use of Force Reporting
- Supervisory Reviews and Investigations
- Force on Animals
- Force Reviews or Force Review Board (purpose and actions)
- Investigations of serious use of force

I have also raised some questions or offered comments on particulars that you will find in the document.

I am happy to discuss any of my thoughts. It is important to me as a citizen of the Commonwealth that our police policies be clear to officers and the public, provide useful guidance, protect officers and the public, and inform all of the accountability structures in place.

Thank you for the opportunity to comment.

Christine Cole



PROPOSED POST USE OF FORCE POLICY

PURPOSE:

To establish [insert agency name] guidelines and limitations concerning the use of force.

II. POLICY;

1. The [insert agency name] values the sanctity of life and bodily integrity of all individuals. The [insert agency name] prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the [insert agency name] and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased.

2. Officers shall seek to de-escalate and gain the voluntary compliance of individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.

3. There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:

- a. Agency discipline, up to and including termination;
- b. Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
- c. Criminal prosecution; and/or. Civil liability.

III. DEFINITIONS :

Agency: the [insert agency name].

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who are authorized by the agency to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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 with the result of causing bodily injury, unconsciousness, or death.

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

Deadly or Lethal Force: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03 physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½ (a), to address a potential medical or mental health crisis. Deescalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children (2021

Dog: As defined in 555 CMR 6.03, a K-9, canine or police dog.

Electronic Control Weapon: (ECW)/Conducted Energy Devices (CEDs): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, "force" includes:

1. Any physical strike or attempted strike;
 2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
 3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
 4. Pointing a firearm, ECW, or chemical weapon at an individual; and
 5. Deployment of a police dog
- resulting in contact. "Force" does not include physically escorting or handcuffing an individual who offers minimal of "Force" does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Chief Executive Officer. MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116.

Non-Deadly or Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in:

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain an individual by causing pain. This shall not include oleoresin capsicum (OC) spray.

Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC or a form approved by the Chief Executive Officer that collects at a minimum the information collected on the form approved by the Commission and the MPTC.

IV. PROCEDURES:

The use of force is authorized only when it is necessary, proportionate, objectively reasonable and for a lawful purpose. The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and dynamic and rapidly evolving about the amount of force that is necessary, proportionate and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Accordingly, the agency will thoroughly document, review, and investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

A. General:

1. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter.

2. Whenever possible, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.

3. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer should consider modifying their de-escalation tactics and techniques.

4. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.

5. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, summoning a [insert different response model available to agency e.g., co-response, alternative response, peer response, crisis intervention team, etc.], seeking assistance from a mental health professional, and/or calling in specialized units in order to reduce the need for force and increase safety. Officers shall document when such efforts were attempted or were not feasible.

6. Any force used shall be necessary, proportionate, and objectively reasonable in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

B. Use of Force Authorization and Limitations

1. Officers are only authorized to use the amount of force that is necessary, proportionate, and objectively reasonable to accomplish lawful objectives.

2. An officer shall not use 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 and proportionate to:

- a. Effect the lawful arrest or detention of an individual;
- b. Prevent the escape of an individual from custody;
- c. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
- d. Defend against an individual who initiates force against an officer.

3. The authorized use of force ends when resistance ceases or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.

4. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

C. Verbal Warning :

When tactically feasible, officers will identify themselves as [police, law enforcement] and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal commands before resorting to force. A verbal warning is not required where the officer must make a split-second decision or if the officer has an objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted or were not feasible.

D. Use of Non-Deadly or Less-Lethal Force

1. Officers shall use only the amount of force necessary, proportionate, and objectively reasonable to overcome resistance or accomplish the lawful police objective. Non-deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.
2. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force.
4. Use of force does include the pointing of a firearm, ECW, CED, or chemical weapon at an individual and the use of OC spray on or directed toward an individual.
5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

E. Use of Deadly or Lethal Force

1. A law enforcement officer shall not use deadly force upon a person, unless deescalation 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 an individual and the amount of force used is proportionate to the threat of imminent harm, and
 - a. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;
 - b. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
 - c. The officer uses only the amount of force that is objectively reasonable.

2. Unconventional Weapons:

In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., flashlight, radio, or other equipment) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

3. Deadly Force Restrictions. Immediacy of the Threat Required:

- a. An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.
- b. Suicidal Individuals An officer may not use deadly force against an individual who poses a danger only to themselves.

F. Use of Force Restrictions

1. Sitting, Kneeling, or Standing on An Individual: Except to temporarily gain, regain or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head.
2. Oxygen and Blood Flow: An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on

their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

3. Restrained Individuals: Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

4. Chokeholds: Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck.

G. Mass Demonstrations and Crowd Management

1. It is the policy of this agency to respect the constitutional rights of individuals engaged in lawful demonstrations, to avoid unnecessary conflict, and to attempt to de-escalate potential conflicts whenever feasible.

2. Pre-Planning: When the agency has advance knowledge of a planned mass demonstration within the agency's jurisdiction, the Chief Executive Officer shall designate an officer in charge of de-escalation planning and communication. The designated officer in charge shall diligently attempt in good faith to:

- a. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants; and
- b. Discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants and ensure that participants are able to safely exercise their rights under the First Amendment and the Massachusetts Declaration of Rights.

3. Use of Weapons and Canines When engaged in mass demonstration events, officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence an individual's behavior unless:

- a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances;
- b. The measures used are necessary to prevent imminent harm.
- c. The foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets, or dog is proportionate to the threat of imminent harm.

4. Restrictions

a. Canines shall not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilians.

b. Kettling The use of kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

H. Providing Medical Aid

1. Officers shall always provide an appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

2. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency

medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care.

3. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less lethal force options. If treatment is offered and refused, the refusal shall be documented. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

I. Duty to Intervene:

1. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual.

2. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

3. Officers and other agency personnel who observe an officer or other agency personnel engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor.

4. Any harassment, intimidation, or retaliation is prohibited against any officer or other agency personnel who:

- a. Intervened or attempted to intervene to prevent or stop an excessive force incident;
- b. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
- c. Provided information or testimony to any investigating entity inside or outside the agency

Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

J. Response to Officer-Involved Injury or Death:

1. Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee.

2. If the use of force involved a weapon, the Chief Executive Officer [or insert designee] shall secure the weapon or weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.

3. Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee. If the use of force involved a weapon, the Chief Executive Officer [or insert designee] shall secure the weapon or weapons used for examination and maintain the appropriate evidentiary chain of custody protocols. Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office.

Weapons :

1. Officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41, § 98, for example, permits officers to carry weapons as authorized by the Chief Executive Officer of the agency. While no law addresses the possession and use of other weapons by officers, the Chief Executive Officer of the agency may both authorize and regulate such activities. 12 DRAFT 2.10.26
2. Only authorized agency personnel may carry or use weapons in the performance of their designated duties. Authorization must be documented and approved by the Chief Executive Officer or their designee. Authorization is contingent upon successful completion of all training, certification, and proficiency requirements. The Chief Executive Officer may revoke or suspend authorization at any time.
3. Only weapons and ammunition authorized by the agency may be used by authorized agency personnel in the performance of their designated duties.
4. Officers are authorized to carry and use the following weapon(s) in the performance of their duties, subject to this Use of Force policy and applicable restrictions: a. Firearms (pursuant to M.G.L. c. 41, § 98); b. [for each weapon officers are authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon; and any restrictions on the use of the weapon not previously addressed in the use of force policy]
5. **Non**-sworn agency personnel or professional staff [if applicable]
 - a. Non-sworn agency personnel may be authorized to carry specified weapons when expressly approved by the Chief Executive Officer and consistent with applicable law. Non-sworn agency personnel authorized to carry weapons must adhere to all provisions of this Use of Force policy as if they were sworn officers, including training, certification, and reporting requirements.
 - b. The following non-sworn agency positions are authorized to carry the weapons listed:
 - i. [Insert position title]: A [insert position title] is authorized to carry the following weapons: A. [for each weapon the position is authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon, and any restrictions on the use of the weapon not previously addressed in the use of force policy.]

6. Security, Storage, and Safe Handling of Weapons

- a. Authorized agency personnel shall be trained in accordance with agency guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than authorized agency personnel shall be permitted access to any agency-owned firearm or any other agency-owned weapon, with the exception of police officers from other jurisdictions in the official performance of their duties; licensed individuals performing repairs or maintenance as approved by the agency; or other circumstances with the express permission of the Chief Executive Officer.
- b. Authorized agency personnel shall secure and store firearms and other weapons, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm or weapon. All agency firearms kept at home must be secured in a safe place inaccessible to family members and others, especially children, and conform with the requirements of M.G.L. c. 140, § 131L.
- c. Whenever an authorized agency personnel is at an agency facility and removes their handgun or other weapon, the item must be secured so that it is not readily accessible to unauthorized individuals.
- d. Authorized agency personnel shall not leave firearms or other weapons unsecured in vehicles, lockers, offices, or any other place where unauthorized access may occur.
- e. Any loss or theft of a firearm or other agency weapon shall be immediately reported to the authorized agency personnel's supervisor.

7. Weapons Restrictions

- a. **Warning Shots Prohibited:** Officers are prohibited from discharging their firearms as a means of

warning, intimidating, or frightening an individual.

b. Pointing Weapons:

- (i) Officers are prohibited from pointing their firearms at or in the direction of an individual absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy.
- (ii) Pointing a firearm or ECW/CED may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.
- (iii) When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.
- (iv) Pointing a firearm or an ECW/CED at an individual and using OC spray on an individual or directed toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on an individual and explain the justification.

c Surroundings: Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.

d. Discharging Firearms into Moving Motor Vehicles: An officer shall not discharge any firearm into or at a moving motor vehicle unless, unless the use of deadly force is justified by something other than the threat of the moving vehicle. Officers shall not reach into or place themselves in the path of a vehicle. Officers shall move out of the path of a moving vehicle. based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

- i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle;
- ii. Officers 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 at close proximity while dismounted);
- iii. The officer is not firing strictly to disable the vehicle; and
- iv. The circumstances provide a high probability of stopping or striking the intended target.

e. Use of Weapons Against Animals

Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer or to the public. When time and circumstances reasonably permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force.

Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

f. Use of Agency Weapons for Training and Other Purposes:

Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Chief Executive Officer to participate in law enforcement competition events or ceremonial events.

g. Use of Firearms or Weapons While Under the Influence of Alcohol and/or Controlled Substances Prohibited:

Officers shall not carry or use any firearms or weapons on- or off-duty while consuming or under the influence of alcohol or controlled substances. Officers shall not carry or use any firearms or weapons on- or off-duty while impaired by any condition (medical or otherwise) that negatively impacts judgment, motor skills, or proficiency.

L. Maintenance and Accountability for Weapons

1. The [insert designated agency position responsible for armorer duties] shall maintain a list of all authorized weapons and ammunition that shall be made available to officers and authorized agency personnel. The [insert designated agency position responsible for armorer duties] shall also maintain inventory reports for all weapons authorized by the agency and update inventories at least annually to include the location of all firearms [list other weapons to be inventoried as needed].

2. The [insert designated agency position responsible for armorer duties] shall maintain a record on each weapon, lethal and less-lethal, authorized for use by the agency. Such record shall include:

- a. Officer receiving weapon;
 - a. Serial number, if applicable;
- b. Weapon description;
- c. Date of issuance.
- d. Maintenance/repair information;
- e. Date removed from service and reason; and
- f. Other information as required by the Chief Executive Officer or designee.

3. All weapons shall be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Weapons failing inspection shall not be issued and shall be repaired or replaced before use.

4. At each training session for lethal or less-lethal weapons, the [insert designated agency position responsible for armorer duties] or instructor shall conduct an inspection of all weapons assigned to each officer present and confirm that:

- a. The weapons are properly assigned to the officer carrying the weapon.
- b. That the weapons (lethal and less-lethal) are in working order; and
- c. That inventory records accurately reflect weapons assigned to individual officers.

5. The procedures listed above shall also apply to any weapons, lethal and less-lethal, authorized by the agency for off-duty carry.

6. Whenever an authorized weapon is found to be unsafe or not functioning properly, it shall be immediately turned in or taken out of service by the officer. The [insert designated agency position responsible for armorer duties] shall maintain an inventory of replacement firearms and ensure that such firearms are available for issuance when needed.

7. The [insert designated agency position responsible for armorer duties] shall ensure that all agency weapons held in storage are secured to prevent damage, theft, or improper issuance. An access log shall be maintained for all entries into weapon storage areas.

M. Training and Qualifications

1. In addition to annual firearms qualification and sand skills training required by the MPTC and this agency's Firearms Policy XXX, officers shall be properly trained and certified in the use of any less-lethal weapons and control techniques before being authorized to carry or use them. Officers shall only carry and use weapons and control techniques for which they have received agency-authorized training and which are issued and/or approved by the agency.

2. As part of annual in-service training, all officers shall receive training on this agency's use of force policies, reporting requirements, and relevant case law updates. Additional training for supervisory review of force shall be provided to new supervisors and annually for all supervisors.

3. All officers shall complete annual training on all lethal and less-lethal weapons that require annual proficiency training, including ECWs.

4. Weapons without an annual training requirement (e.g., impact weapons, kinetic impact devices, OC spray) shall require requalification at least every two years under a certified instructor.

5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10, including de-escalation, mental health response, responding to mass gatherings, cultural competency, progression of force, and lawful use of force techniques.

6. All training, including remedial training, shall be documented in agency training files.

7. Training and proficiency results for any authorized weapon shall be monitored by an MPTC-certified weapons instructor and documented in the agency training files by the Chief Executive Officer or their designee. Documentation for sworn officers shall also be uploaded into the MPTC Acadis system by the Chief Executive Officer or their designee. Sworn officers must demonstrate proficiency with weapons in compliance with MPTC requirements.

8. Officers who fail to demonstrate the required proficiency with agency-issued weapons shall receive remedial training consistent with MPTC standards and relevant agency policy.

9. Any officer who fails to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.

10. Officers who seek to return to duty after an interruption in service shall first comply with all requirements set forth in 550 CMR 3.04 prior to being authorized to perform police duties and functions.

11. Only officers demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons.

12. All officers, including newly hired and veteran officers being issued a new type of weapon, shall be issued applicable policies and receive proficiency training on the weapons prior to being authorized to carry such weapons. The issuance, policy receipt, and training shall be documented.

N. Use of Force Reporting

1. Any officer who uses force shall complete the Use of Force Reporting Form. Reports shall be completed by the end of the officer's shift/tour of duty unless an extension of time is granted by a supervisor not directly involved in the incident.

2. [Discretionary for Agency under 555 CMR 6.07(3): Discharge of a firearm during training, qualification exercises, or for recreational purposes does not need to be reported.]

3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.

4. The pointing of a firearm, ECW, CED, or CW at an individual and the use of OC spray on an individual or directed toward an individual is a use of force that must be reported. Any accidental discharge of a firearm, or any action that results in or is alleged to have resulted in injury or death shall be reported.

5. The agency shall report the following incidents to the National Use of Force Data Collection Database:
 - a. When an officer's actions result in death or serious bodily injury of an individual;
 - b. When an officer discharges a firearm at or in the direction of an individual.

6. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

7. Any harassment, intimidation, or retaliation against any officer or other ~~a6.~~ Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

8. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd.

9. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

10. The agency shall report the following incidents to POST:
 - a. Officer-involved injuries or death;
 - b. Excessive force;
 - c. Untruthful statements concerning a material fact regarding a use of force;
 - d. Knowing omission of a material fact regarding a use of force; or
 - e. Any harassment, retaliation, or intimidation of an individual related to a use of force.

11. All Use of Force Reporting Forms shall be retained and maintained by the agency consistent with 555 CMR 12 for [insert length of time consistent with 555 CMR 12]. [For public agencies include the following language: and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.]

12. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

O. Reporting Procedures

1. The agency shall establish a use of force reporting system that allows for the effective review and analysis of all agency use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the agency. Officers shall complete the appropriate reports and the Use of Force Reporting Form whenever they use force, whether deadly or non-deadly.

2. Officer's Responsibilities
 - a. When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall:
 - i. Notify a supervisor of the incident as soon as circumstances allow.
 - ii. Complete the Use of Force Reporting Form, which shall list all other officers or employees involved in or witnessing the incident.
 - iii. All Use of Force Reporting Forms must be completed and forwarded to a supervisor not directly involved in the incident by the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
 - b. Any officer who has a duty to intervene or observes an officer or other agency personnel

engaged in abuse (see Section I) 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 agency reporting protocols.

- c. Any officer who utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd shall write a report detailing the facts and circumstances surrounding the use of force, including a detailed justification of why the use of said weapons was objectively reasonable.

3. Supervisor Not Directly Involved in the Use of Force Incident Responsibilities

- a. When a use of force incident involves an officer assigned to patrol, a supervisor not directly involved in the use of force incident or [insert position] has the primary responsibility to make certain that all necessary Use of Force Reporting Forms are properly completed, evidence in the custody of law enforcement is preserved and the report is submitted as required by officers under their command.
- b. The supervisor who performs the initial review of the reporting forms shall identify and report any clear instances of violations of law or agency policy that necessitates immediate action by the reviewing supervisor, including actions related to the officer's fitness for duty or duty status, to [insert the appropriate chain of command level for notification].
- c. The supervisor shall sign the report and forward it to the Chief Executive Officer of the agency or their designees.
- d. If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor shall complete the steps as required in the preceding subsections. Supervisors involved in a use of force incident shall forward the Use of Force Reporting Form to the next level of command not involved in the incident.
- e. In any use of force or incident resulting in death or serious bodily injury, or any firearm discharge at or in the direction of an individual, the on-duty supervisor shall immediately notify the Chief Executive Officer through the chain of command. The officer involved shall be removed from operational assignments pending administrative and potential criminal review.
- f. When an officer reports pursuant to a duty to intervene (see Section I), the on duty supervisor shall prepare a report and include the observing officer(s)'s detailed written statement describing the incident in that report.

4. Office of the Chief Executive Officer or their Designee for Administrative Review.

- a. the [insert agency designee] shall review the Use of Force Reporting Form in a timely fashion not to exceed [a timeline determined by the agency] to determine:
 - i. Whether the action was consistent with policy, training, and law;
 - ii. Whether further administrative review or investigation is warranted;
 - iii. Whether equipment, tactics, training, or policy changes should be considered;
 - iv. Whether a referral to the District Attorney's Office is appropriate;
 - v. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N);
 - vi. Whether the incident is required to be reported to the Commission (see Section N).
- b. The Chief Executive Officer or their designee for administrative review may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Chief Executive Officer shall be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
- c. Use of force reports that warrant further administrative review or investigation shall be referred to the [insert Chief Executive Officer or the agency position responsible for internal affairs function]. Such review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The [insert Chief Executive Officer or the agency position responsible for internal affairs functions] shall be responsible for the prompt investigation of the matter including the collecting and preserving of

evidence consistent with the requirements specified in 555 CMR 13.03(8) and the recommendation of discipline, if appropriate.

d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.

e. The [insert agency designee] shall conduct, at a minimum, annual analyses of all “Use of Force” incidents and complaints and provide a comprehensive report to the Chief Executive Officer. This report, at a minimum, shall document:

- i. Trends in use of force over time;
- ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer’s use of force behavior and practices, and intervening to improve the officer’s use of force behavior and practices when that is determined to be the case;
- iii. Recommendations on equipment, training, and/or policy changes, if any;
- iv. The date, time, and circumstances of incidents
- v. The type of force or type of weapons used;
- vi. Types of encounters resulting in use of force;
- vii. The race, age, gender, and any known or perceived mental or physical disability of individuals involved;
- viii. Injuries to individuals, officers, or others;
- ix. Identification of trends or patterns contributing to injury.

f. For purposes of transparency, the [insert agency designee] shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency’s website and at the agency for inspection.

g. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity. [For public agencies include the following language: and upon receipt of a public record request under M.G.L. c. 66, § 10.]

March 2, 2026

Counsel Annie E. Lee
Massachusetts Peace Officer Standards and Training Commission
84 State Street, Suite 200
Boston, MA 02109

Re: Public Comment on Proposed Model Use of Force Policy

Dear Counsel Lee,

Lawyers for Civil Rights (LCR) respectfully submits this comment regarding the recently proposed changes to the Massachusetts Peace Officer Standards and Training Commission (POST) and the Municipal Police Training Committee's (MPTC) Model Use of Force Policy.

For over fifty years, LCR has fought against discrimination and sought equal opportunity for low-income individuals, immigrants, and people of color through creative and courageous legal action, education, and economic empowerment in collaboration with law firms and community partners. LCR represents clients in numerous impact areas, including police accountability.

We acknowledge and appreciate the work that POST has put into updating the use-of-force model policy, and we support efforts to clarify and establish strict guidelines for when the use of force is permitted in law enforcement. For the final policy, we urge POST to amend the draft to more clearly and prominently highlight: (1) the effects that mental health can have on police interactions; and (2) how implicit bias impacts policing.

I. How Mental Illness Affects Interactions With Law Enforcement

With more than one in five adults living with a mental illness,¹ encounters between law enforcement and individuals in crisis are inevitable. Serious mental illness substantially interferes with a person's daily functioning,² making these interactions particularly complex. To ensure the safety of all parties, law enforcement must be equipped with a clear understanding of how mental illness impacts a person's behavior. Yet, the Proposed Policy makes scant reference to mental illness and provides little guidance on how law enforcement should account for these factors when evaluating whether the use of force is appropriate.³

¹ *Mental Illness*, NAT'L INST. OF MENTAL ILLNESS, <https://www.nimh.nih.gov/health/statistics/mental-illness> (last visited Feb. 27, 2026).

² *Id.*

³ POST & MPTC, *Draft Model Use of Force Policy*, at 2 (Feb. 10, 2026), <https://mapostcommission.gov/wp-content/uploads/2026/02/Draft-Use-of-Force-Model-Policy-2.10.26.pdf>.

Currently, the Proposed Policy describes de-escalation tactics that law enforcement officers should employ before using force and outlines numerous “non-criminal factors” that may impact an officer’s interaction with a member of the public.⁴ Among these factors are mental health conditions. However, the Proposed Policy does not define mental illness at all, which limits the Proposed Policy’s effectiveness in guiding officers on how to account for these non-criminal factors. Accordingly, POST and MPTC should create a standalone section addressing mental illness that provides clear definitions and examples of how mental illness may manifest during law enforcement encounters.

POST and MPTC can define “mental illness” in the Proposed Policy as a “medical condition that disrupt[s] a person’s thinking, feeling, mood, daily function, and ability to relate to others.”⁵ The Proposed Policy should include warning signs for a mental health crisis so that officers can better identify those in the midst of a crisis and evaluate whether use of force is appropriate. Such warning signs include “rapid mood swings,...inability to stay still,...increased agitation, verbal threats, violent, out-of-control behavior,...[and] abusive behavior to self and others.”⁶

Clear guidance is critical because many interactions between law enforcement and individuals experiencing mental health crises do not involve a threat of violence,⁷ yet can escalate rapidly when symptoms are misunderstood. For example, in October 2016, Boston Police officers shot and killed Terrence Coleman, a young Black man living with a mental health condition, outside his home after his mother called 911 for medical assistance. On behalf of Mr. Coleman’s mother, LCR brought a federal lawsuit against the City of Boston and won a major settlement.⁸ This case illustrates a tragic reality: when law enforcement fails to account for underlying mental illness, interactions with the police can turn deadly. It is therefore vital that the Proposed Policy more prominently include mental health considerations in use-of-force evaluations. While detailing mental illness as a non-criminal factor is a step in the right direction, it is insufficient in protecting the safety of those with mental illness from disproportionate use of force by law enforcement.

Further, a more robust consideration of mental health-related factors should be incorporated into the Proposed Policy, as individuals experiencing a mental health crisis can often act in ways that officers may misinterpret as defiance or aggression. What may appear to be noncompliance can, in reality, reflect confusion, fear, an inability to process verbal commands, or difficulty

⁴ *Id.* at 5.

⁵ NAT’L ALL. ON MENTAL ILLNESS, NAVIGATING A MENTAL HEALTH CRISIS 6 (2025), <https://www.nami.org/wp-content/uploads/2025/04/Navigating-a-Mental-Health-Crisis-2025.pdf>.

⁶ *Id.* at 7.

⁷ NATHAN JAMES ET AL., CONG. RSCH. SERV., R47285.2, ISSUES IN LAW ENFORCEMENT REFORM: RESPONDING TO MENTAL HEALTH CRISES 2 (2022), <https://www.congress.gov/crs-product/R47285> (citing Tori DeAngelis, *Mental Illness and Violence: Debunking Myths, Addressing Realities*, MONITOR ON PSYCH. (July 11, 2022), <https://www.apa.org/monitor/2021/04/ce-mental-illness>).

⁸ See Sarah Betancourt, *Family of Black Man Killed by Boston Police to get Millions in Settlement with City*, GBH (Mar. 26, 2024), <https://www.wgbh.org/news/local/2024-03-26/family-of-black-man-killed-by-boston-police-to-get-millions-in-settlement-with-city>.

understanding instructions.⁹ Acute mental health distress can present as non-cooperation, withdrawal, and hostility, behaviors that, absent appropriate training, are easily construed as resistance.¹⁰ This information is needed in the Proposed Policy so that officers can modify their use-of-force evaluations accordingly. Individuals with mental illness are disproportionately subject to the use of force by law enforcement. Research indicates that approximately one in four people with a mental health condition has been arrested at some point in their lifetime.¹¹ In New York City and Baltimore, those with serious mental illnesses are more likely than those without to be involved in violent incidents with the police.¹² Moreover, individuals who show signs of mental illness during police interactions face a mortality rate seven times higher than those who do not display such signs.¹³ The rates of contact between police and those with mental illnesses are correlated with other factors, including homelessness, substance use problems, gender, and race.¹⁴

In its section on de-escalation tactics, the Proposed Policy should also specifically reference the use of crisis intervention teams to respond to calls with individuals appearing to suffer from a mental health crisis. The use of crisis intervention teams is the safest method for both the individual and law enforcement officers. Police officers who serve on these teams undergo training to recognize the symptoms of mental health conditions, interact with people who have suffered from mental health crises, and engage in role-playing that helps foster de-escalation skills.¹⁵ The Proposed Policy should advise the use of crisis intervention teams in de-escalation tactics and should consider including this specialized training in its annual in-service training.¹⁶ During the annual use-of-force training, mental health education should be incorporated to help officers better understand how to include this in their evaluation of the use of force. Clearer guidance on recognizing and responding to mental health crises would help reduce misinterpretation of symptoms as resistance or threat. There are currently six crisis intervention teams operational in Massachusetts,¹⁷ and continued statewide implementation could be life-saving for the public and for law enforcement.

⁹ Amy Kerr et al., *Police Encounters, Mental Illness and Injury: An Exploratory Investigation*, 10 J. POLICE CRISIS NEGOT. 116, 119 (2010), <https://pmc.ncbi.nlm.nih.gov/articles/PMC2991059/>.

¹⁰ *Id.*

¹¹ JAMES, *supra* note 7, at 1 (citing David Livingston, *Contact Between the Police and People with Mental Disorders: A Review of Rates*, 67 PSYCH. SERVS. 850, 852 (2016), https://psychiatryonline.org/doi/10.1176/appi.ps.201500312?url_ver=Z39.88-2003&rfr_id=ori:rid:crossref.org&rfr_dat=cr_pub%20%200pubmed).

¹² JAMES, *supra* note 7, at 1 (citing Hyun-Jin Jun et al., *Police Violence Among Adults Diagnosed with Mental Disorders*, 45 HEALTH & SOC. WORK 81, 81 (2020), <https://pubmed.ncbi.nlm.nih.gov/32393967/>).

¹³ JAMES, *supra* note 7, at 1 (citing Amam Saleh et al., *Deaths of People with Mental Illness During Interactions with Law Enforcement*, 58 INT'L J. L. & PSYCH. 114, 114 (2018), <https://www.sciencedirect.com/science/article/pii/S0160252717301954>).

¹⁴ Livingston, *supra* note 13, at 854.

¹⁵ JAMES, *supra* note 7, at 5.

¹⁶ POST, *supra* note 3, at 16–17.

¹⁷ *JDP & CIT Programs Statewide*, MASS. DEP'T. MENTAL HEALTH, <https://www.mass.gov/info-details/jdp-cit-programs-statewide#crisis-intervention-teams-cit--cit-training-and-technical-assistance-centers-cit-ttac> (last visited Feb. 25, 2026).

II. How Implicit Bias Influences Law Enforcement Decision-Making

In addition to strengthening guidance related to mental health, the Proposed Policy should more clearly recognize and address the role of implicit bias throughout its provisions governing officer decision-making and use-of-force evaluations. POST and MPTC should include a dedicated section on implicit bias that provides a clear definition and discusses the key concepts outlined below.

The Proposed Policy should define “implicit bias” as “a negative attitude, of which one is not consciously aware, against a specific social group.”¹⁸ It should also highlight that such biases shape perception and judgment, potentially influencing enforcement outcomes even absent intentional discrimination. The Proposed Policy should explain that use-of-force encounters typically occur under conditions marked by time pressure, distraction, cognitive load, and highly sensitive emotions, including fear and anger.¹⁹ In these circumstances, officers must make rapid assessments while operating under significant cognitive demands. Research demonstrates that when cognitive demands are high, individuals are more likely to rely on mental shortcuts such as stereotyping.²⁰ This is the exact type of work that policing focuses on—reading “ambiguous” behavior and deciding whether to take action—and implicit biases must be understood in this context.

For example, officers may have to make split-second decisions about whether to use force based on their assessment of someone's level of aggression or hostility. This assessment is also highly influenced by implicit bias—with many people automatically, and unconsciously, associating Black men with “aggressive” and “violent” tendencies.²¹ Without explicit acknowledgement of implicit bias, these unconscious associations may influence threat perception and contribute to the well-documented disproportionate use of force against Black individuals and other marginalized communities.

Further, in its training section, the Proposed Policy should include implicit bias training.²² Training is important and effective when mitigating implicit bias in policing. The Implicit Association Test, a common tool that yields a bias score, can be used in training officers to help them understand the implicit biases they hold.²³ Such training should emphasize slowing down,

¹⁸ *Implicit Bias*, AM. PSYCH. ASSOC., <https://www.apa.org/topics/implicit-bias> (last visited Feb. 25, 2026).

¹⁹ Jack Glaser, *Disrupting the Effects of Implicit Bias: The Case of Discretion & Policing*, 153 DAEDALUS 151, 165 (2024), <https://www.amacad.org/publication/daedalus/disrupting-effects-implicit-bias-case-discretion-policing>.

²⁰ Katherine Spencer et al., *Implicit Bias and Policing*, 10 SOC. & PERSONALITY PSYCH. COMPASS 50, 52 (2016), <https://gspp.berkeley.edu/assets/uploads/research/pdf/SpencerCharbonneauGlaser.Compass.2016.pdf>.

²¹ *Id.* at 54.

²² POST, *supra* note 3, at 16–17.

²³ Glaser, *supra* note 21, at 153–54.

maintaining distance, and seeking cover to reduce opportunities for the use of force.²⁴ These tactics also help mitigate unconscious biases that may fuel split-second decisions to use force.

An additional method to mitigate the effects of implicit bias is to provide clearer guidance on what constitutes “reasonable” in use-of-force determinations. At present, determinations of when the use of force is necessary or appropriate can remain extremely subjective. The Proposed Policy states that force is authorized when “necessary, proportionate [and] objectively reasonable,” without much exploration of how those terms are defined. While the Proposed Policy includes important restrictions,²⁵ it would benefit from concrete examples illustrating how reasonableness should be evaluated in practice. Providing scenario-based examples would help officers better understand how to assess threat, resistance, and proportionality. Research on discretionary policing decisions demonstrates that when standards are vague, implicit biases are more likely to influence decisions, leading to greater racial disparities.²⁶

Other methods to mitigate implicit bias include engaging in non-negative contact with “out-group members,” exposure to counter-stereotypic stimuli, and practicing stereotype negation.²⁷ At the agency level, training officers on concepts such as racial bias and cultural competence is a step in the right direction.²⁸

III. Conclusion

The Proposed Policy is an important step forward in policing, but could be improved by emphasizing mental health and implicit bias. Thank you for the opportunity to comment on this important matter.

Respectfully submitted,

Nicole Celis
Mirian Albert, Esq.
Sophia Hall, Esq.
Iván Espinoza-Madrigal, Esq.
LAWYERS FOR CIVIL RIGHTS

²⁴ *Id.* at 166.

²⁵ POST, *supra* note 3, at 8.

²⁶ Glaser, *supra* note 21, at 161.

²⁷ Spencer, *supra* note 22, at 55–56.

²⁸ *Id.* at 58.



Mass Alliance Against Predatory Lending

www.maapl.info

March 2, 2026

Massachusetts Peace Officer Standards and Training (POST) Commission
84 State Street, 2nd Floor
Boston, MA 02109.

Dear POST Commission,

First, apologies for the rushed nature of the feedback on the regulations. Unfortunately, we were only told about the 5 PM deadline today and the promulgation of the regulations at 10 AM this morning. We submit as close to 5pm as possible and TRUST that these will be accepted. (FYI, the Commission is reminded we asked to be on its notification list)

Most critically, the regulations need to reflect critical wording and requirements in Chapter 253 of the Acts of 2020. Specifically, the act identifies both “excessive” and, separately, “prohibited” use of force. A definition of prohibited use of force is critical. It may be overlapping or the same as excessive use in certain circumstances, but in other circumstances, it is, itself, a separate violation.

Second, the emphasis in Chap. 253 on “bias free” policing and recognition by the MPTC of the need for cultural competency is not reflected in the definitions. A short hand is referenced in the training list and appears belatedly in review criteria for a use of force incident, without the necessary, full range of training in bias free policing/cultural competency. These needs also, it appears, to be in the definitions and should reflect applicable Attorney General profiling standards (in Chap. 253) and criminal statutory requirements of avoiding assault and battery as intimidation, Ch. 265 §39.

The commitment to not having commissioned officers witnessing violations of the Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth, regardless of whether they are members of the same “agency” or not, is missing. Yet, it is required intervention in the misuse of force which could have saved George Floyd’s life and as the entire purpose of this enactment.

Additional proposed changes also included in the attached.

Yours, with hope and appreciation,

A handwritten signature in blue ink, appearing to read "Grace C Ross". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Grace C Ross

Coordinator Mass Alliance Against Predatory Lending
(617) 291-5591 (text) 774-239-3640 (calls)

Mass. Alliance Against Predatory Lending proposed changes (apologies but we could not get an editable version to redline...). Proposed changes in red

II. POLICY

1. ...bodily integrity of all individuals **equally**.
2. ...
3. ...services to the community **especially historically vulnerable populations**.

Additional needed:

III. Definitions:

Prohibited force: Force that is not authorized by statute or regulation or order by Agency authorized to order such as by those appearing to be Officers of the Peace but are not or lack Commission-required training and certification. Or Force which otherwise lawful (such as in violation of orders such as court authorized order or in violation of other statutes or fundamental rights to self defense.)

Bias-free policing includes policing decisions made by and conduct of law enforcement officers that shall not consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level. This definition shall include policing decisions made by or conduct of law enforcement officers that: (1) are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or (2) consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level because such factors are an element of a crime. It also includes avoidance of "racial or other profiling" meaning differential treatment by a law enforcement officer based on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, gender, gender identity or sexual orientation in conducting a law enforcement action, whether intentional or evidenced by a statistical pattern. Nor can use of force be a commission of assault or a battery upon a person or damaging the real or personal property of a person with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, gender identity, or disability. Special attention shall be made to determine if a person is deaf or hard of hearing and must use sign language to communicate to avoid other misinterpretation of the intent of their hand movements nor allow them to be cuffed so they cannot communicate.

Cultural competency shall include not only sensitivity to language or cultural differences including in style and communication but also address implicit bias and the legacy of policing on vulnerable populations and communities which have historically experienced disparate treatment.

B.4.inhumane, **intimidating** or degrading treatment.

I. 1.

... attempting to use force, including deadly **or prohibited** force, beyond that...regardless of the rank of the officer **or what Agency the officer so observed is employed by**, unless...

3. Officers and other agency personnel who observe an officer **from any agency or an apparently independent Officer of the Peace** or other agency personnel engaged in abuse ,meaning excessive **or prohibited** force...
4. a. ... stop an excessive **or prohibited** force incident;
- b. ... witnessed excessive **or prohibited** force incident; or

Add 5.c. The use of any weapon by a nonsworn agency personnel in an official capacity shall be reported in the same manner as any use of force incident would require. Further, it shall include a specific determination if it was prohibited.

Add L. 8. In each of the above circumstances, if a weapon is permitted or obtained by an unsworn personnel, it shall be noted, and whether there was a separate authorizing order and by whom for what purpose.

Add after N.4:

- a. Report shall include if any deescalation or less-lethal force was attempted.
- b. If at a mass. demonstration was agency or officer notified in advance, how far in advance, what communication what discussion of logistical plans was attempted or occurred.

N.6. Any officer who has a duty to intervene or observes an officer **from any agency or an apparently independent Officer of the Peace** or other agency personnel engaged in abuse...

O.2.b. Any officer who has a duty to intervene or observes an officer **from any agency or an apparently independent Officer of the Peace** or other agency personnel engaged in abuse...

O.4.e.vii. ...known or perceived mental or physical disability or **national origin outside of the United States, sexual orientation or gender identity** of individuals involved.

From: [Lee, Annie \(PST\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: RE: Model Use of Force Policy - NEWBURY PD FEEDBACK
Date: Tuesday, March 3, 2026 4:00:35 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

From: Patty Fisher <p.fisher@newburypolice.com>
Sent: Thursday, February 26, 2026 10:24 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: Model Use of Force Policy - NEWBURY PD FEEDBACK

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Thank you for the opportunity to provide feedback to the proposed Model Use of Force Policy. Below you will find my concerns / suggestions.

- The word “necessary” is in the document approximately 20 times yet you don’t seem to offer a definition or explanation for the word. Question, why are you proposing a deviation from “objectively reasonable”, a term that has a definition and legal standing in *Gram vs Connor*. When the CMR’s use the word necessary, they expound upon what necessary means in the context of the sentence... such as ... “necessary to prevent imminent harm to a person” or “necessary and proportionate to: (a) effect the lawful arrest or detention of a person; (b) prevent the escape from custody; (c) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or (d) defend against an individual who initiates force against an officer.” etc. If you insist on using the word necessary, please look to the CMR’s as an example of how to use the word necessary as to keep policy clear for all involved and those critiquing in a legal setting. <https://www.mass.gov/doc/550-cmr-6-use-of-force-by-law-enforcement-officers/download>

- Page 11, J(2)... please define “weapon”.. does this include baton, pepper spray, anything other than hands?

From: [Dennis Galvin](#)
To: [Lee, Annie \(PST\)](#)
Subject: USE OF FORCE STANDARDS CRITIQUE MAPLE
Date: Saturday, February 28, 2026 1:18:12 PM
Attachments: [MAPLE 022826 UOF COMMENTS.doc](#)
[MAPLE 022826 UOF CHANGES REC.doc](#)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Greetings Director Lee,

Attached please find the comments and critique of the pending Use of Force Standard.

All 45 members of MAPLE have had the opportunity to review this. The comments are reflected in the documents below. The documents are as follows (1) itemization of the critique (2) suggested changes to the draft. If we can be of further assistance please do not hesitate to contact us. Good luck in this important endeavor.

Best regards

Dennis Galvin
President
MAPLE
978-846-2635



MASSACHUSETTS ASSOCIATION
For
PROFESSIONAL LAW ENFORCEMENT
P.O. Box 323 Westford MA 01886

www.maple-online.com 978-846-2635 galsix90@aol.com

Date: February 27, 2026

To: Annie Lee
Certification Director,
Massachusetts POST Commission

From Dennis Galvin
President
Massachusetts Association for
Professional Law Enforcement

Subject Commentary; Pending Certification Standard

Reference Use of Force Standard:
Comment Deadline: March 2, 2026

I. INTRODUCTION:

Following a careful review of the draft certification standard regarding “Use of Force”, MAPLE finds, that as currently written, the proposed standard generally reflects standards and practices, that are widely accepted with regard to the regulation and control of use of force incidents involving the police. However, there are some significant exceptions that we would like to address. The following comments are submitted for your review and consideration.

II. Itemized Commentary Section:

1. Reference: Section IV Procedures, Clause A, Sentence 1: We recommend that you insert the following: “Police Officers have an affirmative duty to take such actions that are lawful, authorized and reasonable, to protect and defend persons from violent attack.” The rationale behind this comment is to clearly reaffirm that officers are expected to attempt to interdict incidents involving active shooters and that all government agencies must make that expectation clear. Needless to say, police officers must be trained to meet that contingency. There is a redundant emphasis throughout this standard that emphasizes de-escalation. This is appropriate but its’ emphasis is so prominent, that we believe a statement reaffirming a police officer’s primary duty to protect, must also be included to give this standard its’ proper balance. A reference to active shooter situations must be explicit. We would recommend the following be added: “In an active shooter situation, the first priority of responding officers is to locate and terminate the threat. Officers may need to make immediate tactical decisions to save lives, which could unintentionally endanger bystanders. However, so long as the officer(s) actions are consistent with training and do not recklessly endanger the public, the priority must remain to stop the shooter as soon as possible.”

2. Reference Section IV Procedures, Clause E, Section 1, subtopic “b”: This section makes references to the use of barriers linking them to de-escalation. MAPLE finds this reference confusing and improper. The reference to barriers interjects tactical expectations into the standard. The standard of de-escalation is clearly stated throughout the section as is the standard requiring proportionality. It is abundantly clear that use of force justification involves a

consideration of the totality of circumstances and that de-escalation where feasible is required. Adding a reference to barriers is a step toward micro-managing deadly encounters. Neither the commission nor any police authority is in a position to do that. This wording interjects a factor into the use of force evaluation that in our judgement could: (1) result in an officer hesitating when confronted with having to stop a threat involving death or serious injury and (2) could distract from an overall fair and objective evaluation of the facts. Cover and concealment are factors to be considered, but on a case by case basis. They should not be memorialized in a standard.

3. Reference Section IV Procedures, Clause F, Section 2: This section addresses prohibited actions, that are applied to police officers with regard to their use of force. Section 2 reiterates the prohibition against chokeholds. MAPLE urges a re-consideration of this prohibition in one very specific instance. To impose a total ban on chokeholds as a use of force option, under circumstance, where an officer or another is in danger of death or serious injury is not reasonable. If an officer is engaged in a physical confrontation alone with a subject, and there is a fear of death, or serious bodily injury, the officer should not be prohibited from applying a choke hold to ensure his/her own survival. A chokehold should be regarded as a lethal force option on the same level as the use of a firearm. We recommend that this exception be allowed and be made explicitly clear.

4. Reference Section IV Procedures, Clause G, Paragraph 1: This section addresses the issue of use of force involving crowd control situations. This entire section appears to place the full onus on the police to prevent an escalation of violence. This reflects assumptions of police crowd control responsibilities that are neither fair nor realistic. There are many violent groups and individuals, who are in the business of hijacking demonstrations for the purpose of turning them into violent encounters. We recommend that you interject after the paragraph 1 the following: "However, when conditions present themselves that reflect those constituting an unlawful assembly as described in MGL 269 Section 1, it is the responsibility of the police to restore public order and to prevent the spread of violent activity." This addition will make the standard much more balanced and appropriate.

5. Reference Section IV Procedures, Clause G, Section 2: This section outlines police responsibilities with regard to civil demonstrations. It details planning considerations that are appropriate and necessary to ensure orderly conduct. However, MAPLE finds this section lacks one important element. Demonstration organizers should be informed of the provisions of MGL Chapter 269 Section 1. A copy of that law should be given to them. This section describes in detail, what constitutes an unlawful assembly. All persons engaged in planning demonstrations should be made aware of this law in advance of any planned demonstration.

6. Reference Section IV Procedures, Clause G, Section 3, Sentence "b": MAPLE Recommends that the reference to "(b) measure used are necessary to prevent imminent harm" be more specific. Harm to whom ?

7. Reference Section IV Procedures, Clause G Section 4: The issue of "kettling" is a new concept and the purpose of its inclusion into this standard is unclear. It has been long standing practice by police agencies to allow for avenues of egress for people, when the decision is made to disperse a crowd. If "kettling" seeks to reiterate that practice than MAPLE is in agreement. However, we believe that it needs to be modified to be more explicit and it should include the following statement: "kettling does not include the pursuit and apprehension of individuals engaging in violent actions by the police, who have interspersed themselves within a crowd."

8. Reference Section IV Procedures, Clause I Section 1: This issue creates an affirmative duty on the part of police officers to intervene when an "objectively unreasonable" application of force is observed. The preservation of unit discipline and trust among officers during crowd control operations, which is essential for ensuring an orderly response, requires that this obligation be further defined. When agency mobilizations are required, it is supervisors who have the primary obligation to maintain order and control among the officers under their guidance. The

“duty to intervene” within the mobilization context could actually weaken the chain of control, allowing officers of various experience and ranks in an ad hoc manner to interfere and disrupt that control. Because of this risk, the standard for intervention must be further defined. MAPLE offers the following: “officer intervention must be predicated upon observed conduct, that objectively contradicts, or grossly departs from standard and authorized methods and techniques as are authorized by the agency.”

9. Reference Section IV Procedures: Clause J Officer Involved Injury or Death, section

It is recommended the reporting responsibility to the District Attorney be specified. Our recommendation is that the Chief Executive Officer of the agency or designee make the notification.

10. Reference Section IV Procedures, Clause entitled Weapons, Section 4: This section is very confusing. MAPLE urges that the wording be simplified to read: “sworn officers are authorized to carry and use only those weapons approved by the Chief Executive Officer of their agency and for which they have been trained and certified in their use.”

11. Reference:” Section IV Procedures, Clause 6. Entitled Security, Storage and Handling of Weapons” paragraph c: MAPLE recommends that the following wording be added: “in a locked cabinet with the key retained by the officer until the weapons is retrieved.”

12. Reference: Section IV Procedures, Clause 6 Entitled Security, Storage and Safe Handling of Weapons paragraph “e”. MAPLE recommends that the following wording be added to this sentence: “The circumstances surrounding the loss of a service weapon issued to a police officer shall be investigated by the Chief Executive Officer of the agency or his/her designee.”

13. Reference: Section IV Procedures. Clause 7 Weapons Restrictions, paragraph “d”. This is a very problematic and confusing section, which would appear to be predicated upon the Minneapolis shooting of a motorist by an ICE agent. Our recommendation is to strike sections (i),(ii), (iii), (iv). Each of these sections attempts to establish tactical conditions in anticipation of a future action. This is a fatal error in the establishment of standards. Each situation under this section will inevitably involve an infinite number of contingencies and factors which it is impossible to anticipate. Such an attempt to micro define the conditions runs the risk of placing persons, who are acting completely in good faith in danger of running afoul of a provision that the POST commission may not have even intended. The general intent of the use of a firearm with regards to vehicles is well stated in the body of this section. Do not attempt to define it further. Leave this to fact finding and adjudication.

14: Reference Section IV Procedures, Clause 7 Weapons Restrictions, paragraph “g”. This provision addresses a very critical and relevant issue, that of police officers being armed while intoxicated. MAPLE would recommend the following modifications. After the first sentence, insert the phrase “without the authorization of the Chief Executive Officer of the agency”. The reason for this qualification is that officers engaged in undercover work, are often required to pursue leads and witnesses in barrooms. Barrooms are often the venue, where criminal planning and organizing occur. Officers must have the ability to partake in alcoholic beverages and it is the responsibility of the appointing agency, through its supervision, to ascertain if the officer is placed at risk of impairment. However, we also urge that a third sentence be added to this section: “all incidents involving the possession or use of a firearm involving both on and off duty police officers, where intoxication or substance abuse is suspected must be investigated by the Chief Executive Officer of the agency or designee. Reports of such incidents should be reviewed by the Mass POST commission to determine the officer’s fitness for duty.”

15: Reference Section IV. Clause M Training and Qualifications, Paragraph 12.

This references the issuance of weapons but does not specify who is responsible for issuing the weapons.

16: Reference Section IV Procedures, Clause 7 Weapons Restrictions, paragraph "L":

MAPLE recommends that the following sentence be added after section 1: "All modifications to issued service weapons, performed by outside vendors, must be reported to the agency armorer, who shall inspect all modifications and certify that they are approved by the Chief Executive Officer of the agency.". The following sentence should be added after the first sentence in section 6: "and reported to the armorer".

III. Other General Comments:

1. There should be a provision that requires an immediate request for a supervisor to respond to a use of force incident as soon as possible. This may be difficult, but a supervisor should at least be made aware of the UOF incident as soon as possible.
2. The inclusion of barriers does not belong in the use of force standard.
3. It should be stated in the policy that specialized units should be contacted in violent situations as soon as possible.
4. There is a question as to whether specific crowd control requirements should be entered into the use of force policy at all. The policy should be able to stand alone and be broad enough to extend to all contingencies without having to specify them.
5. There is no mention of body cameras. There should be a reference that officers must follow policies with regard to their use and that when officers encounter any incident where the potential for violence becomes apparent, the cameras should be activated.

Respectfully submitted

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PROPOSED POST USE OF FORCE POLICY

PURPOSE:

To establish [insert agency name] guidelines and limitations concerning the use of force.

II. POLICY;

1. The [insert agency name] values the sanctity of life and bodily integrity of all individuals. The [insert agency name] prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the [insert agency name] and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased.
2. Officers shall seek to de-escalate and gain the voluntary compliance of individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.
3. There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:
 - a. Agency discipline, up to and including termination;
 - b. Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
 - c. Criminal prosecution; and/or. Civil liability.

III. DEFINITIONS :

Agency: the [insert agency name].

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who are authorized by the agency to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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 with the result of causing bodily injury, unconsciousness, or death.

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

Deadly or Lethal Force: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03 physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½ (a), to address a potential medical or mental health crisis. Deescalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children (2021

Dog: As defined in 555 CMR 6.03, a K-9, canine or police dog.

Electronic Control Weapon: (ECW)/Conducted Energy Devices (CEDs): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, "force" includes:

1. Any physical strike or attempted strike;
 2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
 3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
 4. Pointing a firearm, ECW, or chemical weapon at an individual; and
 5. Deployment of a police dog
- resulting in contact. "Force" does not include physically escorting or handcuffing an individual who offers minimal of "Force" does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Chief Executive Officer. MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116.

Non-Deadly or Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in:

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain an individual by causing pain. This shall not include oleoresin capsicum (OC) spray.

Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC or a form approved by the Chief Executive Officer that collects at a minimum the information collected on the form approved by the Commission and the MPTC.

IV. PROCEDURES:

The use of force is authorized only when it is necessary, proportionate, objectively reasonable and for a lawful purpose. The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and dynamic and rapidly evolving about the amount of force that is necessary, proportionate and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Accordingly, the agency will thoroughly document, review, and investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

A. General:

1. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter. *Police officers have an affirmative duty to take such actions that are lawful, authorized and reasonable, to protect and defend persons from attack.*

2. Whenever possible, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.

3. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer should consider modifying their deescalation tactics and techniques.

4. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.

5. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, summoning a [insert different response model available to agency e.g., co-response, alternative response, peer response, crisis intervention team, etc.], seeking assistance from a mental health professional, and/or calling in specialized units in order to reduce the need for force and increase safety. Officers shall document when such efforts were attempted or were not feasible.

6. Any force used shall be necessary, proportionate, and objectively reasonable in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

7. In response to an active shooter situation, the first priority of the responding officer is to locate and terminate the threat. Officers will be required to make immediate tactical decisions to save lives. Innocent bystanders could possibly be unintentionally endangered. However, so long as the officer's actions are consistent with training and do not recklessly disregard the safety of the public, the priority must remain stopping the active shooter as soon as possible.

B. Use of Force Authorization and Limitations

1 Officers are only authorized to use the amount of force that is necessary, proportionate, and objectively reasonable to accomplish lawful objectives.

2. An officer shall not use 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 and proportionate to:

- a. Effect the lawful arrest or detention of an individual;
- b. Prevent the escape of an individual from custody;
- c. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
- d. Defend against an individual who initiates force against an officer.

3. The authorized use of force ends when resistance ceases or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.

4. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

C. Verbal Warning :

When tactically feasible, officers will identify themselves as [police, law enforcement] and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal commands before resorting to force. A verbal warning is not required where the officer must make a split-second decision or if the officer has an objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted or were not feasible.

D. Use of Non-Deadly or Less-Lethal Force

1. Officers shall use only the amount of force necessary, proportionate, and objectively reasonable to overcome resistance or accomplish the lawful police objective. Non-deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.

2. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.

3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force. 4. Use of force does include the pointing of a firearm, ECW, CED, or chemical weapon at an individual and the use of OC spray on or directed toward an individual. 5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

E. Use of Deadly or Lethal Force

1. A law enforcement officer shall not use deadly force upon a person, unless deescalation 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 an individual and the amount of force used is proportionate to the threat of imminent harm, and

- a. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;
- b. The officer attempts as many de-escalation tactics that are feasible under the circumstances, *(delete) including utilizing barriers where feasible; and ?*
- c. The officer uses only the amount of force that is objectively reasonable.

2. Unconventional Weapons:

In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., flashlight, radio, or other equipment) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

3. Deadly Force Restrictions. Immediacy of the Threat Required:

- a. An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.
- b. Suicidal Individuals An officer may not use deadly force against an individual who poses a danger only to themselves.

F. Use of Force Restrictions

1. Sitting, Kneeling, or Standing on An Individual Except to temporarily gain, regain or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head.

2. Oxygen and Blood Flow An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable. **Nothing in this section shall be construed as limiting the right of a police officer to employ a choke hold, when he/she is engaged alone in a physical altercation and is in fear of life or serious bodily injury.**

3. Restrained Individuals Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

4. Chokeholds Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck.

G. Mass Demonstrations and Crowd Management

1. It is the policy of this agency to respect the constitutional rights of individuals engaged in lawful demonstrations, to avoid unnecessary conflict, and to attempt to de-escalate potential conflicts whenever feasible. ***However, when conditions present themselves, that reflect those constituting an unlawful assembly as described in MGL 269 Section 1, it is the responsibility of the agency to restore public order and to prevent the spread of violence.***

2. Pre-Planning: When the agency has advance knowledge of a planned mass demonstration within the agency's jurisdiction, the Chief Executive Officer shall designate an officer in charge of de-escalation planning and communication. The designated officer in charge shall diligently attempt in good faith to:

- a. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants; and
- b. Discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants and ensure that participants are able to safely exercise their rights under the First Amendment and the Massachusetts Declaration of Rights.
- c. A copy of MGL Chapter 269 Section 1 will be provided and explained.**

3. Use of Weapons and Canines When engaged in mass demonstration events, officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence an individual's behavior unless:

- a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances;
- b. The measures used are necessary to prevent imminent harm. ***To whom ?***
- c. The foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets, or dog is proportionate to the threat of imminent harm.

4. Restrictions

a. Canines shall not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilians.

b. Kettling The use of kettling as a means of crowd control, crowd management, or crowd restraint is prohibited. *Kettling does not include the pursuit and apprehension of individuals engaging in violent actions by the police, who have deliberately and willfully interspersed themselves within a crowd.*

H. Providing Medical Aid

1. Officers shall always provide an appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.
2. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care.
3. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less lethal force options. If treatment is offered and refused, the refusal shall be documented. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

I. Duty to Intervene:

1. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual. *Any intervention by an officer must be predicated upon observed conduct, that objectively contradicts or grossly departs from the standard methods and techniques that are authorized by the agency.*
2. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
3. Officers and other agency personnel who observe an officer or other agency personnel engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor.
4. Any harassment, intimidation, or retaliation against any officer or other agency personnel who:
 - a. Intervened or attempted to intervene to prevent or stop an excessive force incident;
 - b. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
 - c. Provided information or testimony to any investigating entity inside or outside the agency is prohibited. Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

J. Response to Officer-Involved Injury or Death:

1. Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee.
2. If the use of force involved a weapon, the Chief Executive Officer [or insert designee] shall secure the

weapon or weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.

3 Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee. If the use of force involved a weapon, the Chief Executive Officer [or insert designee] shall secure the weapon or weapons used for examination and maintain the appropriate evidentiary chain of custody protocols. Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office. **Who makes the Report ?**

Weapons :

1. Officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41, § 98, for example, permits officers to carry weapons as authorized by the Chief Executive Officer of the agency. While no law addresses the possession and use of other weapons by officers, the Chief Executive Officer of the agency may both authorize and regulate such activities. 12 DRAFT 2.10.26

2. Only authorized agency personnel may carry or use weapons in the performance of their designated duties. Authorization must be documented and approved by the Chief Executive Officer or their designee. Authorization is contingent upon successful completion of all training, certification, and proficiency requirements. The Chief Executive Officer may revoke or suspend authorization at any time.

3. Only weapons and ammunition authorized by the agency may be used by authorized agency personnel in the performance of their designated duties.

4. Sworn Officers are authorized to carry and use the following weapon(s) in the performance of their duties, subject to this Use of Force policy and applicable restrictions: a. Firearms (pursuant to M.G.L. c. 41, § 98); b. [for each weapon officers are authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon; and any restrictions on the use of the weapon not previously addressed in the use of force policy. **Replace whole section with: Sworn Officers are authorized to carry and use only those weapons approved by the Chief Executive Officer of their agency and for which they have been trained and certified to use.**

5. Non-sworn agency personnel [if applicable] a. Non-sworn agency personnel may be authorized to carry specified weapons when expressly approved by the Chief Executive Officer and consistent with applicable law. Non-sworn agency personnel authorized to carry weapons must adhere to all provisions of this Use of Force policy as if they were sworn officers, including training, certification, and reporting requirements. b. The following non-sworn agency positions are authorized to carry the weapons listed: i. [Insert position title]: A [insert position title] is authorized to carry the following weapons: A. [for each weapon the position is authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon, and any restrictions on the use of the weapon not previously addressed in the use of force policy.]

6. Security, Storage, and Safe Handling of Weapons

a. Authorized agency personnel shall be trained in accordance with agency guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than authorized agency personnel shall be permitted access to any agency-owned firearm or any other agency-owned weapon, with the exception of: police officers from other jurisdictions in the official performance of their duties; licensed individuals performing repairs or maintenance as approved by the agency; or other circumstances with the express permission of the Chief Executive Officer.

b. Authorized agency personnel shall secure and store firearms and other weapons, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm or

weapon. All agency firearms kept at home must be secured in a safe place inaccessible to family members and others, especially children, and conform with the requirements of M.G.L c. 140, § 131L.

c. Whenever an authorized agency personnel is at an agency facility and removes their handgun or other weapon, the item must be secured *in a locked cabinet with the key retained by the officer until the weapon is retrieved*, so that it is not readily accessible to unauthorized individuals.

d. Authorized agency personnel shall not leave firearms or other weapons unsecured in vehicles, lockers, offices, or any other place where unauthorized access may occur.

e. Any loss or theft of a firearm or other agency weapon shall be immediately reported to the authorized agency personnel's supervisor. *The circumstances surrounding the loss of a service weapon issued to an office shall be investigated by the Chief Executive Officer of the agency or his/her designee.*

7. Weapons Restrictions

a. Warning Shots Prohibited: Officers are prohibited from discharging their firearms as a means of warning, intimidating, or frightening an individual.

b. Pointing Weapons:

- (i) Officers are prohibited from pointing their firearms at or in the direction of an individual absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy.
- (ii) Pointing a firearm or ECW/CED may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.
- (iii) When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.
- (iv) Pointing a firearm or an ECW/CED at an individual and using OC spray on an individual or directed toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on an individual and explain the justification.

c. Surroundings Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.

d. Discharging Firearms into Moving Motor Vehicles: An officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

- i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle; **Delete**
- ii. Officers 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 at close proximity while dismounted); **Delete**
- iii. The officer is not firing strictly to disable the vehicle; and **Delete**
- iv. The circumstances provide a high probability of stopping or striking the intended target. **Delete**

Sections (i), (ii), (iii) (iv) Should all be deleted

e. Use of Weapons Against Animals

i. Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer or to the public. When time and circumstances reasonably

permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force. ii. Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

f. Use of Agency Weapons for Training and Other Purposes:

Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Chief Executive Officer to participate in law enforcement competition events or ceremonial events.

g. Use of Firearms or Weapons While Under the Influence of Alcohol and/or Controlled Substances Prohibited:

Officers shall not carry or use any firearms or weapons on- or off-duty while consuming or under the influence of alcohol or controlled substances *without the authorization of the Chief Executive Officer of The Agency.* Officers shall not carry or use any firearms or weapons on- or off-duty while impaired by any condition (medical or otherwise) that negatively impacts judgment, motor skills, or proficiency. *All incidents involving the possession or use of a firearm involving both on and off duty police officers, where intoxication or substance abuse is suspected must be investigated by the Chief Executive Officer or designee. Reports of such incidents should be reviewed by the Mass POST Commission to determine the officer's fitness for duty.*

L. Maintenance and Accountability for Weapons

1. The [insert designated agency position responsible for armorer duties] shall maintain a list of all authorized weapons and ammunition that shall be made available to officers and authorized agency personnel. The [insert designated agency position responsible for armorer duties] shall also maintain inventory reports for all weapons authorized by the agency and update inventories at least annually to include the location of all firearms [list other weapons to be inventoried as needed]. *All modifications performed by outside vendors must be reported to the agency armorer, who shall inspect all modifications and certify that they are approved by the Chief Executive Officer of the agency.*
2. The [insert designated agency position responsible for armorer duties] shall maintain a record on each weapon, lethal and less-lethal, authorized for use by the agency. Such record shall include:
 - a. Serial number, if applicable;
 - b. Weapon description;
 - c. Date of issuance. Officer receiving weapon;
 - e. Maintenance/repair information;
 - f. Date removed from service and reason; and
 - g. Other information as required by the Chief Executive Officer or designee.
3. All weapons shall be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Weapons failing inspection shall not be issued and shall be repaired or replaced before use.
4. At each training session for lethal or less-lethal weapons, the [insert designated agency position responsible for armorer duties] or instructor shall conduct an inspection of all weapons assigned to each officer present and confirm that:
 - a. The weapons are properly assigned to the officer carrying the weapon.
 - b. That the weapons (lethal and less-lethal) are in working order; and
 - c. That inventory records accurately reflect weapons assigned to individual officers.

5. The procedures listed above shall also apply to any weapons, lethal and less-lethal, authorized by the agency for off-duty carry.

6. Whenever an authorized weapon is found to be unsafe or not functioning properly, it shall be immediately turned in or taken out of service by the officer and reported to the armorer. The [insert designated agency position responsible for armorer duties] shall maintain an inventory of replacement firearms and ensure that such firearms are available for issuance when needed.

7. The [insert designated agency position responsible for armorer duties] shall ensure that all agency weapons held in storage are secured to prevent damage, theft, or improper issuance. An access log shall be maintained for all entries into weapon storage areas.

M. Training and Qualifications

1. In addition to annual firearms qualification and sand skills training required by the MPTC and this agency's Firearms Policy XXX, officers shall be properly trained and certified in the use of any less-lethal weapons and control techniques before being authorized to carry or use them. Officers shall only carry and use weapons and control techniques for which they have received agency-authorized training and which are issued and/or approved by the agency.

2. As part of annual in-service training, all officers shall receive training on this agency's use of force policies, reporting requirements, and relevant case law updates.

3. All officers shall complete annual training on all lethal and less-lethal weapons that require annual proficiency training, including ECWs.

4. Weapons without an annual training requirement (e.g., impact weapons, kinetic impact devices, OC spray) shall require requalification at least every two years under a certified instructor.

5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10, including de-escalation, mental health response, responding to mass gatherings, cultural competency, progression of force, and lawful use of force techniques.

6. All training, including remedial training, shall be documented in agency training files.

7. Training and proficiency results for any authorized weapon shall be monitored by an MPTC-certified weapons instructor and documented in the agency training files by the Chief Executive Officer or their designee. Documentation for sworn officers shall also be uploaded into the MPTC Acadis system by the Chief Executive Officer or their designee. Sworn officers must demonstrate proficiency with weapons in compliance with MPTC requirements.

8. Officers who fail to demonstrate the required proficiency with agency-issued weapons shall receive remedial training consistent with MPTC standards and relevant agency policy.

9. Any officer who fails to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.

10. Officers who seek to return to duty after an interruption in service shall first comply with all requirements set forth in 550 CMR 3.04 prior to being authorized to perform police duties and functions.

11. Only officers demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons.

12. All officers, including newly hired and veteran officers being issued a new type of weapon, shall be issued applicable policies and receive proficiency training on the weapons prior to being authorized to carry

such weapons. The issuance, policy receipt, and training shall be documented. *Who specifically Issues The Weapons ?*

N. Use of Force Reporting

1. Any officer who uses force shall complete the Use of Force Reporting Form. Reports shall be completed by the end of the officer's shift/tour of duty unless an extension of time is granted by a supervisor not directly involved in the incident.
2. [Discretionary for Agency under 555 CMR 6.07(3): Discharge of a firearm during training, qualification exercises, or for recreational purposes does not need to be reported.]
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.
4. The pointing of a firearm, ECW, CED, or CW at an individual and the use of OC spray on an individual or directed toward an individual is a use of force that must be reported. Any accidental discharge of a firearm, or any action that results in or is alleged to have resulted in injury or death shall be reported.
5. The agency shall report the following incidents to the National Use of Force Data Collection Database:
 - a. When an officer's actions result in death or serious bodily injury of an individual;
 - b. When an officer discharges a firearm at or in the direction of an individual.
6. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
7. Any harassment, intimidation, or retaliation against any officer or other a6. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
8. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd.
9. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
10. The agency shall report the following incidents to POST:
 - a. Officer-involved injuries or death;
 - b. Excessive force;
 - c. Untruthful statements concerning a material fact regarding a use of force;
 - d. Knowing omission of a material fact regarding a use of force; or
 - e. Any harassment, retaliation, or intimidation of an individual related to a use of force.
11. All Use of Force Reporting Forms shall be retained and maintained by the agency consistent with 555 CMR 12 for [insert length of time consistent with 555 CMR 12]. [For public agencies include the following language: and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.]
12. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

O. Reporting Procedures

1. The agency shall establish a use of force reporting system that allows for the effective review and analysis of all agency use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the agency. Officers shall complete the appropriate reports and the Use of Force Reporting Form whenever they use force, whether deadly or non-deadly.

2. Officer's Responsibilities

- a. When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall:
 - i. Notify a supervisor of the incident as soon as circumstances allow.
 - ii. Complete the Use of Force Reporting Form, which shall list all other officers or employees involved in or witnessing the incident.
 - iii. All Use of Force Reporting Forms must be completed and forwarded to a supervisor not directly involved in the incident by the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
- b. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) 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 agency reporting protocols.
- c. Any officer who utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd shall write a report detailing the facts and circumstances surrounding the use of force, including a detailed justification of why the use of said weapons was objectively reasonable.

3. Supervisor Not Directly Involved in the Use of Force Incident Responsibilities

- a. When a use of force incident involves an officer assigned to patrol, a supervisor not directly involved in the use of force incident or [insert position] has the primary responsibility to make certain that all necessary Use of Force Reporting Forms are properly completed, evidence in the custody of law enforcement is preserved and the report is submitted as required by officers under their command.
- b. The supervisor who performs the initial review of the reporting forms shall identify and report any clear instances of violations of law or agency policy that necessitates immediate action by the reviewing supervisor, including actions related to the officer's fitness for duty or duty status, to [insert the appropriate chain of command level for notification].
- c. The supervisor shall sign the report and forward it to the Chief Executive Officer of the agency or their designees.
- d. If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor shall complete the steps as required in the preceding subsections. Supervisors involved in a use of force incident shall forward the Use of Force Reporting Form to the next level of command not involved in the incident.
- e. In any use of force or incident resulting in death or serious bodily injury, or any firearm discharge at or in the direction of an individual, the on-duty supervisor shall immediately notify the Chief Executive Officer through the chain of command. The officer involved shall be removed from operational assignments pending administrative and potential criminal review.
- f. When an officer reports pursuant to a duty to intervene (see Section I), the on-duty supervisor shall prepare a report and include the observing officer(s)'s detailed written statement describing the incident in that report.

4. Office of the Chief Executive Officer or their Designee for Administrative Review.

- a. the [insert agency designee] shall review the Use of Force Reporting Form in a timely fashion not to exceed [a timeline determined by the agency] to determine:
 - i. Whether the action was consistent with policy, training, and law;
 - ii. Whether further administrative review or investigation is warranted;

- iii. Whether equipment, training, or policy changes should be considered;
- iv. Whether a referral to the District Attorney's Office is appropriate;
- v. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N);
- vi. Whether the incident is required to be reported to the Commission (see Section N).

b. The Chief Executive Officer or their designee for administrative review may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Chief Executive Officer shall be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.

c. Use of force reports that warrant further administrative review or investigation shall be referred to the [insert Chief Executive Officer or the agency position responsible for internal affairs function]. Such review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The [insert Chief Executive Officer or the agency position responsible for internal affairs functions] shall be responsible for the prompt investigation of the matter including the collecting and preserving of evidence consistent with the requirements specified in 555 CMR 13.03(8) and the recommendation of discipline, if appropriate.

d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.

e. The [insert agency designee] shall conduct, at a minimum, annual analyses of all "Use of Force" incidents and complaints and provide a comprehensive report to the Chief Executive Officer. This report, at a minimum, shall document:

- i. Trends in use of force over time;
- ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when that is determined to be the case;
- iii. Recommendations on equipment, training, and/or policy changes, if any;
- iv. The date, time, and circumstances of incidents
- v. The type of force or type of weapons used;
- vi. Types of encounters resulting in use of force;
- vii. The race, age, gender, and any known or perceived mental or physical disability of individuals involved;
- viii. Injuries to individuals, officers, or others;
- ix. Identification of trends or patterns contributing to injury.

f. For purposes of transparency, the [insert agency designee] shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency's website and at the agency for inspection.

g. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity. [For public agencies include the following language: and upon receipt of a public record request under M.G.L. c. 66, § 10.]

From: [POSTCcomments \(PST\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: FW: Model Use of Force Policy
Date: Friday, March 6, 2026 2:14:25 PM

From: Thomas Larkin <tlarkin@tauntonpd.com>
Sent: Friday, March 6, 2026 12:56 PM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: Model Use of Force Policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I have read the draft of the proposed Use of Force Model and my biggest concern is the continual use of the word "Proportionate" throughout the document. I believe the use of this word without including the definition, is much too open and vague. I propose that a similar definition (similar to the one below) is added to the definitions section:

PROPORTIONATE - To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the perceived situation to decide an appropriate level of force to be applied. Reasonable and sound judgement will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat, the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable and necessary to counter it.

I also think it is a mistake not to include the Totality Triangle in this document, as we have in the past.

Respectfully submitted,
Training Officer Thomas Larkin
Taunton Police Dept.
23 Summer St.
Taunton, MA. 02780

PROPOSED POST USE OF FORCE POLICY

PURPOSE:

To establish [insert agency name] guidelines and limitations concerning the use of force.

II. POLICY;

1. The [insert agency name] values the sanctity of life and bodily integrity of all individuals. The [insert agency name] prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the [insert agency name] and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased.
2. Officers shall seek to de-escalate and gain the voluntary compliance of individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.
3. There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:
 - a. Agency discipline, up to and including termination;
 - b. Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
 - c. Criminal prosecution; and/or. Civil liability.

III. DEFINITIONS :

Agency: the [insert agency name].

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who are authorized by the agency to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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 with the result of causing bodily injury, unconsciousness, or death.

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

Deadly or Lethal Force: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03 physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½ (a), to address a potential medical or mental health crisis. Deescalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children (2021

Dog: As defined in 555 CMR 6.03, a K-9, canine or police dog.

Electronic Control Weapon: (ECW)/Conducted Energy Devices (CEDs): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, "force" includes:

1. Any physical strike or attempted strike;
 2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
 3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
 4. Pointing a firearm, ECW, or chemical weapon at an individual; and
 5. Deployment of a police dog
- resulting in contact. "Force" does not include physically escorting or handcuffing an individual who offers minimal of "Force" does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Chief Executive Officer. MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116.

Non-Deadly or Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in:

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain an individual by causing pain. This shall not include oleoresin capsicum (OC) spray.

Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC or a form approved by the Chief Executive Officer that collects at a minimum the information collected on the form approved by the Commission and the MPTC.



IV. PROCEDURES:

The use of force is authorized only when it is necessary, proportionate, objectively reasonable and for a lawful purpose. The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and dynamic and rapidly evolving about the amount of force that is necessary, proportionate and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Accordingly, the agency will thoroughly document, review, and investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

A. General:

1. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter. *Police officers have an affirmative duty to take such actions that are lawful, authorized and reasonable, to protect and defend persons from attack.*

2. Whenever possible, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.

3. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer should consider modifying their deescalation tactics and techniques.

4. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.

5. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, summoning a [insert different response model available to agency e.g., co-response, alternative response, peer response, crisis intervention team, etc.], seeking assistance from a mental health professional, and/or calling in specialized units in order to reduce the need for force and increase safety. Officers shall document when such efforts were attempted or were not feasible.

6. Any force used shall be necessary, proportionate, and objectively reasonable in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

B. Use of Force Authorization and Limitations

1. Officers are only authorized to use the amount of force that is necessary, proportionate, and objectively reasonable to accomplish lawful objectives.

2. An officer shall not use 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 and proportionate to:

- a. Effect the lawful arrest or detention of an individual;
- b. Prevent the escape of an individual from custody;
- c. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
- d. Defend against an individual who initiates force against an officer.

3. The authorized use of force ends when resistance ceases or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.

4. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

C. Verbal Warning :

When tactically feasible, officers will identify themselves as [police, law enforcement] and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal commands before resorting to force. A verbal warning is not required where the officer must make a split-second decision or if the officer has an

objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted or were not feasible.

D. Use of Non-Deadly or Less-Lethal Force

1. Officers shall use only the amount of force necessary, proportionate, and objectively reasonable to overcome resistance or accomplish the lawful police objective. Non-deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.
2. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force.
4. Use of force does include the pointing of a firearm, ECW, CED, or chemical weapon at an individual and the use of OC spray on or directed toward an individual.
5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

E. Use of Deadly or Lethal Force

1. A law enforcement officer shall not use deadly force upon a person, unless deescalation 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 an individual and the amount of force used is proportionate to the threat of imminent harm, and
 - a. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;
 - b. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and ?
 - c. The officer uses only the amount of force that is objectively reasonable.

2. Unconventional Weapons:

In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., flashlight, radio, or other equipment) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

3. Deadly Force Restrictions. Immediacy of the Threat Required:

- a. An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.
- b. Suicidal Individuals An officer may not use deadly force against an individual who poses a danger only to themselves.

F. Use of Force Restrictions

1. Sitting, Kneeling, or Standing on An Individual Except to temporarily gain, regain or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's

chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head.

2. Oxygen and Blood Flow An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable. **Nothing in this section shall be construed as limiting the right of a police officer to employ a choke hold, when he/she is engaged alone in a physical altercation is in fear of life or serious bodily injury.**

3. Restrained Individuals Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

4. Chokeholds Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck.

G. Mass Demonstrations and Crowd Management

1. It is the policy of this agency to respect the constitutional rights of individuals engaged in lawful demonstrations, to avoid unnecessary conflict, and to attempt to de-escalate potential conflicts whenever feasible. ***However, when conditions present themselves, that reflect those constituting an unlawful assembly as described in MGL 269 Section 1, it is the responsibility of the agency to restore public order and to prevent the spread of violence.***

2. Pre-Planning: When the agency has advance knowledge of a planned mass demonstration within the agency's jurisdiction, the Chief Executive Officer shall designate an officer in charge of de-escalation planning and communication. The designated officer in charge shall diligently attempt in good faith to:

- a. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants; and
- b. Discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants and ensure that participants are able to safely exercise their rights under the First Amendment and the Massachusetts Declaration of Rights.

c A copy of MGL Chapter 269 Section 1 will be provided and explained.

3. Use of Weapons and Canines When engaged in mass demonstration events, officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence an individual's behavior unless:

- a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances;
- b. The measures used are necessary to prevent imminent harm. ***To whom ?***
- c. The foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets, or dog is proportionate to the threat of imminent harm.

4. Restrictions

a. Canines shall not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilians.



b. Kettling The use of kettling as a means of crowd control, crowd management, or crowd restraint is prohibited. *Kettling does not include the pursuit and apprehension of individuals engaging in violent actions by the police, who have deliberately and willfully interspersed themselves within a crowd.*

H. Providing Medical Aid

1. Officers shall always provide an appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.
2. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care.
3. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less lethal force options. If treatment is offered and refused, the refusal shall be documented. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

I. Duty to Intervene:

1. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual. *Any intervention by an officer must be predicated upon observed conduct that objectively contradicts or grossly departs from the standard methods and techniques that are authorized by the agency.*
2. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
3. Officers and other agency personnel who observe an officer or other agency personnel engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor.
4. Any harassment, intimidation, or retaliation against any officer or other agency personnel who:
 - a. Intervened or attempted to intervene to prevent or stop an excessive force incident;
 - b. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
 - c. Provided information or testimony to any investigating entity inside or outside the agency is prohibited. Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

J. Response to Officer-Involved Injury or Death:

1. Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee.
2. If the use of force involved a weapon, the Chief Executive Officer [or insert designee] shall secure the

weapon or weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.

3 Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee. If the use of force involved a weapon, the Chief Executive Officer [or insert designee] shall secure the weapon or weapons used for examination and maintain the appropriate evidentiary chain of custody protocols. Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office. **Who makes the Report ?**

Weapons :

1. Officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41, § 98, for example, permits officers to carry weapons as authorized by the Chief Executive Officer of the agency. While no law addresses the possession and use of other weapons by officers, the Chief Executive Officer of the agency may both authorize and regulate such activities. 12 DRAFT 2.10.26

2. Only authorized agency personnel may carry or use weapons in the performance of their designated duties. Authorization must be documented and approved by the Chief Executive Officer or their designee. Authorization is contingent upon successful completion of all training, certification, and proficiency requirements. The Chief Executive Officer may revoke or suspend authorization at any time.

3. Only weapons and ammunition authorized by the agency may be used by authorized agency personnel in the performance of their designated duties.

4. Sworn Officers are authorized to carry and use the following weapon(s) in the performance of their duties, subject to this Use of Force policy and applicable restrictions: a. Firearms (pursuant to M.G.L. c. 41, § 98); b. [for each weapon officers are authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon; and any restrictions on the use of the weapon not previously addressed in the use of force policy. **Replace whole section with: Sworn Officers are authorized to carry and use only those weapons approved by the Chief Executive Officer of their agency and for which they have been trained and certified to use.**

5. Non-sworn agency personnel [if applicable] a. Non-sworn agency personnel may be authorized to carry specified weapons when expressly approved by the Chief Executive Officer and consistent with applicable law. Non-sworn agency personnel authorized to carry weapons must adhere to all provisions of this Use of Force policy as if they were sworn officers, including training, certification, and reporting requirements. b. The following non-sworn agency positions are authorized to carry the weapons listed: i. [Insert position title]: A [insert position title] is authorized to carry the following weapons: A. [for each weapon the position is authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon, and any restrictions on the use of the weapon not previously addressed in the use of force policy.]

6. Security, Storage, and Safe Handling of Weapons

a. Authorized agency personnel shall be trained in accordance with agency guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than authorized agency personnel shall be permitted access to any agency-owned firearm or any other agency-owned weapon, with the exception of: police officers from other jurisdictions in the official performance of their duties; licensed individuals performing repairs or maintenance as approved by the agency; or other circumstances with the express permission of the Chief Executive Officer.

b. Authorized agency personnel shall secure and store firearms and other weapons, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm or

weapon. All agency firearms kept at home must be secured in a safe place inaccessible to family members and others, especially children, and conform with the requirements of M.G.L c. 140, § 131L.

c. Whenever an authorized agency personnel is at an agency facility and removes their handgun or other weapon, the item must be secured **in a locked cabinet with the key retained by the officer until the weapon is retrieved,** so that it is not readily accessible to unauthorized individuals.

d. Authorized agency personnel shall not leave firearms or other weapons unsecured in vehicles, lockers, offices, or any other place where unauthorized access may occur.

e. Any loss or theft of a firearm or other agency weapon shall be immediately reported to the authorized agency personnel's supervisor. **The circumstances surrounding the loss of a service weapon issued to an office shall be investigated by the Chief Executive Officer of the agency or his/her designee.**

7. Weapons Restrictions

a. Warning Shots Prohibited: Officers are prohibited from discharging their firearms as a means of warning, intimidating, or frightening an individual.

b. Pointing Weapons:

- (i) Officers are prohibited from pointing their firearms at or in the direction of an individual absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy.
- (ii) Pointing a firearm or ECW/CED may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.
- (iii) When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.
- (iv) Pointing a firearm or an ECW/CED at an individual and using OC spray on an individual or directed toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on an individual and explain the justification.

c. Surroundings Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.

d. Discharging Firearms into Moving Motor Vehicles: An officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

- i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle; **Delete**
- ii. Officers 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 at close proximity while dismounted); **Delete**
- iii. The officer is not firing strictly to disable the vehicle; and **Delete**
- iv. The circumstances provide a high probability of stopping or striking the intended target. **Delete**



Sections (i), (ii), (iii) (iv) Should be deleted

e. Use of Weapons Against Animals

i. Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer or to the public. When time and circumstances reasonably

permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force. ii. Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

f. Use of Agency Weapons for Training and Other Purposes:

Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Chief Executive Officer to participate in law enforcement competition events or ceremonial events.

g. Use of Firearms or Weapons While Under the Influence of Alcohol and/or Controlled Substances Prohibited:

Officers shall not carry or use any firearms or weapons on- or off-duty while consuming or under the influence of alcohol or controlled substances *without the authorization of the Chief Executive Officer of The Agency.* Officers shall not carry or use any firearms or weapons on- or off-duty while impaired by any condition (medical or otherwise) that negatively impacts judgment, motor skills, or proficiency. *All incidents involving the possession or use of a firearm involving both on and off duty police officers, where intoxication or substance abuse is suspected must be investigated by the Chief Executive Officer or designee. Reports of such incidents should be reviewed by the Mass POST Commission to determine the officer's fitness for duty.*

L. Maintenance and Accountability for Weapons

1. The [insert designated agency position responsible for armorer duties] shall maintain a list of all authorized weapons and ammunition that shall be made available to officers and authorized agency personnel. The [insert designated agency position responsible for armorer duties] shall also maintain inventory reports for all weapons authorized by the agency and update inventories at least annually to include the location of all firearms [list other weapons to be inventoried as needed]. *All modifications performed by outside vendors must be reported to the agency armorer, who shall inspect all modifications and certify that they are approved by the Chief Executive Officer of the agency.*
2. The [insert designated agency position responsible for armorer duties] shall maintain a record on each weapon, lethal and less-lethal, authorized for use by the agency. Such record shall include:
 - a. Serial number, if applicable;
 - b. Weapon description;
 - c. Date of issuance. Officer receiving weapon;
 - e. Maintenance/repair information;
 - f. Date removed from service and reason; and
 - g. Other information as required by the Chief Executive Officer or designee.
3. All weapons shall be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Weapons failing inspection shall not be issued and shall be repaired or replaced before use.
4. At each training session for lethal or less-lethal weapons, the [insert designated agency position responsible for armorer duties] or instructor shall conduct an inspection of all weapons assigned to each officer present and confirm that:
 - a. The weapons are properly assigned to the officer carrying the weapon.
 - b. That the weapons (lethal and less-lethal) are in working order; and
 - c. That inventory records accurately reflect weapons assigned to individual officers.

5. The procedures listed above shall also apply to any weapons, lethal and less-lethal, authorized by the agency for off-duty carry.

6. Whenever an authorized weapon is found to be unsafe or not functioning properly, it shall be immediately turned in or taken out of service by the officer and reported to the armorer. The [insert designated agency position responsible for armorer duties] shall maintain an inventory of replacement firearms and ensure that such firearms are available for issuance when needed.

7. The [insert designated agency position responsible for armorer duties] shall ensure that all agency weapons held in storage are secured to prevent damage, theft, or improper issuance. An access log shall be maintained for all entries into weapon storage areas.

M. Training and Qualifications

1. In addition to annual firearms qualification and sand skills training required by the MPTC and this agency's Firearms Policy XXX, officers shall be properly trained and certified in the use of any less-lethal weapons and control techniques before being authorized to carry or use them. Officers shall only carry and use weapons and control techniques for which they have received agency-authorized training and which are issued and/or approved by the agency.

2. As part of annual in-service training, all officers shall receive training on this agency's use of force policies, reporting requirements, and relevant case law updates.

3. All officers shall complete annual training on all lethal and less-lethal weapons that require annual proficiency training, including ECWs.

4. Weapons without an annual training requirement (e.g., impact weapons, kinetic impact devices, OC spray) shall require requalification at least every two years under a certified instructor.

5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10, including de-escalation, mental health response, responding to mass gatherings, cultural competency, progression of force, and lawful use of force techniques.

6. All training, including remedial training, shall be documented in agency training files.

7. Training and proficiency results for any authorized weapon shall be monitored by an MPTC-certified weapons instructor and documented in the agency training files by the Chief Executive Officer or their designee. Documentation for sworn officers shall also be uploaded into the MPTC Acadis system by the Chief Executive Officer or their designee. Sworn officers must demonstrate proficiency with weapons in compliance with MPTC requirements.

8. Officers who fail to demonstrate the required proficiency with agency-issued weapons shall receive remedial training consistent with MPTC standards and relevant agency policy.

9. Any officer who fails to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.

10. Officers who seek to return to duty after an interruption in service shall first comply with all requirements set forth in 550 CMR 3.04 prior to being authorized to perform police duties and functions.

11. Only officers demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons.

12. All officers, including newly hired and veteran officers being issued a new type of weapon, shall be issued applicable policies and receive proficiency training on the weapons prior to being authorized to carry

such weapons. The issuance, policy receipt, and training shall be documented. *Who specifically Issues Te Weapons ?*

N. Use of Force Reporting

1. Any officer who uses force shall complete the Use of Force Reporting Form. Reports shall be completed by the end of the officer's shift/tour of duty unless an extension of time is granted by a supervisor not directly involved in the incident.

2. [Discretionary for Agency under 555 CMR 6.07(3): Discharge of a firearm during training, qualification exercises, or for recreational purposes does not need to be reported.]

3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.

4. The pointing of a firearm, ECW, CED, or CW at an individual and the use of OC spray on an individual or directed toward an individual is a use of force that must be reported. Any accidental discharge of a firearm, or any action that results in or is alleged to have resulted in injury or death shall be reported.

5. The agency shall report the following incidents to the National Use of Force Data Collection Database:

- a. When an officer's actions result in death or serious bodily injury of an individual;
- b. When an officer discharges a firearm at or in the direction of an individual.

6. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

7. Any harassment, intimidation, or retaliation against any officer or other a6. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

8. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd.

9. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

10. The agency shall report the following incidents to POST:

- a. Officer-involved injuries or death;
- b. Excessive force;
- c. Untruthful statements concerning a material fact regarding a use of force;
- d. Knowing omission of a material fact regarding a use of force; or
- e. Any harassment, retaliation, or intimidation of an individual related to a use of force.

11. All Use of Force Reporting Forms shall be retained and maintained by the agency consistent with 555 CMR 12 for [insert length of time consistent with 555 CMR 12]. [For public agencies include the following language: and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.]

12. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

O. Reporting Procedures

1. The agency shall establish a use of force reporting system that allows for the effective review and analysis of all agency use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the agency. Officers shall complete the appropriate reports and the Use of Force Reporting Form whenever they use force, whether deadly or non-deadly.

2. Officer's Responsibilities

- a. When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall:
 - i. Notify a supervisor of the incident as soon as circumstances allow.
 - ii. Complete the Use of Force Reporting Form, which shall list all other officers or employees involved in or witnessing the incident.
 - iii. All Use of Force Reporting Forms must be completed and forwarded to a supervisor not directly involved in the incident by the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
- b. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) 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 agency reporting protocols.
- c. Any officer who utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd shall write a report detailing the facts and circumstances surrounding the use of force, including a detailed justification of why the use of said weapons was objectively reasonable.

3. Supervisor Not Directly Involved in the Use of Force Incident Responsibilities

- a. When a use of force incident involves an officer assigned to patrol, a supervisor not directly involved in the use of force incident or [insert position] has the primary responsibility to make certain that all necessary Use of Force Reporting Forms are properly completed, evidence in the custody of law enforcement is preserved and the report is submitted as required by officers under their command.
- b. The supervisor who performs the initial review of the reporting forms shall identify and report any clear instances of violations of law or agency policy that necessitates immediate action by the reviewing supervisor, including actions related to the officer's fitness for duty or duty status, to [insert the appropriate chain of command level for notification].
- c. The supervisor shall sign the report and forward it to the Chief Executive Officer of the agency or their designees.
- d. If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor shall complete the steps as required in the preceding subsections. Supervisors involved in a use of force incident shall forward the Use of Force Reporting Form to the next level of command not involved in the incident.
- e. In any use of force or incident resulting in death or serious bodily injury, or any firearm discharge at or in the direction of an individual, the on-duty supervisor shall immediately notify the Chief Executive Officer through the chain of command. The officer involved shall be removed from operational assignments pending administrative and potential criminal review.
- f. When an officer reports pursuant to a duty to intervene (see Section I), the on-duty supervisor shall prepare a report and include the observing officer(s)'s detailed written statement describing the incident in that report.

4. Office of the Chief Executive Officer or their Designee for Administrative Review.

- a. the [insert agency designee] shall review the Use of Force Reporting Form in a timely fashion not to exceed [a timeline determined by the agency] to determine:
 - i. Whether the action was consistent with policy, training, and law;
 - ii. Whether further administrative review or investigation is warranted;

- iii. Whether equipment, training, or policy changes should be considered;
- iv. Whether a referral to the District Attorney's Office is appropriate;
- v. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N);
- vi. Whether the incident is required to be reported to the Commission (see Section N).

b. The Chief Executive Officer or their designee for administrative review may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Chief Executive Officer shall be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.

c. Use of force reports that warrant further administrative review or investigation shall be referred to the [insert Chief Executive Officer or the agency position responsible for internal affairs function]. Such review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The [insert Chief Executive Officer or the agency position responsible for internal affairs functions] shall be responsible for the prompt investigation of the matter including the collecting and preserving of evidence consistent with the requirements specified in 555 CMR 13.03(8) and the recommendation of discipline, if appropriate.

d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.

e. The [insert agency designee] shall conduct, at a minimum, annual analyses of all "Use of Force" incidents and complaints and provide a comprehensive report to the Chief Executive Officer. This report, at a minimum, shall document:

- i. Trends in use of force over time;
- ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when that is determined to be the case;
- iii. Recommendations on equipment, training, and/or policy changes, if any;
- iv. The date, time, and circumstances of incidents
- v. The type of force or type of weapons used;
- vi. Types of encounters resulting in use of force;
- vii. The race, age, gender, and any known or perceived mental or physical disability of individuals involved;
- viii. Injuries to individuals, officers, or others;
- ix. Identification of trends or patterns contributing to injury.

f. For purposes of transparency, the [insert agency designee] shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency's website and at the agency for inspection.

g. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity. [For public agencies include the following language: and upon receipt of a public record request under M.G.L. c. 66, § 10.]

March 2, 2026

Massachusetts Peace Officer Standards and Training Commission
Municipal Police Training Commission
84 State Street, Suite 200
Boston, MA 02109

Re: Comments on Model Use of Force Policy

To the Massachusetts Peace Officer Standards and Training Commission and the Municipal Police Training Commission:

Please accept these comments, on behalf of Strategies for Youth (SFY), regarding the POST/MPTC draft Model Use of Force Policy (“Model Policy”). Consistent with our ongoing advocacy for youth in the law enforcement agency certification process being carried out pursuant to Chapter 253 of the Acts of 2020, our comments focus on the Model Policy’s impact on youth, including youth with disabilities.

SFY commends the POST and MPTC for the many aspects of the Model Policy that will help to protect youth and other vulnerable individuals in their interactions with law enforcement. We appreciate the multiple references to the need for officers to de-escalate encounters, and the explicit reference to the POST’s 2021 guidance, *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children*. We were pleased to see provisions such as prohibitions and restrictions on officers’ pointing their weapons, the inclusion of positive practices such as the duty to intervene, and the reporting and analysis of data, including data about the age and known or perceived mental or physical disability of the individuals involved in encounters with law enforcement.

The POST’s process of promulgating the eight law enforcement agency standards required by 2020 Mass. Acts ch. 253, §6E, and SFY’s review of that process, are grounded in the approach that the standards and any implementing model policies are integrated with each other and meant to work in tandem. We therefore reviewed the Model Use of Force Policy from the perspective of how the Model Policy and the Use of Force Standard could best harmonize with the Juvenile Operations Standard (JOS) preliminarily approved by POST Commissioners in January 2026, and other relevant standards. We believe that greater harmonization between the Model Policy,

the JOS and other standards will both help youth and provide more clear and comprehensive guidance for officers.

Our comments are designed to improve the Model Policy's effectiveness for both youth and officers by suggesting language where needed to highlight the unique vulnerabilities of youth and to fill gaps in the current draft regarding youth-officer interactions.

We address the following areas: Policy; Definitions; Procedures regarding avoiding escalation, handcuffing of youth, hitting youth on or near the head, the use of police dogs, weapons restrictions involving youth and their surroundings, the use of electronic control weapons (ECW) and Conducted Energy Devices (CED) with youth, youth-specific training and qualifications, use of force reporting; and areas in which the Model Policy appears to unnecessarily defer to individual agency policy or procedure.

1. **II, Policy:** SFY suggests that this section add a provision with explicit statements about understanding of and respect for the life and bodily integrity of vulnerable people, including youth and individuals with disabilities. Additional language is necessary both to complement the Model Policy's statements about valuing the sanctity of life and bodily integrity of all individuals, and to help to ensure that the Model Policy is consistent with provisions in the draft JOS and the draft Officer Response Procedures Standard (ORS). Additional language would also be consistent with revisions to the Use of Force and Reporting Standards (UFRS) last considered by the POST in March 2025.

The JOS requires that agency policy encourage officers to understand the developmental differences between youth and adults, and to adjust their interactions with youth to take into account those differences.¹ Both the draft JOS and the draft ORS require policies that direct officers to recognize and take certain steps when encountering "vulnerable person[s]," including individuals who may be "historically and disproportionately at risk of involvement with the criminal justice system" based on such factors as mental or physical condition, age or developmental maturity, language or cultural differences, or being a youth, a person with a disability, or an individual who is part of a racial or ethnic minority.² These standards also

¹ See POST Agency Certification Standards – Juvenile Operations (Draft), 555 CMR § 13.02(6)(b), (d) (Jan. 15, 2026) (draft JOS) .

² See POST Agency Certification Standards – Draft Officer Response Procedures (Draft), 555 CMR § 13.02 (Sept. 15, 2025) (draft ORS) (defining "vulnerable person"); *id.*, at § 13.03(4)(c) (requiring agency

require that an agency’s sub-policy or provision regarding vulnerable persons “set forth specific and comprehensive requirements and/or restrictions concerning the use of force” and regarding “the use of restraints, including prone restraints.”³

In addition, in March 2025, the POST considered UFRS language proposed by POST legal counsel, after consultation with the MPTC, that would require agency policy to:

[e]ncourage officers to be conscious of non-criminal factors, including but not limited to, mental or physical condition, age or developmental status, language or cultural differences, the legacy of policing on vulnerable populations, and the agency’s history with the public, and the fact that those factors may impact interactions between an individual and an officer, in ways that include, but are not limited to, affecting an individual’s ability to understand, respond to, and comply with an officer’s commands, such that an officer may have to modify their de-escalation tactics and techniques.⁴

Given the clear need across draft Standards to address the needs of youth and other vulnerable individuals, SFY suggests that the Model Policy include a new provision under Policy with the following language:

In interacting with youth, officers should, consistent with policies or sub-provisions developed pursuant to 555 CMR 13.03(6), be aware of the developmental differences between youth and adults and the ways in which those differences may impact interactions between a youth and an officers, including, but not limited to affecting a youth’s ability to understand, respond to, and comply with an officer’s commands. Officers should also, consistent with policies or sub-provisions developed pursuant to 555 CMR § 13.03(4)(c), be aware that individuals with disabilities and other vulnerable people may be impacted in ways that include, but are not limited to, affecting the ability to understand, respond to, and comply with an officer’s commands.

sub-policies or provisions regarding interactions with vulnerable persons, including “specific and comprehensive requirements and/or restrictions concerning the use of force”); see also draft JOS, at 555 CMR § 13.02(6)(d)(2) (requiring that agency policies direct officers to act in accord with the officer response procedures policy and agency sub-policies or provisions regarding vulnerable persons).

³ See draft ORS, at 555 CMR § 13.03(4)(c)(2), (3); draft JOS, at 555 CMR § 13.02(6)(d)(2).

⁴ See [Public Meeting – MA POST Commission](#) (proceedings of the March 20, 2025 POST meeting). To SFY’s knowledge, the POST has not yet given preliminary approval to or taken further action on the UFRS.

2. **III, Definitions:** Consistent with our belief that the Model Policy should more directly address interactions with youth and other vulnerable people, we suggest that the Model Policy include the following definitions, which are the same as in the preliminarily approved draft JOS (for Youth) and ORS (for Youth and Vulnerable Person):

Vulnerable Person. A person who is part of a population that is historically and disproportionately at risk of involvement with law enforcement and harm from involvement with the criminal justice system. A person may be vulnerable based on mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and/or the agency's history with the public, such as an individual experiencing a medical, behavioral, mental health, or substance use crisis; an individual experiencing homelessness; an individual who is the alleged survivor of domestic violence, sexual assault, or human trafficking; a youth; an individual with a disability; an individual experiencing poverty; a veteran; an individual who is the alleged subject of a hate crime; an individual who is LGBTQIA2S+; and/or an individual who is part of a racial or ethnic minority.

Youth: An individual under the age of eighteen.

3. **IV.A.4, Procedures, Avoiding Escalation:** As previously noted, SFY appreciates the repeated references in the Model Policy to the need for officers to de-escalate encounters. We believe that the Model Policy must also explicitly address the need for officers to *avoid* escalating encounters. An explicit reference to avoiding escalation would harmonize the Model Policy with modifications to the draft JOS⁵ and UFRS as considered by the POST in March 2025.⁶ It would also be consistent with the U.S. Supreme

⁵ See draft JOS, at 555 CMR §13.03(6)(c) (the agency juvenile operations policy shall “[e]ncourage officers to be aware that their presence may escalate a situation involving a youth, and when time and circumstances reasonably permit, avoid unnecessary conduct that the youth may reasonably perceive as intimidating, coercive, and/or threatening.”)

⁶ See [Public Meeting – MA POST Commission](#) (proceedings of the March 20, 2025 POST meeting) and proposed 555 CMR § 13.03(1)(g) (requiring that the agency use of force policy “Directs officers to utilize de-escalation tactics at all available and appropriate opportunities, including before initially arriving at a

Court's recent decision in *Barnes v. Felix*, 605 U.S. 73 (2025), where the Court held that the "totality of the circumstances" test used to evaluate claims of excessive force by law enforcement must encompass "all the relevant circumstances, *including facts and events leading up to the climactic moment*," not merely the facts and circumstances of the "moment of the threat" that sparked the use of force (emphasis added).

We suggest the following revision to Section IV.A.4 (additional language underlined and in red):

When time and circumstances reasonably permit, officers shall take steps to avoid escalating interactions, and attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, and make efforts to de-escalate before using force, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.

4. **IV.F, Procedures, Use of Force Restrictions, Handcuffing of Youth:**

In order to ensure conformity with the draft ORS requirement that LEA policy on vulnerable persons (including youth) "[s]et forth specific and comprehensive requirements and/or restrictions concerning the use of restraints,"⁷ the Model Policy should address the use of handcuffs with youth. SFY recommends that the Model Policy *prohibit* the use of handcuffs on youth younger than 13 who pose no threat to officers, and other youth who would be particularly vulnerable to harm when handcuffs are deployed. Prohibiting the use of handcuffs under these circumstances would be consistent with recent legislation in Connecticut⁸, and with law enforcement policies in other jurisdictions.⁹

scene, *before using force*, before any escalation of the use of force, throughout the encounter, as resistance decreases or increases, and until the encounter has come to a conclusion, provided time and circumstances reasonably permit.") (emphasis added)

⁷ See draft ORS, at 555 CMR § 13.03(4)(c)(3).

⁸ See Ct. Public Act 25-163 (2025) (prohibiting the use of handcuffs on children under fourteen years old during initial police contact, except in specific circumstances where public safety is at risk or when a child is using or threatening physical force against a police officer)

⁹ See, e.g. Baltimore, Maryland Police Dep't, Policy 1202, [Interactions with Youth | Baltimore Police Department](#) Paragraphs 34-38 (2022)(prohibiting the handcuffing of youth aged 12 or under unless the youth presents a danger to themselves or others, setting out specific conditions where youth over the age of 12 may be handcuffed, prohibiting handcuffing of youth to fixed objects, and addressing use of handcuffing of youth during transport); Rochester, New York Police Department General Order 338, Juvenile Use of Force, Handcuffing/Transportation and Medical Assistance, IV.B.(1)-(3) [GO 338 Juvenile Use of Force, Handcuffing, Transportation and Medical | ArcGIS Hub](#) (2021) (prohibiting the handcuffing

Our suggested language is as follows:

F. Use of Force Restrictions

Handcuffing of Youth

Officers shall not handcuff youth under the following circumstances:

- a. When the youth is under the age of 13 years old, unless the youth is using or threatening to use physical force or is presenting a clear danger to themselves;
- b. for the purposes of attaching a youth to a fixed or stationary object;
- c. when the youth is unsupervised by an officer, and;
- d. when an officer has reason to believe that the handcuffs are deployed in a way that would interfere with a medical condition or the ability of the youth to breathe.

In addition, the Model Policy is ambiguous about whether the use of handcuffs is a use of force. The Definitions section of the Model Policy states that the definition of force “does not include physically escorting or handcuffing an individual who offers minimal or no resistance.” This language implies, but does not explicitly state, that the use of handcuffs where an individual offers resistance is a use of force. We suggest that the POST and MPTC clarify this language and ensure its consistent use throughout the standards and policies.

5. **IV.F, Procedures, Hitting Youth in or Near the Head:** We suggest that the Model Policy include an explicit restriction on using force on or near the head of youth. Young brains are still developing, and traumatic brain injury is the leading cause of death and disability in children.¹⁰ There is also research indicating that traumatic injury may be linked to a risk of

of youth aged 12 or under unless the youth presents a danger to themselves or others, directing officers to consider the severity of the offense and the totality of the circumstances in determining whether to handcuff youth aged 13 through 17, and addressing handcuffing of youth during transport); Syracuse, New York Police Department Policy 302, 302.3.3 (2022) [2020_handcuffing_and_restraints.pdf](#) (prohibiting the restraint of youth under 14 years of age unless the youth is suspected of a dangerous felony or when the officer has a reasonable suspicion that the youth may resist, attempt escape, injure themselves, injure the officer or damage property).

¹⁰ See Takashi Araski et al., [Pediatric Traumatic Brain Injury: Characteristic Features, Diagnosis, and Management - PMC](#) (2017)

delinquency.¹¹ Prohibiting officers from use of force that could result in brain injury would also be consistent with the Model Policy's prohibition in IV.F.1 on intentionally kneeling, sitting, or standing on an individual's neck or head.

We suggest the following language be added to the Model Policy:

F. Use of Force Restrictions:

Striking Youth:

In situations where the use of deadly force is not justified, officers shall not use the following with youth:

- a. Head strikes using fists or weapons including flashlight, weapon stock, or weapon handle; or
- b. Use of fists or weapons including a flashlight, weapon stock, or weapon handle to strike a youth on their neck, sternum, or spine, groin, or kidneys.

6. **IV.G.3-4, Procedures, Use of Dogs:** We suggest that the POST and MPTC clarify the Model Policy's provisions on dogs, and strictly curtail their use on youth. Although the "deployment of a police dog resulting in contact" is included in the Model Policy's definition of force, the Procedures section of the Model Policy discusses the use of dogs only in the context of "crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations." IV.G.4.a; see also IV.G.3. We were unsure whether the Model Policy therefore prohibits the use of dogs in all other circumstances. We believe that canine use on youth should be prohibited or greatly restricted, particularly when youth pose no immediate threat of

¹¹ See Michaela M. Milillo et al., *Association Between Traumatic Brain Injury and Psychopathic Traits Among Justice-Involved Adolescents*, Michaela M. Milillo, Craig S. Neumann, J. Michael Maurer, Christine Jin, Ella Commerce, Brooke L. Reynolds, Carla L. Harenski, Kent A. Kiehl (pediatric traumatic brain injury is linked with long-term negative outcomes and is correlated with substance use, criminal behavior, psychiatric disorders, and disruptions in neurocognition.); Jessica Mongilio, *Childhood Head Injury as an Acquired Neuropsychological Risk Factor for Adolescent Delinquency*, *Journal of Research in Crime and Delinquency* 2022, Vol. 59(6) 756–790.

serious injury to others.¹²

- 7. IV.K.7(c), Procedures: Weapons Restrictions, Surroundings:** We suggest a youth-related expansion to this provision, which concerns the need for officer awareness prior to discharging a firearm, ECW/CED, or other weapon. Youth tend to gather in groups, and research has found that juvenile crime often involves group offending.¹³ Youth are therefore likely to be in the company of their peers when they encounter law enforcement.¹⁴ Youth are also surrounded by peers in school, and are often in the presence of peers and other bystanders when they are in public settings such as playgrounds and parks. Youth may also be present when officers execute residential search warrants or arrest their parents or caretakers, and are thus vulnerable to harm if officers use force in those settings.

These facts argue for the Model Policy to address surroundings where youth are likely to be present, including by ensuring consistency between the Model Policy and the draft JOS requirement that agencies develop a sub-policy or provision when youth are affected by law enforcement actions where the youth is not the target.¹⁵

We suggest the following revision to Section IV.K.7(c) (additional language underlined and in red):

¹² See, e.g. Police Exec. Rsrch F., Guidance on Policies and Practices for Patrol Canines (2020) <https://www.policeforum.org/assets/Canines.pdf> (The use of canines to search and apprehend individuals is permitted for a subject “who is wanted for a misdemeanor and is reasonably suspected to be armed or is wanted for a serious felony, except that a canine shall not be used to apprehend known juvenile suspects who pose no immediate threat of serious injury to members on the scene.”); Baltimore Police Department Policy 1602, Canine Policy, at 6 (2023) (“Tactical Canine Deployment shall not be used to apprehend individuals under the influence of drugs and/or alcohol, persons with behavioral health disabilities or in behavioral health crisis, youth & children, visibly pregnant women, elderly persons, or other subjects who likely pose no immediate threat of serious injury to the member or others.”)

¹³ See, e.g. Donna M. Bishop & Michael J. Leiber, Racial and Ethnic Differences in Delinquency and Justice System Responses, in the Oxford Handbook of Juvenile Crime and Juvenile Justice 444, 460 (Barry C. Feld & Donna M. Bishop eds., 2011). (“Because most juvenile crime involves group offending, encounters with juveniles routinely occur in situations where youths are ‘on stage’ before an audience of their peers.”). See

¹⁴ See Michael S. Scott, *Disorderly Youth in Public Places*, Arizona State University Center for Problem-Oriented Policing, Guide No. 6 (2001) <https://popcenter.asu.edu/content/disorderly-youth-public-places-0> (“That young people will congregate in public is both inevitable and socially necessary. Congregating is part of the rite of passage from childhood to adulthood, allowing youth to socialize and bond with their peers, out of their parent’s view.... Because youth congregation in public is so ordinary and normal, you [officers] must first determine if youths’ conduct is actually disorderly and worthy of police attention.”)

¹⁵ See draft JOS, at 555 CMR § 13.03(6)(i).

Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so. The officer shall, to the extent feasible, consider the potential risks to youth when youth are present, or when the officer is considering discharging a firearm, ECW/CED, or other weapon near a school or playground, or during the execution of a residential search warrant or arrest of a youth's parent or caregiver.

8. IV.K.7, Procedures: Weapons Restrictions, Use of ECW/CED with Youth:

The Model Policy should explicitly address the use of these weapons with youth. Youth are at risk when ECWs and CEDs are used, because youth can experience different and more harmful reactions to these weapons than adults.¹⁶

We suggest that the Model Policy include the following language:

Weapons Restrictions

Use of ECD/CEW with Youth

- i. ECD/CEW shall not be used on youth under the age of 14.
- ii. ECD/CEW shall not be used, where youth:
 - a. Have not committed an offense;
 - b. Are fleeing the scene;
 - c. Are on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) and are at risk of falling, unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net); or
 - d. Are operating a scooter or bicycle.
- iii. ECD/CEW shall not be used to target a youth's head, neck, chest, or genitals.

¹⁶ See British Ministry of Defense, Statement on the Medical Implications of Use of the Taser X26 and M26 Less-Lethal Systems on Children and Vulnerable Adults, Defence Scientific Advisory Council Sub Committee on the Medical Implications of Less-Lethal Weapons (Jan. 27, 2012) (finding that tasers may pose a greater risk to children of cardiac damage, fractures and internal injury, and liver damage.) See also Strategies for Youth, Catch and Stun, The Use and Abuse of Conducted Electrical Weapons on Children and Youth, January 2022, https://strategiesforyouth.org/sitefiles/wp-content/uploads/2022/01/SFY_Catch-and-Stun_fnl-rev_web.pdf

- iv. ECD/CEW should not be used in multiple deployments on a youth.
- v. ECD/CEW should not be discharged by directly pacing the weapon against the skin of a youth.

9. **IV.M, Procedures, Training and Qualifications:** We were pleased to see the detailed requirements for officer training on use of force. As noted throughout our comments, there are areas where youth and other vulnerable individuals may be particularly at risk from the use of some types of force. The Model Policy should require officer training about those vulnerabilities.

We suggest the following to Section IV.M (additional language underlined and in red):

M. Training and Qualifications

5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10, including de-escalation, mental health response, responding to mass gatherings, cultural competency, progression of force, use of force with youth and other vulnerable persons, and lawful use of force techniques.

10. **IV.O, Procedures, Use of Force Reporting:** Consistent with our comments about the need for the Model Policy to address avoiding the escalation of force, we suggest that Section IV.O.4, regarding administrative review of use of force reports, be revised as follows (additional language underlined and in red):

O. Reporting Procedures

4. Office of the Chief Executive Officer or their Designee for Administrative Review

d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions, before or during the encounter, could

have reduced the likelihood of force or injury.

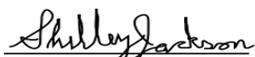
11. **Deference to Individual Agency Policy or Practice:** As previously noted, we see the Model Policy as key to promoting uniformity and consistency on use of force throughout the Commonwealth. We are concerned that some statements in the Model Policy authorizing agencies to follow their own individual policies or practices undercut this goal.

We ask that the POST and MPTC review and remove the following references:

- IV.D.1 (“Non- deadly force shall conform to the agency’s standard of conduct, policies, procedures, and training.”)
- IV.K.1 (Permitting the Chief Executive Officer of the agency to “both authorize and regulate” officers’ possession and use of weapons)
- IV.O.1 (apparently authorizing each agency to establish its own use of force reporting system, rather than establishing a statewide system)
- IV.O.4.a (allowing each agency to establish its own timeline for reviewing the Use of Force Reporting Form)

SFY very much appreciates the opportunity to provide comments on this important Model Policy. We are available to answer any questions you may have.

Sincerely,



Shelley R. Jackson
Police Policies Consultant



Lisa H. Thureau
Strategic Policy Advisor

cc: Anthony V. Pierro, Executive Director

From: [Lee, Annie \(PST\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: RE: Model Use of Force Policy
Date: Tuesday, March 3, 2026 4:00:13 PM
Attachments: [image001.png](#)

From: Matthew McNeil <mmcneil@hopkintonpd.org>
Sent: Friday, February 20, 2026 11:03 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: Model Use of Force Policy

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Thank you for the opportunity to provide feedback.

- Under definitions (Pg2) I don't believe you'll need "Agency Name" The agency name will eventually be in the header once the policy is adopted by each individual agency.

- D5 (pg7) - Define "appropriate target areas" and "parts of the body likely to cause death or serious bodily injury." The body chart was removed and should be replaced with definitions or appropriate wording so that the reader can understand which body areas are appropriate and which are potentially deadly.

- K2 (pg12) - Last sentence remove "at any time" and add "If requirements are not met or for just cause". This is to avoid any punitive actions by the chief executive officer.

- Will there be a standard "Use of Force reporting Form?" It is mentioned many times throughout the policy?

--

Matthew McNeil
Administrative Lieutenant
Accreditation Manager
Hopkinton Police Department
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March 2, 2026

Massachusetts Peace Officer Standards and Training Commission
One Ashburton Place
Boston, MA 02108

Dear Members of the POST Commission:

I write on behalf of the ACLU of Massachusetts to offer comments on the Draft Model Use of Force Policy dated February 10, 2026. The ACLU appreciates numerous aspects of the policy—including the de-escalation requirements, the chokehold ban, the duty to intervene, and the medical aid provisions—which are all meaningful, impactful and important. I write in a constructive spirit to suggest targeted amendments for a specific gap in the current draft of the policy, namely, the failure to require that an officer’s conduct and decisions leading up to a use of force must be considered in evaluating whether the application of that force was necessary.

Why Pre-Incident Tactics Must Be Part of the Analysis

The current policy evaluates the reasonableness of force “from the perspective of a reasonable officer on the scene” at the moment force is used, but does not specifically tie the reasonableness of the use of force to the law enforcement actions leading up to that use of force.

The Supreme Court’s recent unanimous decision in *Barnes v. Felix* (2025) underscores the importance of addressing that connection here. In *Barnes*, the U.S. Court of Appeals for the Fifth Circuit had applied a “moment of threat” doctrine to a police shooting, limiting its reasonableness inquiry to the two-second window during which an officer stood on the running board of a moving vehicle before opening fire and killing Mr. Barnes during a traffic stop. Writing for a unanimous Court, Justice Kagan held that this approach was wrong. A proper Fourth Amendment inquiry into the reasonableness of police force “has no time limit,” she wrote, and courts may consider the facts and events leading up to the use of force because they “may bear on how a reasonable officer would have understood and responded to later ones.” A court, she concluded, “cannot review the totality of the circumstances if it has put on chronological blinders.”

Holding in favor of the plaintiff in *Barnes*, the Supreme Court expressly reserved the question of whether and how courts should consider an officer’s contribution to the dangerous situation that preceded the use of force because the lower courts had never reached that issue below. That open question is precisely the one the Commission’s model policy should now address.

The need for this requirement is illustrated by cases Massachusetts residents know well. In 2020, the killing of Breonna Taylor in Louisville arose in part from officers’ tactical decision to execute a no-knock warrant at night under circumstances that made a violent confrontation foreseeable. Officers created the conditions that made the use of deadly force more likely, including making material misstatements in search warrant applications — yet if we ignore the actions law enforcement took that precipitated the use of force, the inquiry will focus only on what the officers faced in the seconds they were inside the apartment, not on whether those circumstances were of their own making. The *Barnes* case itself presents the same dynamic: an officer jumped onto a moving vehicle during a traffic stop over unpaid tolls, and the resulting threat to the officer was then offered as justification for lethal force. A policy that requires examination of pre-incident tactical decisions and actions creates accountability for exactly these choices, better protecting officer safety and the safety of people subject to law enforcement stops and other activities.

The Commission’s own de-escalation framework implicitly recognizes the importance of pre-incident conduct: if officers must attempt to create time and distance, it follows that an officer who instead closes distance unnecessarily and provokes a confrontation should not benefit from a reasonableness analysis that ignores those choices. The proposed amendments below make that logic explicit.

The Gap in the Current Draft

The current draft takes a meaningful but incomplete step in Section A.2, which states that officers “shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.” We appreciate this provision, but it has two limitations:

First, the word “intentionally” limits the prohibition to deliberate escalation, leaving reckless or negligent tactical decisions outside the policy’s reach. Officers who create dangerous conditions through poor judgment — not malice — fall into this gap.

Second, and more importantly, the policy does not require that pre-incident conduct be factored into the reasonableness analysis when a use of force is reviewed. Section A.2 is an operational prohibition, but it is not connected to the review and accountability framework in Section O. An officer could violate Section A.2 and still have their use of force deemed reasonable under the current review standard.

Proposed Amendments

We offer three targeted edits, each of which can be adopted independently but which work best together. We recommend the Commission adopt all three.

Amendment 1 — Reasonableness Standard (Procedures Section)

After the sentence beginning “The reasonableness of a particular use of force is based on the totality of circumstances,” add:

“The totality of circumstances includes the officer’s own tactical decisions and conduct leading up to the use of force, including whether the officer created or contributed to the circumstances that made force necessary or more likely.”

Amendment 2 — Section A.2

Replace the current language with:

“Whenever possible, officers shall attempt to resolve encounters without resorting to force. Officers shall not employ tactics that foreseeably create or escalate the need for force, regardless of intent. In reviewing any use of force, the agency shall consider whether the officer’s pre-incident tactical decisions contributed to circumstances that made force necessary.”

Amendment 3 — Section O.4.d (Administrative Review)

After the existing sentence in Section O.4.d, add:

“Administrative reviews shall specifically evaluate whether the officer’s tactical conduct and decisions prior to the use of force — including approach, positioning, communication, and use of available time — contributed to the necessity of force, and this evaluation shall be documented as part of the review record.”

Conclusion

The Commission has already done the difficult work of establishing that de-escalation must come before force. The Supreme Court has now confirmed, in *Barnes v. Felix*, that a proper Fourth Amendment analysis cannot put on “chronological blinders.” Our suggested amendments to the use of force policy follow that holding to its logical conclusion by ensuring that when officers bypass available de-escalation, or create the conditions that later necessitate a deadly confrontation, investigators cannot then evaluate the reasonableness of the use of force without taking into account the officer’s own prior actions. Accountability for pre-incident tactics is not a punitive measure — it is an incentive structure that encourages better decisions at every stage of an encounter, and it is precisely the kind of standard the Commission’s enabling authority empowers it to establish.

We welcome the opportunity to discuss these proposals further and are available at the Commission’s convenience. Thank you for your continued commitment to developing a model policy that reflects best practices to protect all people in our communities.

Respectfully submitted,

Kade Crockford
Director
Technology and Justice Programs
ACLU of Massachusetts

From: [POSTCcomments \(PST\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: FW: Comments on draft use of force policy
Date: Monday, March 2, 2026 11:02:07 AM

-----Original Message-----

From: Richard Pozniak <[REDACTED]>
Sent: Monday, March 2, 2026 9:08 AM
To: POSTCcomments (PST) <POSTC-comments@mass.gov>
Subject: Comments on draft use of force policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Very comprehensive as read.

Suggestion. Encourage summoning of regional SWAT law enforcement response to assist is higher level of tactical and precision force to resolve crisis.

As a professor of public communications who has studied crisis and hostage communications with NYPD Hostage Response Team, and who has lectured on this to criminal justice students and te ruins at a regional police academy, verbal AND non verbal communications must be part of deescalation. I'd like to see this discipline taught in partnership with an academy instructor AND a professional non law enforcement public speaking instructor who has greater understanding of how to use an officers voice and body language as highly persuasive in crisis negotiations.

Rick Pozniak

Crisis Consultant,Professor of Public Communications Billerica Sent from my iPad

From: [Flagg, Denise S. \(CJT\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: FW: POST UOF Model Policy
Date: Wednesday, March 4, 2026 5:31:50 PM
Attachments: [POST Model UOF Policy.pdf](#)

From: Greene, Jody (POL) <jody.greene@pol.state.ma.us>
Sent: Thursday, February 26, 2026 1:48 PM
To: Flagg, Denise S. (CJT) <Denise.S.Flagg@mass.gov>
Subject: POST UOF Model Policy

Good afternoon,

I have reviewed the proposed POST UOF Model Policy. I've attached a copy of the document here for your review. It is very detailed and all-encompassing which I love. We utilize 6 different policies related to UOF, as you will see from my notes.

You can disregard the highlights and notes for the most part. Majority of it is for me and updating our policies, which I have a meeting on next week to get ahead of.

The areas of question and/or comment if you will are as follows:

Page 5, paragraph 5

Related to summoning an alternative response. The question identified "is this practical?" really relates to the MSP. I can see this as an option in a particular city or town with the resources as opposed to a road trooper on the highway if you will. If incorporated will that hold us to a standard that may be impractical for us.

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Using OC on an individual or directed toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at **or when OC spray is used** on an individual and explain the justification.

Page 18 4.

Use of OC on an individual or directed toward an individual is a use of force that must be reported.

Just clarification on OC spray on an individual or when directed toward an individual, as the highlighted portion states for documenting in their report that OC spray was used. If it is a reportable UOF for us, it must be documented in the report.

Thank you very much to you and your team for all your work on this. I can't even imagine the time involved. If I can be of any further assistance, please let me know. I love this stuff.

Have a great day,
Jody

Respectfully submitted,

Major JM Greene, #2863

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Conf of VOF-01
definitions

Post Certification Process
not there yet

3/2/26 5PM
Pending

Policy Name:	Policy Number:	Pages:
Model Use of Force Policy		
Subject Area:	Reference/Notes	
	MPAC Accreditation standards: 1.1.1; 1.1.2; 1.1.3; 1.1.4; 1.1.5; 1.1.6; 1.1.7; 1.1.8; 1.1.9; 1.1.10; 1.1.11; 1.1.12; 1.1.13; 1.1.14 CALEA Accreditation Standards: 4.2.1; 4.2.2; 4.2.3; 4.2.4	
Effective Date:	Issuing Authority	
Scheduled Reevaluation Date:	Previously Issued Dates:	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This general order should not be construed as creation of a higher legal standard of safety or care in any evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To establish [insert agency name] guidelines and limitations concerning the use of force.

II. POLICY

1. The [insert agency name] values the sanctity of life and bodily integrity of all individuals. The [insert agency name] prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the [insert agency name] and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased.
2. Officers shall seek to de-escalate and gain the voluntary compliance of individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.
3. There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:
 - a. Agency discipline, up to and including termination;
 - b. Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
 - c. Criminal prosecution; and/or

d. Civil liability.

confirm w/ UOF-01 definitions

III. DEFINITIONS

Agency: the [insert agency name].

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who are authorized by the agency to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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 with the result of causing bodily injury, unconsciousness, or death.

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

Deadly or Lethal Force: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, 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, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).

Dog: As defined in 555 CMR 6.03, a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that "firearm" shall not include any antique firearm or permanently inoperable firearm.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, "force" includes:

1. Any physical strike or attempted strike;
2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
4. Pointing a firearm, ECW, or chemical weapon at an individual; and
5. Deployment of a police dog resulting in contact.

"Force" does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Chief Executive Officer.

MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116.

Non-Deadly or Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in:

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain an individual by causing pain. This shall not include oleoresin capsicum (OC) spray.

Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions prior to resorting to or concurrent with the use of actual physical force.

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC or a form approved by the Chief Executive Officer that collects at a minimum the information collected on the form approved by the Commission and the MPTC.

IV. PROCEDURES

The use of force is authorized only when it is necessary, proportionate, objectively reasonable and for a lawful purpose.

The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of

hindsight. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and dynamic and rapidly evolving about the amount of force that is necessary, proportionate and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Accordingly, the agency will thoroughly document, review, and investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

A. General

1. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter.
2. Whenever possible, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.
3. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, such that an officer should consider modifying their de-escalation tactics and techniques.
4. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.
5. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, summoning a [insert different response model available to agency e.g., co-response, alternative response, peer response, crisis intervention team, etc.], seeking assistance from a mental health professional, and/or calling in specialized units in order to reduce the need for force and increase safety. Officers shall document when such efforts were attempted or were not feasible.

- is this practical?

6. Any force used shall be necessary, proportionate, and objectively reasonable in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

B. Use of Force Authorization and Limitations

1. Officers are only authorized to use the amount of force that is necessary, proportionate, and objectively reasonable to accomplish lawful objectives.
2. An officer shall not use 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 and proportionate to:
 - a. Effect the lawful arrest or detention of an individual;
 - b. Prevent the escape of an individual from custody;
 - c. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
 - d. Defend against an individual who initiates force against an officer.
3. The authorized use of force ends when resistance ceases or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.
4. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

C. Verbal Warning

When tactically feasible, officers will identify themselves as [police, law enforcement] and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal commands before resorting to force. A verbal warning is not required where the officer must make a split-second decision or if the officer has an objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted or were not feasible.

D. Use of Non-Deadly or Less-Lethal Force

1. Officers shall use only the amount of force necessary, proportionate, and objectively reasonable to overcome resistance or accomplish the lawful police objective. Non-

Non - deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.

2. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force.
4. Use of force does include the pointing of a firearm, ECW, CED, or chemical weapon at an individual and the use of OC spray on or directed toward an individual.
5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

E. Use of Deadly or Lethal Force

1. A law enforcement officer shall not use deadly force upon a 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 prevent imminent harm to an individual and the amount of force used is proportionate to the threat of imminent harm, and
 - a. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;
 - b. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
 - c. The officer uses only the amount of force that is objectively reasonable.
2. Unconventional Weapons

In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., flashlight, radio, or other equipment) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

3. Deadly Force Restrictions

a. Immediacy of the Threat Required

An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

b. Suicidal Individuals

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

F. Use of Force Restrictions

1. Sitting, Kneeling, or Standing on An Individual

Except to temporarily gain, regain or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head.

2. Oxygen and Blood Flow

An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

3. Restrained Individuals

Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

4. Chokeholds

Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck.

G. Mass Demonstrations and Crowd Management



1. It is the policy of this agency to respect the constitutional rights of individuals engaged in lawful demonstrations, to avoid unnecessary conflict, and to attempt to de-escalate potential conflicts whenever feasible.
2. Pre-Planning

When the agency has advance knowledge of a planned mass demonstration within the agency's jurisdiction, the Chief Executive Officer shall designate an officer in charge of de-escalation planning and communication. The designated officer in charge shall diligently attempt in good faith to:

- a. Communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants; and
- b. Discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants and ensure that participants are able to safely exercise their rights under the First Amendment and the Massachusetts Declaration of Rights.

3. Use of Weapons and Canines

When engaged in mass demonstration events, officers shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device, or order the release of a dog to control or influence an individual's behavior **unless:**

- a. De-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances;
- b. The measures used are necessary to prevent imminent harm; and
- c. The foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets, or dog is proportionate to the threat of imminent harm.

4. Restrictions

- a. Canines

Canines shall not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilians.

b. Kettling

The use of kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

H. Providing Medical Aid

1. Officers shall always provide an appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.
2. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care.
3. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less-lethal force options. If treatment is offered and refused, the refusal shall be documented. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

I. Duty to Intervene

1. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual.
2. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

3. Officers and other agency personnel who observe an officer or other agency personnel engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor.
4. Any harassment, intimidation, or retaliation against any officer or other agency personnel who:
 - a. Intervened or attempted to intervene to prevent or stop an excessive force incident;
 - b. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
 - c. Provided information or testimony to any investigating entity inside or outside the agency,is prohibited.

Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

J. Response to Officer-Involved Injury or Death

1. Whenever an officer either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the [insert title/rank of designated role] shall immediately notify the Chief Executive Officer or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Chief Executive Officer or their designee.
2. If the use of force involved a weapon, the Chief Executive Officer [or insert designee] shall secure the weapon or weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.
3. Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office.

K. Weapons

1. Officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41, § 98, for example, permits officers to carry weapons as authorized by the Chief Executive Officer of the agency. While no law addresses the possession and use of other weapons by officers, the Chief Executive Officer of the agency may both authorize and regulate such activities.

Do not add.

2. Only authorized agency personnel may carry or use weapons in the performance of their designated duties. Authorization must be documented and approved by the Chief Executive Officer or their designee. Authorization is contingent upon successful completion of all training, certification, and proficiency requirements. The Chief Executive Officer may revoke or suspend authorization at any time.

3. Only weapons and ammunition authorized by the agency may be used by authorized agency personnel in the performance of their designated duties.

4. Sworn Officers

Officers are authorized to carry and use the following weapon(s) in the performance of their duties, subject to this Use of Force policy and applicable restrictions:

a. Firearms (pursuant to M.G.L. c. 41, § 98);

b. [for each weapon officers are authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon; and any restrictions on the use of the weapon not previously addressed in the use of force policy]

5. Non-sworn agency personnel [if applicable]

a. Non-sworn agency personnel may be authorized to carry specified weapons when expressly approved by the Chief Executive Officer and consistent with applicable law. Non-sworn agency personnel authorized to carry weapons must adhere to all provisions of this Use of Force policy as if they were sworn officers, including training, certification, and reporting requirements.

b. The following non-sworn agency positions are authorized to carry the weapons listed:

i. [Insert position title]: A [insert position title] is authorized to carry the following weapons:

A. [for each weapon the position is authorized to carry and use, including lethal and less-lethal, list the weapon, the legal authority to carry the weapon, and any restrictions on the use of the weapon not previously addressed in the use of force policy.]

6. Security, Storage, and Safe Handling of Weapons

- a. Authorized agency personnel shall be trained in accordance with agency guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than authorized agency personnel shall be permitted access to any agency-owned firearm or any other agency-owned weapon, with the exception of: police officers from other jurisdictions in the official performance of their duties; licensed individuals performing repairs or maintenance as approved by the agency; or other circumstances with the express permission of the Chief Executive Officer.
- b. Authorized agency personnel shall secure and store firearms and other weapons, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm or weapon. All agency firearms kept at home must be secured in a safe place inaccessible to family members and others, especially children, and conform with the requirements of M.G.L c. 140, § 131L.
- c. Whenever an authorized agency personnel is at an agency facility and removes their handgun or other weapon, the item must be secured so that it is not readily accessible to unauthorized individuals.
- d. Authorized agency personnel shall not leave firearms or other weapons unsecured in vehicles, lockers, offices, or any other place where unauthorized access may occur.
- e. Any loss or theft of a firearm or other agency weapon shall be immediately reported to the authorized agency personnel's supervisor.

7. Weapons Restrictions

a. Warning Shots Prohibited

Officers are prohibited from discharging their firearms as a means of warning, intimidating, or frightening an individual.

b. Pointing Weapons



- i. Officers are prohibited from pointing their firearms at or in the direction of an individual absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy.

- ii. Pointing a firearm or ECW/CED may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.
- iii. When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.
- iv. Pointing a firearm or an ECW/CED at an individual and using OC spray on an individual or directed toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW/CED is pointed at or when OC spray is used on an individual and explain the justification.

c. Surroundings

Before discharging a firearm, ECW/CED, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.

d. Discharging Firearms into Moving Motor Vehicles

An officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

- i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle;
- ii. Officers 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 at close proximity while dismounted);
- iii. The officer is not firing strictly to disable the vehicle; and
- iv. The circumstances provide a high probability of stopping or striking the intended target.

e. Use of Weapons Against Animals

- i. Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer

or to the public. When time and circumstances reasonably permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force.

- ii. Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

f. Use of Agency Weapons for Training and Other Purposes

Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Chief Executive Officer to participate in law enforcement competition events or ceremonial events.

g. Use of Firearms or Weapons While Under the Influence of Alcohol and/or Controlled Substances Prohibited

Officers shall not carry or use any firearms or weapons on- or off-duty while consuming or under the influence of alcohol or controlled substances. Officers shall not carry or use any firearms or weapons on- or off-duty while impaired by any condition (medical or otherwise) that negatively impacts judgment, motor skills, or proficiency.

Armorer
L. Maintenance and Accountability for Weapons

1. The [insert designated agency position responsible for armorer duties] shall maintain a list of all authorized weapons and ammunition that shall be made available to officers and authorized agency personnel. The [insert designated agency position responsible for armorer duties] shall also maintain inventory reports for all weapons authorized by the agency and update inventories at least annually to include the location of all firearms [list other weapons to be inventoried as needed].
2. The [insert designated agency position responsible for armorer duties] shall maintain a record on each weapon, lethal and less-lethal, authorized for use by the agency. Such record shall include:
 - a. Serial number, if applicable;
 - b. Weapon description;
 - c. Date of issuance;

- d. Officer receiving weapon;
 - e. Maintenance/repair information;
 - f. Date removed from service and reason; and
 - g. Other information as required by the Chief Executive Officer or designee.
3. All weapons shall be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Weapons failing inspection shall not be issued and shall be repaired or replaced before use.
 4. At each training session for lethal or less-lethal weapons, the [insert designated agency position responsible for armorer duties] or instructor shall conduct an inspection of all weapons assigned to each officer present and confirm that:
 - a. The weapons are properly assigned to the officer carrying the weapon.
 - b. That the weapons (lethal and less-lethal) are in working order; and
 - c. That inventory records accurately reflect weapons assigned to individual officers.
 5. The procedures listed above shall also apply to any weapons, lethal and less-lethal, authorized by the agency for off-duty carry.
 6. Whenever an authorized weapon is found to be unsafe or not functioning properly, it shall be immediately turned in or taken out of service by the officer. The [insert designated agency position responsible for armorer duties] shall maintain an inventory of replacement firearms and ensure that such firearms are available for issuance when needed.
 7. The [insert designated agency position responsible for armorer duties] shall ensure that all agency weapons held in storage are secured to prevent damage, theft, or improper issuance. An access log shall be maintained for all entries into weapon storage areas.



M. Training and Qualifications

1. In addition to annual firearms qualification and skills training required by the MPTC and this agency's Firearms Policy XXX, officers shall be properly trained and certified in the use of any less-lethal weapons and control techniques before being authorized to carry or use them. Officers shall only carry and use weapons and control techniques for which they have received agency-authorized training and which are issued and/or approved by the agency.
2. As part of annual in-service training, all officers shall receive training on this agency's use of force policies, reporting requirements, and relevant case law updates.

3. All officers shall complete annual training on all lethal and less-lethal weapons that require annual proficiency training, including ECWs.
4. Weapons without an annual training requirement (e.g., impact weapons, kinetic impact devices, OC spray) shall require requalification at least every two years under a certified instructor.
5. All officers shall receive annual agency-authorized use of force training designed to simulate actual conditions, including stressful and rapidly evolving situations, to strengthen discretion, judgment, and application of de-escalation tactics. Training shall also cover the topics required by 555 CMR 6.10, including de-escalation, mental health response, responding to mass gatherings, cultural competency, progression of force, and lawful use of force techniques.
6. All training, including remedial training, shall be documented in agency training files.
7. Training and proficiency results for any authorized weapon shall be monitored by an MPTC-certified weapons instructor and documented in the agency training files by the Chief Executive Officer or their designee. Documentation for sworn officers shall also be uploaded into the MPTC Acadis system by the Chief Executive Officer or their designee. Sworn officers must demonstrate proficiency with weapons in compliance with MPTC requirements.
8. Officers who fail to demonstrate the required proficiency with agency-issued weapons shall receive remedial training consistent with MPTC standards and relevant agency policy.
9. Any officer who fails to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.
10. Officers who seek to return to duty after an interruption in service shall first comply with all requirements set forth in 550 CMR 3.04 prior to being authorized to perform police duties and functions.
11. Only officers demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons.
13. All officers, including newly hired and veteran officers being issued a new type of weapon, shall be issued applicable policies and receive proficiency training on the weapons prior to being authorized to carry such weapons. The issuance, policy receipt, and training shall be documented.

N. Use of Force Reporting

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1. Any officer who uses force shall complete the Use of Force Reporting Form. Reports shall be completed by the end of the officer's shift/tour of duty unless an extension of time is granted by a supervisor not directly involved in the incident.
2. [Discretionary for Agency under 555 CMR 6.07(3): Discharge of a firearm during training, qualification exercises, or for recreational purposes does not need to be reported.]
3. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.
4. The pointing of a firearm, ECW, CED, or CW at an individual and the use of OC spray on an individual or directed toward an individual is a use of force that must be reported. Any accidental discharge of a firearm, or any action that results in or is alleged to have resulted in injury or death shall be reported.
5. The agency shall report the following incidents to the National Use of Force Data Collection Database:
 - a. When an officer's actions result in death or serious bodily injury of an individual; or
 - b. When an officer discharges a firearm at or in the direction of an individual.
6. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
7. Any harassment, intimidation, or retaliation against any officer or other agency personnel related to a duty to intervene under Section I shall be reported immediately to an appropriate supervisor.
8. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd.
9. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

Previous language P 14

Need to add.

Incorporate

10. The agency shall report the following incidents to POST:

- a. Officer-involved injuries or death;
- b. Excessive force;
- c. Untruthful statements concerning a material fact regarding a use of force;
- d. Knowing omission of a material fact regarding a use of force; or
- e. Any harassment, retaliation, or intimidation of an individual related to a use of force.

11. All Use of Force Reporting Forms shall be retained and maintained by the agency consistent with 555 CMR 12 for [insert length of time consistent with 555 CMR 12]. [For public agencies include the following language: and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.]

12. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

O. Reporting Procedures

UOF Review Committee

1. The agency shall establish a use of force reporting system that allows for the effective review and analysis of all agency use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the agency. Officers shall complete the appropriate reports and the Use of Force Reporting Form whenever they use force, whether deadly or non-deadly.

2. Officer's Responsibilities

a. When an officer uses force for any law enforcement purpose, whether on duty or off duty, the officer shall:

- i. Notify a supervisor of the incident as soon as circumstances allow.
- ii. Complete the Use of Force Reporting Form, which shall list all other officers or employees involved in or witnessing the incident.
- iii. All Use of Force Reporting Forms must be completed and forwarded to a supervisor not directly involved in the incident by the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.

b. Any officer who has a duty to intervene or observes an officer or other agency personnel engaged in abuse (see Section I) shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end

*376 where is how?
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comply w/ 555 CMR 12
language*

*POST, IA, Ro,
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*1) →
Incorporated
P. 2 B
Duty to
intervene
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of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with agency reporting protocols.

- c. Any officer who utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs/CEDs, chemical weapons, or a dog against a crowd shall write a report detailing the facts and circumstances surrounding the use of force. including a detailed justification of why the use of said weapons was objectively reasonable.

3. Supervisor Not Directly Involved in the Use of Force Incident Responsibilities

- a. When a use of force incident involves an officer assigned to patrol, a supervisor not directly involved in the use of force incident or [insert position] has the primary responsibility to make certain that all necessary Use of Force Reporting Forms are properly completed evidence in the custody of law enforcement is preserved and the report is submitted as required by officers under their command.
- b. The supervisor who performs the initial review of the reporting forms shall identify and report any clear instances of violations of law or agency policy that necessitates immediate action by the reviewing supervisor, including actions related to the officer's fitness for duty or duty status, to [insert the appropriate chain of command level for notification].
- c. The supervisor shall sign the report and forward it to the Chief Executive Officer of the agency or their designees.
- d. If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor shall complete the steps as required in the preceding subsections. Supervisors involved in a use of force incident shall forward the Use of Force Reporting Form to the next level of command not involved in the incident.
- e. In any use of force or incident resulting in death or serious bodily injury, or any firearm discharge at or in the direction of an individual, the on-duty supervisor shall immediately notify the Chief Executive Officer through the chain of command. The officer involved shall be removed from operational assignments pending administrative and potential criminal review.
- f. When an officer reports pursuant to a duty to intervene (see Section I), the on-duty supervisor shall prepare a report and include the observing officer(s)'s detailed written statement describing the incident in that report.

*

P. 2
3. D.
incorporate

Duty to intervene

4. Office of the Chief Executive Officer or their Designee for Administrative Review

VOF committee

SOP for UOF Review Committee

UOF Committee

IA

45 days?

incorporate this language

OPA DC -> DST language?

*

8, 6, Reporting Records

- a. The [insert agency designee] shall review the Use of Force Reporting Form in a timely fashion not to exceed [a timeline determined by the agency] to determine:
 - i. Whether the action was consistent with policy, training, and law;
 - ii. Whether further administrative review or investigation is warranted;
 - iii. Whether equipment, training, or policy changes should be considered;
 - iv. Whether a referral to the District Attorney's Office is appropriate;
 - v. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N); and
 - vi. Whether the incident is required to be reported to the Commission (see Section N).
- b. The Chief Executive Officer or their designee for administrative review may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Chief Executive Officer shall be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
- c. Use of force reports that warrant further administrative review or investigation shall be referred to the [insert Chief Executive Officer or the agency position responsible for internal affairs function]. Such review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The [insert Chief Executive Officer or the agency position responsible for internal affairs functions] shall be responsible for the prompt investigation of the matter including the collecting and preserving of evidence consistent with the requirements specified in 555 CMR 13.03(8) and the recommendation of discipline, if appropriate.
- d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.
- e. The [insert agency designee] shall conduct, at a minimum, annual analyses of all "Use of Force" incidents and complaints and provide a comprehensive report to the Chief Executive Officer. This report, at a minimum, shall document:
 - i. Trends in use of force over time;
 - ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when that is determined to be the case;
 - iii. Recommendations on equipment, training, and/or policy changes, if any;
 - iv. The date, time, and circumstances of incidents;

*Is this necessary
given the climate
why not FOIA?*

- v. The type of force or type of weapons used;
 - vi. Types of encounters resulting in use of force;
 - vii. The race, age, gender, and any known or perceived mental or physical disability of individuals involved;
 - viii. Injuries to individuals, officers, or others; and
 - ix. Identification of trends or patterns contributing to injury.
- f. For purposes of transparency, the [insert agency designee] shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency's website and at the agency for inspection.
- g. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity. [For public agencies include the following language: and upon receipt of a public record request under M.G.L. c. 66, § 10.]

DRAFT

From: Chief James Hicks <hicks@natickpolice.com>
Sent: Friday, February 20, 2026 3:01 PM
To: Flagg, Denise S. (CJT) <Denise.S.Flagg@mass.gov>
Subject: Fwd: Important - Feedback Needed

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I'm getting some feedback. I will forward it to you as received.

----- Forwarded message -----

From: Chief Cara Rossi <crossi@ashlandpd.org>
Date: Fri, Feb 20, 2026 at 9:50 AM
Subject: Fwd: Important - Feedback Needed
To: Chief James Hicks <hicks@natickpolice.com>

Chief,

I asked my Firearms and UOF Sergeant to look at this. Please see his comments.

Cara

----- Forwarded message -----

From: Sergeant Kevin Piers <kpiers@ashlandpd.org>
Date: Fri, Feb 20, 2026 at 9:32 AM
Subject: Re: Important - Feedback Needed
To: Chief Cara Rossi <crossi@ashlandpd.org>

Chief,

Overall I think this is a solid policy and it's encouraging that we are moving towards statewide standardization in this area. I think a few things could improve and clarify this policy. See edits below.

D. Use of Non-Deadly or Less-Lethal Force

5. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if

INTENTIONALLY

applied in a manner or to a part of the body likely to cause death or serious bodily injury.

During our training for Taser and impact weapons (Less Lethal Shotgun and Baton) we talk a lot about Intended Target Areas (ITAs). If my intended target area is a green area, during a dynamic use of force encounter, I may strike a red target area (lethal force area), unintentionally, due to subject movement or other factors. The addition of this word takes into account the dynamic and ever-changing nature of a use of force incident where things rarely go as planned.

E. Use of Deadly or Lethal Force

2. Unconventional Weapons

In sudden, unpredictable confrontations where deadly force would be authorized, an officer may use any available means (e.g., flashlight, radio, or other equipment) to defend themselves or others, provided the level of force is objectively reasonable under the circumstances.

This section should be included in Section D. Use of Non-Deadly or Less-Lethal Force as well. We can certainly envision endless scenarios where Non-Deadly or Less-Lethal Force would be authorized but where a Unconventional weapon or a tool of available means (as we used to call it) may be necessary, reasonable and appropriate.

I. Duty to Intervene

*3. Officers and other agency personnel who observe an officer or other agency personnel engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor **BEFORE THE END OF THE SHIFT***

The addition of this qualifier complies with the law and POST standards for reporting excessive force and the duty to intervene.

Respectfully,

Sgt Kevin Piers

From: [Flagg, Denise S. \(CJT\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: FW: Comments Use of Force Model Policy
Date: Wednesday, March 4, 2026 5:31:08 PM

From: Chief James Hicks <hicks@natickpolice.com>
Sent: Sunday, March 1, 2026 2:13 PM
To: Flagg, Denise S. (CJT) <Denise.S.Flagg@mass.gov>
Subject: Comments Use of Force Model Policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Denise,

I have a few comments/questions on the Model Use of Force Policy:

-I. Duty to Intervene - This has been a very hot topic specifically how is "another officer" in paragraph 1 defined? Is it an officer for your own department or any office whether state, local or federal. In paragraph 3 it goes into saying "other agency personnel" which tends to lean to just officers in your agency. This may be a good time to clarify

-M. Training and Qualifications - Paragraph 3 - I am of the understanding that we do not have a "qualification/requalification" for these weapons. Do we have a curriculum?

Paragraph 5 - Would in-service satisfy this requirement?

-N. Use of Force Reporting - Paragraph 1 - Will a sample Use of Force Reporting Form be created? Paragraph 5: I think we need to add some emphasis because this is not being done on a regular basis. I'd like to see language stating it must be reported "Monthly. If no reportable incidents then a Zero Report must be submitted Monthly" Paragraph 8 - Is this in addition to the annual reported submitted to EOPSS fro ECWs?

--

James G. Hicks

Chief of Police

From: [Flagg, Denise S. \(CJT\)](#)
To: [Lee, Annie \(PST\)](#)
Subject: FW: Use of Force Model Policy
Date: Wednesday, March 4, 2026 5:30:58 PM

From: Chief Couture <chiefcouture@hubpd.net>
Sent: Monday, March 2, 2026 4:13 PM
To: Flagg, Denise S. (CJT) <Denise.S.Flagg@mass.gov>
Subject: Use of Force Model Policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Denise,

I received some feedback that I wanted to pass along about the Use of Force Policy from POST. Specifically I was sent this from one of the Central Mass Chiefs. I tend to agree with him and unless we are reading this incorrectly or not applying it correctly this seems like an issue.

-

I have concerns with 7(g) on page 15. The word "consuming" is concerning. An off-duty officer can certainly consume alcohol without being impaired and without being over the standard of .08. Also the phrase "or weapons" is concerning. So if an off-duty officer is carrying a pocket knife and has a single alcoholic beverage, they would be violating this policy?

Thank You,

--

Ryan Couture
Chief of Police
Hubbardston, MA 01452
978-928-1400 x100