

# UNIFORMS AND PERSONAL APPEARANCE

POLICY & PROCEDURE NO. <b>1.02</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/15/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

As service providers, employees should present a professional appearance to the public at all times and reflect a positive image as members of the department. A person who is neatly dressed and well-groomed instills confidence in others about his/her abilities. A professional uniform appearance also enhances morale, fosters teamwork, and develops esprit de corps.

## II. POLICY

It is the policy of the department that:

1. Standards of uniform attire shall be maintained by this agency;
2. All employees shall present a neat, well-groomed, professional appearance while in uniform;
3. Non-uniformed employees shall present a neat, well-groomed, professional appearance while on duty and,
4. Exceptions may be made by the Chief of Police or his designee, if necessitated by the police mission.

## III. DEFINITIONS

- A. Civilian Attire: Non-uniform clothing.
- B. Business attire: Dress clothes such as business suit, suit coat, dress pants, shirt and tie for men, or a business dress or pants suit for women.
- C. Business Casual: Neat casual clothing such as khakis, dress shirt, polo shirt, etc. Jeans are not considered business casual.

- D. **Uniform Accessories:** Articles approved by the Chief of Police which may be worn with the official uniform.
- E. **Uniform of the Day:** Uniform as directed by this policy or a competent authority.
- F. **Uniform Insignia:** Patches, name tags, rank insignia, and other items worn on the uniform.

## **IV. PROCEDURES**

### **A. Employee Attire**

Generally: Employees should present a professional appearance to the public at all times. However, exceptions may be authorized for medical necessity or to further the police mission.

1. **COURT:**
  - a. Business attire is always appropriate for court appearances and mandatory for Jury Trials, Grand Jury, and Superior Court.
  - b. The uniform of the day is also appropriate for District Court, Clerk Magistrate appearances, or hearings at the Registry of Motor Vehicles.
  - c. The court officer may elect to wear business casual attire, so long as said officer is wearing a departmental badge and a firearm, they have a current qualification with. For magistrate appeals/show cause hearings the court officer shall wear the uniform of the day.
2. **SPECIAL ASSIGNMENTS:** Attire for special assignments may be directed by Chief of Police or his designee
3. **TRAINING:**
  - a. In-service training: Uniform of the day (Training Polo & 5.11 Pants)
  - b. Classroom type training: Uniform or Class D Uniform.
  - c. Firearms training: Jeans or tactical pants, outdoor type clothing and duty boots. Body armor is always required at the range.
4. **SERVICE WEAR**
  - a. **Police Officers**
    - 1) Administration: Uniform of the day or business attire.
    - 2) Investigations: Business attire unless otherwise authorized by a Supervisor or OIC for an investigative function.
    - 3) Patrol: Employees shall wear the Class B uniform with duty belt while performing patrol duties. Specialty assignments are authorized to wear alternate uniforms while performing those duties.
    - 4) Extra-duty Details: The Class B uniform of the day or specified detail uniform shall be worn for most details. While working traffic details,

officers may wear a firearm in a pancake or molded polymer holster rather than the complete duty belt. Officers must also carry handcuffs, a portable radio.

- 5) Officers assigned Dispatch- Class B or Class D uniform.
  - 6) With the exception of circumstances where the carrying of such equipment would endanger the officer, such as undercover work, all sworn police will at minimum be equipped with a firearm and handcuffs while on duty. If outside of the police station, a portable radio will be used by the officer.
- b. Clerical: Business casual unless otherwise authorized.
  - c. Animal Control Officer: Employees will generally be uniformed while performing normal duties.
  - d. Crossing Guard or Traffic Control Officer (TCO): Employees will be uniformed while performing crossing guard duties. Clothing shall be weather appropriate and include an approved, high visibility traffic safety vest or crossing straps. No part of the uniform shall say "police" and no firearm will be worn.

## **B. Department Uniforms**

### **1. WEARING OF UNIFORMS GENERALLY**

- a. All uniform items issued or paid for by the department are property of the department.
- b. Summer and winter uniforms: Officers may use their discretion when wearing either uniform. There is no set time of year for changeover.
- c. Only members of this department are authorized to wear a department uniform. Uniforms may be worn only for an official police purpose, exceptions may be authorized by the Chief or his designee.
- d. Only issued or authorized uniform items may be worn as part of this department's uniform.
- e. Civilian clothing shall not be worn with any distinguishable part of the uniform unless the employee is commuting to or from duty.
- f. Officers shall keep their uniforms neat, clean and well-pressed at all times.
- g. Care should be taken not to wear threadbare or faded items.
- h. The uniform cap may be worn out of doors. The Chief of Police, other supervisor or OIC and all officers on the shift/group shall follow the same direction as it relates to the uniform cap.
- i. Officers shall not wear any identifiable part of the uniform outside the limits of the community except while in the performance of official duty, while commuting to and from duty, or with the permission of the Chief of Police or his designee.

## 2. AUTHORIZED UNIFORMS ITEMS GENERALLY

- a. Undershirts exposed while wearing the department uniform must be Dark Blue or Black in color.
- b. Insignia
  - 1) No buttons, insignia, attachments or coverings of any kind will be worn on a department uniform unless it is authorized by the Chief of Police.
  - 2) A mourning band may be placed around the department badge when a law enforcement officer is killed in the line of duty in the Commonwealth of Massachusetts, or otherwise when directed by the Chief of Police. The band may be worn from the time of the involved officer's death notification through sunset on the day of the funeral. A mourning band may also be worn if an officer is attending a funeral in uniform, with the approval of the Chief or his designee.

## 3. POLICE OFFICERS

As many items are worn with each listed uniform, the following is the policy for every uniform, unless specified below under each individual uniform:

- a. Footwear: The following footwear is authorized to be worn with the department uniform unless otherwise specified:
  - 1) Black, low quarter, leather uniform shoes.
  - 2) Black leather athletic/walking shoes.
  - 3) Black leather or ballistic nylon/leather combination uniform boots.
    - a) Except for bicycle patrols, uniformed employees wearing footwear where the socks are exposed shall wear black or navy blue socks.
- b. Undershirts: If exposed while wearing the department uniform, undershirts must be dark blue or black in color. If the white uniform shirt is being worn, a white undershirt may be worn.
  - 1) Turtlenecks: Turtlenecks shall have the officer's identification number embroidered in a stitch color appropriate to their rank (gold/silver) or may opt to have "HPD" embroidered instead. The turtleneck color shall be black or navy blue.
- c. Uniform Shirt: The following shall be applicable, unless specifically listed as optional, on all uniform shirts (summer/winter/dress). For the purposes of this section summer and winter uniforms are Midnight Blue (approved uniform shirt, approved shirt for underneath an external vest, or approved shirt for under the external vest carrier), and dress uniform shirts are white. Summer uniform and winter uniform shirts cannot have a button beyond the top one un-buttoned while an officer is on shift. NOTE: The Chief of Police, or other officer's/supervisors assigned to administrative duty may wear the white uniform shirt of the season, with the Chief's approval.
  - 1) Collar pins: These shall be affixed reading "HPD" left to right, in a diagonal fashion, in rank appropriate color. If an officer is in a rank in

an acting capacity they may wear collar pins appropriate to their acting rank (sergeant stripes, lieutenant's bars, etc.), unless they are wearing a uniform otherwise signifying that rank (ex., chevrons properly sewn onto their sleeves).

- 2) Name plate: An officer's name plate shall be color appropriate to their rank. It shall be properly affixed to their uniform shirt, centered over the right breast pocket so that the bottom of the name plate is touching the top seam of the pocket flap. An officer's name plate, at minimum, shall contain their last name in all capital letters. It is optional for an officer to also include an appropriate abbreviation for their rank (Ofc., Sgt., Lt.) in front of their name. An officer may also have their first initial in front of their last name, followed by a period.
- 3) Badge: The department badge shall be worn when a department uniform is worn. The badge may have the officers ID number on it in place of the word "Dept."
- 4) Patches: The department patch will be worn on the left sleeve, **centered on the sleeve crease ½ inch from the shoulder seam. On the right sleeve an American flag may be worn. The border of the American flag, if worn, shall be a color appropriate to the officers rank.**
- 5) Pens: An officer shall have writing instruments on them at all times while in uniform. The writing instruments shall be placed in the left breast pocket in the appropriate hole along the top seam of the left pocket. If the pens have metal on them, the metal shall be appropriate to the officer's rank.
- 6) Service stripes: Service stripes (also known as "hash marks") are optional for officers to wear. Service strip(s) shall be worn on the left sleeve of the long sleeve or dress uniform shirts (jackets other than **rain gear, sweaters, and the Class A dress blouse**) situated ½ inch above the upper cuff seam with the rear of the stripe abutting the sleeve crease. A single stripe shall signify three years of service as a full time municipal police officer, or three years of service time as a police officer with the Hadley Police Department, including part time/special years of service with the Hadley Police Department. Service time will not be counted if an officer has had separation periods in which no other municipal police service was worked. No other law enforcement experience shall be considered. Documentation shall be submitted to the Chief of Police demonstrating an officer's past full time service if an officer wishes to wear service stripes pre-dating their time with the Hadley Police Department. Service stripes shall be blue in color for all ranks below that of Lieutenant. Once an officer reaches 15 years of service as reflected above, they shall add one (1) star above the 5 hash marks to indicate 5 additional years (for a total of 20 years). An additional star may be added for every 5 years past 20.
- 7) Whistle Chain: A whistle chain, with a properly affixed whistle may be worn from the right epaulet to the right breast. The whistle chain shall

go behind the officers name plate, if the chain is worn. On the uniform shirt the whistle chain may be worn leading into the right breast pocket, however, a whistle shall be worn with the Class A uniform if the chain is worn and must be colored appropriate to the officers rank.

- 8) Tie and tie clip: while wearing the winter patrol uniform, if a tie is worn, it shall be clip-on or Velcro and black in color. The tie clip shall be colored appropriate to the officers rank, and may be plain or have an approved law enforcement emblem on it. The tie-clip shall be worn even with the top of the pocket flap.
- 9) Rank insignia: Officers of rank shall wear rank insignia on their uniform and jackets. Field Training Officers may wear the department approved "FTO Stripe" on their department uniforms (exception, Class A dress blouse). If worn, they shall be on both sleeves, centered on the sleeve crease, positioned  $\frac{1}{2}$  inch below the department patch. Sergeants shall wear chevrons on both their right and left sleeve, centered on the sleeve crease. They shall be positioned  $\frac{1}{2}$  inch below the department patch. Lieutenants (and higher ranking officers) shall wear their rank insignia (whether metal pins or embroidered) on both uniform epaulets. The senior Sergeant may also be allowed, at the Chief's discretion, to wear the insignia of Staff Sergeant (3 chevrons with a rocker).
- 10) Award Ribbons issued by this department may be worn on the Class B Uniform and shall be worn on the Class A uniform. They shall be positioned  $\frac{1}{8}$  of an inch above the nameplate and centered on the crease of the shirt. On the Class A jacket, centered on the name plate.

Ribbons are worn in order of precedence from the wearer's right to left, in one or two rows, with either no space between rows or  $\frac{1}{8}$ -inch space between rows. No more than four ribbons are worn in any one row, and more than two rows are not authorized.

A second row will not be started unless authorized to wear four or more ribbons.

Multiple ribbons will be worn on the appropriate slide backer, for the appropriate number of ribbons.

Recipients of multiple awards of the same type will be authorized to add additional "devices", which are inserted into the ribbon. The number of devices indicate the number of awards, additional to the first. (ex., one device indicates two awards of the same type, two devices indicate three, etc.)

A name badge addition that signifies an officer's starting year may be worn. If worn, the color shall be appropriate to rank.

- 11) Embroidery: Any officer who chooses to wear an approved undershirt underneath an approved external carrier shall have the following parts of the uniform embroidered:

- a. Collar pins: HPD shall be embroidered on the collars of the uniform undershirt in the rank appropriate color stitching.
- b. Last Name: The officer's last name shall be embroidered above the left front pocket of the external vest carrier and also on the left chest of the uniform undershirt in rank appropriate color stitching.
- c. Badge: The officer shall have an embroidered Hadley police badge on the right chest of the uniform undershirt with the appropriate color stitching and rank designation of Chief, Sergeant or Police Officer on the top panel of the badge embroidery. The external vest carrier WILL NOT have an embroidered badge and personnel will continue to wear the standard department badge.
- d. If an officer chooses to not utilize the external carrier/uniform undershirt style of uniform, he/she may have a standard uniform shirt embroidered, in the rank appropriate color, the following parts of the uniform:
  1. Collar pins
  2. Last Name

NOTE: All personnel must also keep and maintain a standard (no embroidery) long and short sleeve Class B uniform shirt even if the officer typically wears the external vest carrier style shirt.

- d. Pants: Uniform pants shall be dark blue police style pants. They shall be the approved 10-pocket styled, or approved 8-pocket, with hidden pocket zipper. Any rear pockets that have buttons shall be buttoned while on duty.
- e. Patrol Jackets: Only police style jackets may be worn while on duty. Due to varying climate and precipitation, there are multiple options for a department approved jacket. Sentry Uniform has these specifications on file and no alterations are allowed unless approved by the Chief of Police or designee. It is the officer's responsibility to ensure compliance with those specifications on file.
- f. Duty Equipment: The patrol duty belt may be either leather or nylon, with accessories matching the belt (exception being the firearm holster). If an officer wears leather gear, the buckle, and all snaps shall be silver/gold appropriate with their rank (to include belt keepers). Equipment worn on duty on a belt or external vest carrier will include:
  - 1) Two handcuff cases with handcuffs. A "double-case" capable of holding two sets of handcuffs may be worn.
  - 2) OC Spray with holder.
  - 3) Firearm in holster. A flashlight may be worn on the department issued firearm.

- 4) Glove holder - optional, but recommended. Containing rubber gloves.
  - 5) Radio, either with clip or in a radio holder.
  - 6) Flashlight with flashlight holder.
  - 7) Expandable baton with a plastic baton holder, able to swivel (Hindy-cap on baton is optional).
  - 8) Taser holster
  - 9) Magazine pouch, capable of holding two or three additional firearm magazines.
  - 10) Additional items may be worn with the approval of the Chief of Police, a supervisor, or a departmental Defensive Tactics instructor.
  - 11) Tourniquet and holster.
- g. Hats: Patrol hats are "UMass Style Hats." The hat badge shall be properly affixed to the front of the hat. This hat is required for the class A uniform and may be worn with the class B or when otherwise directed. A baseball cap with the embroidered department patch affixed to it may be worn only when the officer is dressed in the class B uniform. The hat will be a black baseball hat designated by the Department (not the detail hat). The officer's ID number embroidered on the back is approved with the uniform. During the cold weather, a plain black winter cap, or ski mask may be worn if the weather requires. A black winter watch-cap or so-called Ushanka/Balaclava (hat with ear flaps) may be worn. It may be embroidered with the word "POLICE", or an embroidered subdued department patch, may also be affixed to it. Female officers wearing their hair "up" as described below with an amount of hair that does not allow for a winter hat to be worn, may wear a solid black headband with no logos appearing.
- h. Gloves: Patrol gloves should be black. If they have an emblem on the glove, an attempt to "black-out" the logo shall be made. An officer should not destroy their glove/s in an attempt to remove a logo. High visibility gloves shall be worn on details, at accident scenes or for other situations requiring additional visibility for officer/public safety or where traffic direction is necessary.
- i. Cross strap: An officer may wear a cross strap with their winter uniform. The cross strap shall be plain leather, with a buckle appropriate to the officer's rank. A cross strap may only be worn with a leather duty belt. An officer may request approval from the chief to wear a cross strap in the summer uniform.
- j. Body armor/external vest carriers: See departmental body armor policy. An external vest carrier may be worn with body armor. The vest carrier shall be worn to match the uniform of the day. The vest carrier shall have the officers last name embroidered over the left breast pocket in the rank



appropriate color. An approved tactical or Molle vest carrier may be worn with Class B or Class C or other described uniforms.

- k. Knife: An officer may carry a knife on their person while on shift. The Chief of Police may check any knife that an officer carries on shift, and can determine that a particular knife or style of knife cannot be carried.
- l. Class A, Dress Uniform
  - 1) The dress uniform will consist of a uniform dress blouse, pants (four-pocket only), long sleeved white uniform shirt, and black tie and approved tie-clip.
  - 2) Footwear shall be black, leather (polished), with black socks.
  - 3) Leather duty belt, leather Class A holster, magazine holders and department firearm and holster, and one set of handcuffs in a leather handcuff holder. A leather cross strap shall be worn with the dress blouse.
  - 4) Insignia:
    - i. See "Uniform Shirt" for information on patch, flag patch (required on dress blouse), name plate, badge, service stripes, whistle chain, and collar pins (on both white shirt and jacket)
    - ii. The dress hat shall be worn with the hat badge affixed to the front of the hat with the badge color appropriate to their rank (gold/silver).
- m. Class B, Patrol Uniform
  - 1) Summer uniform consists of uniform short sleeve shirt, pants, mesh uniform hat and footwear.
  - 2) Winter uniform consists of uniform long sleeve shirt and tie or turtleneck shirt (or neither), pants, cloth uniform hat and footwear.
- n. Class C, Utility Uniform
  - 1) The uniform consists of a black, BDU, long sleeve shirt, pants, utility hat and footwear.
  - 2) Class B uniform outer wear may be worn with this uniform.
  - 3) The Class B duty belt or a ballistic nylon duty belt is authorized to be worn with the Class C uniform.
- o. Class D, Training/Administrative
  - 1) The uniform consists of the approved blue polo with embroidered badge on left chest. This shirt is on file with Sentry Uniform.
  - 2) Pants may be of the 5.11 utility pant style, a khaki pant, or duty pants.
  - 3) When multiple officers are attending training together, the same pant will be worn by all officers.

- 4) Investigators and Administrators are granted great latitude to adjust the daily uniform based on needs for that particular day but should consider the need to respond to active calls for service, and must carry the minimum equipment at all times as listed in Section IV, Section A, Paragraph 4, Line 6.
4. Detail Uniform: High visibility approved detail shirt, with the department patch properly affixed to the left sleeve, and an optional rank appropriate American flag on the right sleeve. During the winter months officers can wear either a long sleeve high visibility shirt, or the short sleeve one with a turtleneck under it and a jacket over it. Black tactical pants, BDU pants/shorts or Class B uniform pants are all approved with the detail uniform. For interior details the Class B uniform of the day is required. A baseball cap with the officer's badge embroidered on the front, and ID number embroidered on the back is approved with the detail uniform. During the cold weather, a plain black winter cap, or ski mask may be worn if the weather requires. A winter cap as described above in Section 3, subsection c, letter g. may also be worn during the winter. Also, the Class B uniform may be worn at any time with a high visibility traffic vest or jacket on any traffic detail. Officers shall wear high visibility gloves (may wear fingerless for summer and heavier gloves or mittens for winter) for any detail which requires direction of traffic, regardless of whether it is constant or intermittent. Also see policy regarding traffic vests/cross straps. All High Visibility gear must meet ANSI standards.
5. ANIMAL CONTROL OFFICER
  - a. At the discretion of the Chief of Police.

### **C. Individual Equipment**

1. Identification: Department identification cards shall be issued by and remain the property of this agency and must be returned by the employee as directed by a competent authority. Identification cards shall be issued to (indicating rank/status):
  - a. Sworn Full Time Police Officers
  - b. Sworn Part Time Police Officers
  - c. Sworn Special Police Officers
  - d. Retired Police Officers

### **D. Uniform and Clothing Issue**

1. Uniform and Equipment are purchased by the part time employees.
2. Change of Uniform: In the event that an authorized uniform item is changed, existing uniform items shall remain in service as directed by the Chief of Police. The Chief may direct that the item be:
  - a. Replaced immediately at the cost of the department;

- b. Replaced when no longer serviceable; or
- c. Replaced at the discretion of the employee, paid for by the employees

### 3. PROMOTIONS

- a. Upon an employee's promotion to the rank of sergeant, the employee's uniforms shall be updated with sergeants' chevrons at the expense of the department (clothing allowance of the officer).
- b. Upon an employee's promotion from the rank of sergeant to a higher rank, clothing bearing sergeants' chevrons stitched to the garment shall be replaced with garments bearing the appropriate rank at the expense of the department (clothing allowance of the officer).
- c. Upon an employee's promotion from a rank above sergeant to another rank, the employee's uniforms shall be updated with the appropriate rank at the expense of the department (clothing allowance of the officer).

## E. Officer Appearance

All uniformed sworn personnel shall conform to the following criteria:

Hair must be clean, neat, and professional, and will not extend below the bottom of the ear on the sides, nor longer than the bottom of the collar on the back of the uniform shirt while standing with head in normal posture. Bangs are allowed to the eyebrow in length. Hair shall not be dyed or tinted in an exaggerated or unnatural color. If hair is longer than described in the preceding section, or long enough on any point on the head to interfere with the eyes, nose, or mouth, it must be pulled back in a neat fashion and securely fastened. When secured, the hair will not exceed the "yoke line" of the uniform shirt. The "yoke line" refers to the line on the uniform shirt that crosses the back of the shirt below the neck and across the shoulders.

Natural and protective hairstyles, which shall include, but not be limited to, natural and protective hairstyles such as braids, locks, twists, Bantu knots, and other formations are permitted, provided they are professional in appearance. Multiple braids are allowed, however, may not contain brightly colored beads or bands. Objects worn in the hair, including but not limited to pins, barrettes, beads, bands, and clips, shall be inconspicuously placed for the sole purpose of holding hair in place, must be unadorned, transparent, or similar in color to the hair, and must not interfere with officer safety or the proper wearing of issued headgear. Wigs, tracks, and hairpieces may be worn in a manner consistent with hair appearance standards as described in the preceding section.

Non-uniformed sworn personnel may wear their hair in any neat, orderly fashion that does not interfere with the performance of their duties.

1. Facial hair: Mustaches are permitted. They shall be neatly trimmed at all times, and shall not extend beyond the upper lip in any direction. "Handlebar" and "fumanchu" style mustaches are prohibited. If an officer chooses to have sideburns, they will be neatly trimmed and tapered. They may extend to a level even with the midpoint of the ear, and will not be flared. They will end with a clean shaven, horizontal line. Beards and goatees are permitted annually, from November 1 until May 1 at the discretion of the Chief of Police. They shall be kept neatly trimmed with clear and sharp edges, and professionally appearing. They shall be approximately one-half (1/2") inch to one inch (1") in length and be symmetrical while in uniform. The Chief of Police will also have discretion to limit the facial hair length and/or appearance of facial hair, while on-duty, for its professional appearance or **when it may otherwise interfere with operational issues.** (e.g., protective masks that need to form an effective mask seal). The Chief of Police reserves the authority to revoke this policy.
  
2. Jewelry: Earrings are prohibited on duty. Acceptable jewelry while in uniform shall be; wristwatches, medical alert bracelets, rings, necklaces worn under the uniform, one bracelet on a wrist that does not have a watch on it (including medical alert, unless an officer requires more than two medical alert bracelets). No facial jewelry of any type is allowed.

Tattoos: For the purposes of this policy, "tattoo" or "tattoos" shall include tattoos, body art of any form, branding or other non-natural markings on the skin.

1. No officer shall display any tattoo determined to be excessive. Excessive is defined as any marking on the face, hands, neck, ears or any portion of the body above the uniform neck-line or any tattoo which could potentially be perceived as offensive. These are expressly prohibited.
2. Any tattoo which is visible on any other body part or is otherwise significantly exposed by the standard uniforms (summer/winter/training, etc) shall be subject to approval by the Chief of Police or his designee and those tattoos which are not approved, shall be covered using an approved "tattoo sleeve" or other covering device determined by the Chief of Police or his designee. It is suggested that prior to getting a potentially exposed tattoo, officers should check with the Chief of Police to obtain a decision whether he will require it to be covered during work hours.
3. Any tattoo which can be easily covered by approved jewelry (ring, bracelet, watch, etc) shall be deemed acceptable once authorized by the Chief of Police or his designee.

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## F. Obtaining Clothing and Equipment

1. INITIAL ISSUE:
  - a. Clothing: New employees shall provide uniforms and equipment purchased with their clothing allowance. New employees may obtain the specified uniform and equipment items from an approved vendor once approved by the department Quartermaster in writing.
  - b. Individual Equipment: Employees may obtain department issued uniform and equipment items from the Chief of Police or department Quartermaster if available. The issued items shall be recorded on a Department form which shall be maintained by The Chief of Police. [17.5.2]
2. MAINTENANCE ISSUE: Employees may obtain replacement uniform items:
  - a. By filing a request with the Chief of Police. Uniforms and equipment shall be replaced as needed at the discretion of the Chief of Police.

**G. Lost, Stolen, Damage Reporting** : Loss or damage of uniform items, badges, insignia, or individual equipment issued by this department shall be reported in writing to Chief of Police as specified in the Department Rules and Regulations

## H. Returning Issued Equipment

1. Issued Police Department property shall be returned upon separation from Police Department employment, when no longer needed or serviceable, or when instructed by a competent authority.
2. Upon return, the Chief of Police shall provide the employee with a receipt for the returned equipment.
3. Returned items shall be inspected for serviceability. Serviceable items may be re-issued. Some items which may be re-issued are:
  - a. Portable Radios
  - b. Firearms and magazines
  - c. Flashlights
  - d. Impact Weapons
  - e. Badges
  - f. Outer wear
  - g. Citation Book Holders
  - h. Forms Boxes
  - i. Other items as determined by the Chief of Police.
4. Uniform items discarded by employees shall be

- a. Destroyed so as to render them no longer serviceable and to keep them from being used by unauthorized personnel to impersonate a department employee.

### **I. Separation from Service and Retirement**

1. Officers who separate from the department without retiring or retire for medical reasons are required to return all uniform clothing, firearms, weapons, magazines, individual equipment, body armor, badges and identification. Footwear and gloves may be retained by the separating member.
2. Retired members shall be issued a retirement identification card and badge.

### **J. Uniform , Clothing, and Equipment Issuance**

1. Officers who are granted a clothing allowance through the Collective Bargaining Agreement(CBA) must present a list of items requested in writing using the Uniform Allowance Request form to the Quartermaster or designated Supervisor for approval prior to purchase.
2. Officers who are not granted a clothing allowance through the (CBA) are responsible for the purchase of their own equipment.
3. The Quartermaster or supervisor may deny a request for any equipment not deemed necessary, pursuant to the CBA.
4. Officers shall not purchase items that are not on the written list, although may request that an already approved request form be updated.
5. Once approved and purchased, the officer shall return the receipt for their purchase to the designated supervisor no later than three-days from the date of purchase.
6. An officer shall not exceed their annual clothing allowance without prior approval.

# ISSUANCE OF AWARDS OF RECOGNITION

POLICY & PROCEDURE NO. <b>1.02A</b>	ISSUE DATE: 01/31/16
	EFFECTIVE DATE: 01/31/16
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The Hadley Police Department endorses a system of awards to recognize when a police officer distinguishes her/himself in some extraordinary way, when she/he far exceeds what is reasonably expected in their professional capacity.

It is the policy of the department that:

1. Any member of the Hadley Police Department center can be recommended for an award.
2. The recommendation may be made by any employee of the Communications Center, Police Department, or Fire Department.
3. Recommendations are to be made in writing through the Chain of Command.
4. Recommendations will be reviewed by the Chief of Police and the Supervisor in Charge of Operations. Together, they will act to ensure fairness, guarantee against favoritism, and maintain the high standards required by the awards.
5. When it is decided to award an employee in this manner, an appropriate letter of award will be given to the recipient with a copy to be placed in his/her personnel file. This letter will be accompanied by the appropriate award ribbon (if applicable) which may be worn in accordance with the Uniforms and Appearance Policy.

## II. DEFINITIONS

1. Medal of Valor: Awarded for an individual act of heroism, at imminent personal hazard of life, while in combat with an assaultive, armed adversary, or while engaged in a high-risk life-saving action-worn on left breast.

2. Meritorious Service Medal: Awarded for a highly unusual accomplishment under adverse conditions with some degree of hazard of injury to the nominee, or where injury to a third party is prevented-worn on left breast.
3. Exceptional Duty Medal: Awarded for a highly commendable accomplishment or act on duty, accomplished as a result of training, devotion to duty or service to the public- worn on left breast.
4. Life Saving Medal: Awarded for an act performed in the line of duty, with disregard of the nominee's personal safety; or through prompt and alert emergency medical action, results in saving a life-worn on left breast.
5. Unit Citation Medal: Awarded for participation of the members of an operating unit and/or departmental group in a noteworthy action that through their individual contributions to a joint endeavor, results in commendable accomplishment, and/or public accolades are bestowed upon them and the department as a whole-worn on left breast.
6. Honorable Service Medal: Awarded for an outstanding creditable act, or a history of accomplishments, in the line of duty performed in an exemplary manner, exhibiting initiative, dedication, a positive attitude, a consistent attention to duty and represents praiseworthy service-worn on left breast.
7. Distinguished Service Medal: Awarded for distinguished service, on or off duty, that displays individual initiative that contributes to the betterment of the department or the community-worn on left breast.
8. Honorable Discharge Medal: Awarded to an Officer who is eligible for retirement and/or entering new employment opportunities and has served the community during his period of service in an honorable fashion-worn on left breast.
9. Certificate of Commendation: Awarded as recognition of a member's actions that are worthy of notice, yet does not fulfill all of the criteria for a medal award.
- 10 Civilian Service Award: Awarded to honor the personal assistance of a civilian who extends assistance to an Officer in the course of duty, or to aid other civilians in harms way.
- 11 Letter of Merit: Presented to recognize a members on or off duty accomplishment that reflects positively on the Town, the member, and/or the Department.

Multiple Awards: Those Officers who receive the same award multiple times may display the following appurtenances:

2-3: Award Bar with star

4-5: Award bar with acorn

5+: Award bar with oak leaf



### **III. PROCEDURES**

**The Chief of Police will have sole discretion in the venue and manner in which awards are presented, but will generally be presented to officers by the Chief or Designee, in addition to the officer's respective supervisor and the Supervisor of Operations.**

# INCIDENT REPORTING

POLICY & PROCEDURE NO. <b>1.03</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

One major function of criminal justice agencies is documentation. Police agencies have become very effective at documenting incidents and events, and the demand for documentation by the legislature, courts and citizens continues to increase.

In order to provide organization to the origin, filing and retrieval of documentation, this department has obtained a computerized records management system which assigns a unique identification number to incidents and events logged by the communications staff. This numbering system allows for the orderly filing and quick retrieval, both electronically and manually, of reports and other documents and items associated with those reports.

Additionally, our crime statistics are shared with the state and federal governments through National Incident Based Reporting (NIBRS). Crime statistics are compiled, along with statistics from other criminal justice agencies, to produce reports of crime trends. The data is published by the state and federal governments.

## II. POLICY

It is the policy of this department that:

1. Reports of incidents shall be documented pursuant to Massachusetts General Laws; and
2. Employees shall file reports to document incidents, events and activities as directed by this policy.

## III. DEFINITIONS

- A. Incident: An event that requires law enforcement action, documentation, or dispatching of agency personnel in response to citizens' requests for law

enforcement services. This includes any incident, whether criminal or non-criminal, which involves a response to the scene, an investigation or the preparation of an oral or written report.

- B. NIBRS: National Incident Based Reporting - an electronic submission of crime statistics, which was formerly known as Uniform Crime Reports (UCRs).
- C. RMS: Records Management System - this department's records management software IMC/TriTECH.

## IV. PROCEDURES

### A. Incident Numbering System [82.2.3]

1. This department maintains a computer-generated incident numbering system. A unique incident number is generated and assigned to document calls for service, initiated activity, directed activity, administrative functions, and other police activities.
2. The numbering system is as follows:

The incident year gives the first two digits of a 6 digit number beginning at 1 and incrementing by one (1) for each incident. Example: YY-01-OF, YY-01-WA, YY-01-AR, YY-01-AC.
3. The incident number is the foundation for all police record keeping activity. The incident number is linked to arrests, citations, court, property and evidence, accidents, and other records functions within the records management system.

### B. Assigning Incident Numbers - Log Entries

1. Incident logging is a function of communications (dispatch). Communications personnel will create incident entries in response to police operations or administrative activity. For more information, see the department policy on **Communications**. Incident log records shall be created for the following types of situations:
  - a. Citizen Initiated:
    - 1) Citizen Reports of Crimes [82.2.2(a)]
    - 2) Citizen Complaints [82.2.2(b)]
    - 3) Calls for service where a public safety employee is dispatched or assigned [82.2.2(c)]
  - b. Employee Initiated:
    - 1) Criminal and non-criminal cases initiated by law enforcement employees [82.2.2(d)]
    - 2) Incidents involving Arrests, Citations, and Summonses [82.2.2(e)]
  - c. Directed:
    - 1) Process Service (i.e., arrest warrants, restraining orders, etc.)

- 2) Notifications
  - 3) Prisoner Transports
  - d. Administrative:
    - 1) Fingerprinting
    - 2) Asset forfeitures
    - 3) Equipment failures or damage
  - e. Other incidents where documentation is prudent, requested by an employee, or directed by a Supervisor or OIC.
2. In logging incidents, the incident entry shall include, at the minimum, the information listed as follows. For more information on logging incidents, see the department policy on **Communications** .
- a. Service calls and crimes by type [82.3.2(a)]
  - b. Service calls and crimes by location [82.3.2(b)]
  - c. Property, including stolen, found, recovered, and evidence [82.3.2(c)]

### C. Written Reports

1. REPORTS: Some incidents require written reports because, by their nature, they need to be documented, or a report for an incident may be required by statute. In some cases, providing written documentation is just a good public service. Police employees of this agency shall prepare a written incident report for all incidents: [82.2.1(a)]
- a. Arrests;
  - b. Motor vehicle crash where the damage to any one vehicle exceeds \$1000 or if there is injury to any person.
  - c. Crimes;
  - d. Any incident that results in the search of a vehicle or building;
  - e. Incidents where, in the opinion of the officer, a written report is necessary; and
  - f. Statutorily Required Reports:
    - 1) Domestic Violence;<sup>1</sup>
    - 2) Identity Theft;<sup>2</sup>
    - 3) Child Abuse and Neglect;<sup>3</sup> and
    - 4) Elder Abuse and Neglect.<sup>4</sup>
2. REPORTING FORMS: Employees have the following reporting forms at their disposal to facilitate incident reporting: [82.2.1(b)]
- a. Department Incident Reporting Form

- 1) This is a general purpose form to assist employees with obtaining necessary information for preparing a written incident report as well as incident screening for investigative follow-up.
  - 2) This form should be used for most incidents.
  - b. Department Incident, Narrative Supplement Form:
    - 1) This is a supplement to the Incident Reporting Form. It provides employees the opportunity for additional narratives and notes.
    - 2) This form should be used when necessary to supplement the Incident Reporting Form.
  - c. RMV Motor Vehicle Crash Report Form
    - 1) This form is designed, printed, and distributed by the Registry of Motor Vehicles.
    - 2) This form should be completed for all motor vehicle crash investigations; and
  - d. Environmental Police Boating and Recreational Vehicle Accident Form: This form is provided by the Environmental Police for reporting investigations of all crashes involving boats and recreational vehicles.
3. REQUIRED INFORMATION: All reports require basic information, not only to document the “who, what, where, when and why” of an incident, but also to facilitate retrieving the record. Required information should be included in the report whenever possible: [82.2.1(c)]
- a. Date
  - b. Time
  - c. Complainant, victims, witnesses:
    - 1) Names
    - 2) Addresses
    - 3) Age, gender, and race (required for NIBRS reporting)
    - 4) Home and work telephone numbers
  - d. Location of the incident
  - e. A description of what happened
  - f. Reporting employee’s observations
4. EXCLUDED INFORMATION:
- a. Officers shall not include the address or location of any domestic violence or rape crisis center in any reports. This will help avoid inadvertently informing a batterer or rapist of the whereabouts of any victim.

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- b. Under Massachusetts law, the location and street address of all domestic violence victims' programs, and rape crisis centers, shall be absolutely confidential and shall not be required to be revealed in any criminal or civil proceeding.<sup>5</sup> Under this statute, the following definitions apply:
    - 1) "Domestic violence victims' program", any refuge, shelter, office, safe home, institution or center established for the purpose of offering assistance to victims of abuse through crisis intervention, medical, legal or support counseling.<sup>6</sup>
    - 2) "Rape crisis center", any office, institution or center offering assistance to victims of sexual assault and the families of such victims through crisis intervention, medical and legal counseling.<sup>7</sup>
  5. REPORT WRITING: The following are some general guidelines that employees should follow when writing the report narrative to avoid confusion on the part of the reader:
    - a. Reports should be written in the first person ("I," "me").
    - b. Write in chronological order.
    - c. Start with date, time and explanation of how you became involved.
    - d. Use active voice, which shows the subject as the actor. (i.e., "Officer Smith arrested the subject," as opposed to "The subject was arrested by Officer Smith.").
    - e. Use past tense for incidents or actions that have already occurred.
    - f. Use short, clear, concise words.
    - g. Use first and last names to ensure that the report positively identifies the correct person.
    - h. Use words that have clear meaning and leave little chance of being misinterpreted.
    - i. Check for spelling.
    - j. Minimize the use of abbreviations.
    - k. Use proper names and titles.
    - l. Do not use radio call signs and police jargon.
    - m. Make sure quotes are correct and accurate.
    - n. Employees should not include opinions.
    - o. Addendums by employees to a primary employee's report should not repeat the whole sequence of events. The writer should report his/her actions and observations.
  6. COMPLETING REPORTS: **Ideally, reports and citations should be completed immediately following the incident when the details are fresh in the employee's mind.** This, however, is not always practical or possible.  
**[82.2.1(d)]**
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- a. **Generally: Employees must** complete the report prior to the end of the shift, but, in some cases, the supervisor or OIC may allow submission of the report during the officers' next scheduled shift. If a complete report is **not possible due to an investigation, a preliminary report** will be completed by end of shift, **and a supplemental addendum added as the investigation progresses. A report left with no information entered is unacceptable.**
  - b. Arrests: An arrest report must accompany the charging instrument (application for complaint or criminal citation) and Statement of Facts form to court and is required at arraignment. Arrest reports should be completed following an arrest, but must be completed prior to arraignment and **include an Arrest Checkoff Sheet.** If a report cannot be completed, a statement of facts is mandatory prior to the end of shift in which the arrest occurred. Additionally, a note citing the reason that the report could not be completed in its entirety is to be entered within that narrative, and will be removed upon completion. The supervisor or OIC approving the delayed **completion is to be noted.**
  - c. Criminal Complaint, Application for Summons or Clerk Magistrate Hearing, Citations, and an Arrest Checkoff Sheet: A police report and Statement of Facts Form **must accompany these charging instruments to court.**
  - d. Overtime for Report Writing; Overtime for report writing must be approved in advance by a shift supervisor, and will only be granted to accomplish **what is specified here in this policy.**
7. SUBMITTING, PROCESSING AND SUPERVISOR OR OIC REVIEW  
[82.2.1(E)]
- a. Reporting Employee
    - 1) Upon completing a report, the employee must submit the report to his/her shift Supervisor or OIC. If time does not permit the employee's Supervisor or OIC to review the report (a late arrest, end of shift, Supervisor or OIC vacation, sickness, etc.), the report may be submitted to another Supervisor or OIC.
    - 2) A report returned by a Supervisor or OIC shall be reviewed and corrected by the employee, and resubmitted.
    - 3) If an employee disagrees with a Supervisor or OIC's suggested corrections, the employee should meet with the Supervisor or OIC and discuss the points at issue.
    - 4) If the matter is not resolved, it should be brought to the attention of the next step in the chain of command.
  - b. Supervisor or OIC
    - 1) A Supervisor or OIC need not submit his/her own reports to another Supervisor or OIC for review, but it is a suggested practice. However, any Supervisor or OIC's report may, at the discretion of that Supervisor

- or OIC or upon the direction of a superior, be reviewed by another Supervisor or OIC.
- 2) A Supervisor or OIC shall review the employee's report. The Supervisor or OIC should review the report for:
    - a) Spelling and grammar;
    - b) Required information;
    - c) Crime elements, defendant and victim rights, and proper department procedure; and
    - d) Readability.
  - 3) A Supervisor or OIC may not change the factual content of another employee's report.
  - 4) If the report is acceptable as submitted, the report shall be forwarded to the records function.
  - 5) Errors, omissions, or other issues detected should be brought to the employee's attention to correct or address. When the issues have been addressed, the report shall be resubmitted for review by a Supervisor or OIC.
  - 6) If a Supervisor or OIC is on leave (sick, vacation, injured, etc.) for a work cycle or more, another Supervisor or OIC will be charged with reviewing the report.
- c. Filing: Upon completion of the review process, the completed report shall be filed in a color appropriate folder (Blue: UOF, Green: DV, Purple/Maroon: Med, Manilla/Tan: All others) labeled on the tan with a case label and forwarded to the records function for filing and processing. For further information, see the department policy **Records Management** .

#### **D. National Incident Based Reporting [82.1.4]**

1. COLLECTING CRIMINAL DATA: NIBRS data is inputted in the incident reporting process. For each incident, NIBRS data will be inputted by the Chief of Police or his designee.
2. SUBMITTING NIBRS: On the first business day following the last day of each month, Chief, Sergeant or designee shall process NIBRS data for the previous month using the NIBRS submission software in the RMS software package.
3. QUALITY CONTROL
  - a. The NIBRS submitting software will check each entry for errors and establish a NIBRS error log. Chief, Sergeant or designee shall correct the errors listed on the error log or assign their respective officers to correct them, which will be collected for submission at the next submission period.
  - b. Each month, NIBRS errors identified by the Massachusetts Crime Reporting Unit are posted on their website ([www.ucrstats.com](http://www.ucrstats.com)). They are



obtainable by clicking on the “Error Log” tab, selecting the reporting agency and clicking “search.” Chief or Sergeant shall check this site for errors each month and make the necessary corrections in RMS. The corrected entries will be re-submitted during the next NIBRS submission.

#### 4. ACCESSING CRIME STATISTICS REPORTS

- a. A compilation of state NIBRS reports is available at the Massachusetts Crime Reporting Unit ([www.ucrstats.com](http://www.ucrstats.com)).
- b. National crime statistics are published by the FBI as “Crime in the USA,” and in other publications available on the FBI web site ([www.fbi.gov](http://www.fbi.gov)).

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<sup>1</sup> M.G.L. c. 209A, § 6.

<sup>2</sup> M.G.L. c. 266, §37E.

<sup>3</sup> M.G.L. c. 119, §51A.

<sup>4</sup> M.G.L. c. 19A, §15(a).

<sup>5</sup> M.G.L. c. 223, §20L.

<sup>6</sup> MGL c. 233, s. 20K

<sup>7</sup> MGL c. 233, s. 20J

March 1, 2017- modification in order to add citation entry to the daily entry requirement. Section C, Paragraph 6 amended to say “Reports and Citations”.

March 31, 2019- Page 6- Complete Arrest Check-Off Sheet, Page 8, color-coded folders.

# ARREST

POLICY & PROCEDURE NO. <b>1.04</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The authority to arrest, thereby depriving a person of his/her liberty, is one of the most serious and sensitive duties of a police officer. Whenever there is sufficient time and opportunity to do so, a warrant should be obtained in advance of an arrest.

By the very nature of police work, however, many arrests must be made without a warrant. Police officers should have a clear understanding of their powers, duties and responsibilities under the law of arrest.

If an unlawful arrest is made, any search made incidental to that arrest may be found unlawful and any evidence seized declared inadmissible. Any confession or admissions made may also be excluded, if made after an unlawful arrest. In addition, civil liability may also result.

## II. POLICY

It is the policy of this department:

- A. That officers make mandatory arrests as required by statute or policy;
- B. That officers exercise discretion and make warrantless arrests as appropriate in the performance of their duties;
- C. That a warrant should be obtained when practical prior to making an arrest when the offender does not create a threat to the public, or is not likely to flee, and especially where less serious offenders are involved; and
- D. That when appropriate circumstances exist, officers may exercise discretion and not make an arrest. In such limited cases, citations, summonses, informal resolutions, warnings and referrals to other agencies may be alternatives to arrest.

### III. DEFINITIONS

- A. **Arrest:** The taking of a person into custody and depriving him/her of his/her freedom of action, in accordance with law, in order that such person can be brought before the court to answer to a criminal charge.<sup>1</sup>
- B. **Probable Cause:** Probable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.<sup>2</sup>
- C. **Felony:** Any crime punishable by death or imprisonment in the state prison.<sup>3</sup>
- D. **Misdemeanor:** Any crime where there is no possibility of punishment by death or imprisonment in the state prison.<sup>4</sup>
- E. **Breach of the Peace:** A violation of public order or decorum which disturbs the public peace and tranquillity; or any act of disorderly conduct which disrupts the public peace.<sup>5</sup>
- F. **Arrest Warrant:** An order in writing, issued by an authorized court official, directed to officers authorized to serve criminal process, commanding them to arrest the person named or described therein and to bring such person before the court to answer to a charge of crime.

### IV. PROCEDURES

#### A. Arrests in General

##### 1. AUTHORITY

- a. Duly sworn police officers of cities and towns gain their authority to make arrests from G.L. c. 41, § 98.
- b. A duly authorized police officer may make a lawful arrest either with or without a warrant. However, whenever possible, arrests should be made with a warrant.
- c. To effectively and lawfully execute an arrest there must be:
  - 1) An intention on the part of the police officer to make an arrest;
  - 2) The communication of the knowledge and understanding of that intent to the person to be arrested; and
  - 3) Either a physical seizure or submission to the officer by the arrested person.<sup>6</sup>
- d. An arrest should never be made to show authority or to vent personal feelings.
  - 1) The attitude of the offender should not be the determining factor in making an arrest.

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- 2) Verbal abuse alone is not a sufficient justification for an arrest.
  - 3) An arrest should not be used to resolve a problem when other options are available.
2. FORCE
    - a. Force should only be used when there is resistance or reasonable certainty of resistance.
    - b. The amount of force shall be restricted to that which is reasonable, necessary, and proper for the safe custody of the arrestee, or for overcoming any resistance that may be offered. See department policy on **Use of Force**.<sup>7</sup>
    - c. An arrestee has no right to resist arrest, lawful or unlawful, by a police officer, unless the officer uses excessive force.<sup>8</sup>

## **B. Arrests with a Warrant**

1. AUTHORITY
  - a. A police officer may make a lawful arrest with a warrant when:
    - 1) The officer making the arrest and detention has actual knowledge that a warrant then in full force and effect for the arrest of such person has in fact been issued, or
    - 2) The officer possesses a valid arrest warrant.
  - b. A warrant may be executed in any place within the Commonwealth.<sup>9</sup>
2. APPLICATION OF WARRANT
  - a. An arrest warrant issued pursuant to a complaint must be founded upon probable cause supported by oath or affirmation, but it is not necessary to recite the facts that constitute probable cause in the complaint.<sup>10</sup>
  - b. The warrant must be obtained from the proper authority. The following judicial officers have the statutory authority to issue arrest warrants:
    - 1) Justices of the Supreme Judicial Court, the Superior Court, and the District Court Departments;<sup>11</sup> and
    - 2) A Clerk/Magistrate, Assistant Clerk/Magistrate, Temp Clerk/Magistrate, or Temporary Assistant Clerk/Magistrate of a District Court Department.<sup>12</sup>
  - c. The preference of the legislature is that defendants are summonsed rather than arrested. A summons shall be issued instead of a warrant unless, in the judgment of the court or justice, there is reason to believe that the defendant will not appear upon summons.<sup>13</sup>
  - d. An arrest warrant may be issued in any case except where the accused is a juvenile less than twelve years of age, in which case a summons is the appropriate mechanism.<sup>14</sup>

### 3. EXECUTION

- a. Prior to serving an arrest warrant, an officer should examine it carefully to determine what the officer's powers are under it and whether:

- 1) It clearly names and describes the person to be arrested or, if his/her name is unknown, any name or description by which [s]he can be identified with reasonable certainty;<sup>15</sup>

NOTE: A so-called "John Doe" warrant without a further satisfactory and sufficient description is unlawful and void.<sup>16</sup>

- 2) The officer is authorized to serve it; and
- 3) It clearly describes the offense for which the arrest is to be made.

NOTE: The warrant shall recite the substance of the offense charged, and it shall command that the defendant be arrested and brought before the court.

- b. A person arrested on a warrant, or otherwise taken into custody by a police officer, has a right to know the true grounds for such arrest.

- 1) The officer need not have the warrant in his/her possession at the time of arrest; however, upon request [s]he shall show the warrant to the arrestee as soon as possible.<sup>17</sup> A printout of a warrant from CJIS shall constitute a true copy of the warrant.<sup>18</sup>
- 2) If the officer does not have the warrant in his/her possession at the time of arrest, [s]he shall inform the arrestee that a warrant has been issued and of the offense charged.<sup>19</sup>
- 3) If the officer does not then know of the offense charged, [s]he shall inform the arrestee thereof within a reasonable time after the arrest.<sup>20</sup>

- c. After the warrant has been executed, the officer-in-charge shall ensure that the warrant is located on CJIS/WMS. See the department policy on **Communications**.<sup>21</sup>

### 4. WARRANTS ISSUED BY OTHER JURISDICTIONS

- a. OTHER COUNTY: When a person subject to a warrant issued by another county is arrested, [s]he shall be brought before a court of the county where the arrest was made in order to be admitted to bail.<sup>22</sup>
- b. OTHER STATE: A person who is the subject of an out-of-state warrant may not be arrested in Massachusetts on that warrant. Rather, a warrantless arrest shall be made pursuant to M.G.L. 276 §20B, Fugitive from Justice.<sup>23</sup>

### C. Arrests without a Warrant

1. Generally: Warrantless arrests merit much more detailed study because of the subjective factors involved.

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- a. If an unlawful arrest is made, any search made incidental to that arrest may be found unlawful, and any evidence seized may be declared inadmissible.
  - b. Any confession or admission made by the person arrested may also be excluded, if made after an unlawful arrest.
2. Lawful Authority: An arrest without a warrant may be lawfully made when certain circumstances exist:
- a. FELONY: For a felony committed in the officer's presence or on probable cause that a felony has been committed.
  - b. MISDEMEANOR:
    - 1) For a misdemeanor committed in the officer's presence when such arrest is authorized by statute; or
    - 2) For certain misdemeanors authorized by statute for which arrest is allowed even though such misdemeanors were not committed in the officer's presence; or
    - 3) For a misdemeanor where there is no statutory authority to arrest, such arrest may be made only if:
      - a) The misdemeanor is committed in her/her presence; and
      - b) The misdemeanor is causing or threatening to cause a breach of the peace; and
      - c) The misdemeanor is still continuing or only briefly interrupted.
3. PROBABLE CAUSE
- a. In addition to having lawful authority, it is required under the Fourth Amendment that police officers have "probable cause" in order to make a valid arrest without a warrant.<sup>24</sup> [See definition of "probable cause" in definitions section.]
  - b. The element of probable cause must exist at the time of arrest. Subsequent events or information acquired later cannot be used to justify that arrest.<sup>25</sup>
  - c. The information upon which an officer relies in making an arrest must be more than just rumor or mere suspicion, but it does not require sufficient evidence to justify a conviction.<sup>26</sup>

Note: It does require a reasonable, common sense approach by a police officer and an honest judgment based upon a combination of factors, any of which standing alone might not be enough to justify an arrest but which, if viewed as a whole, constitute probable cause.
  - d. Probable cause to make an arrest is always an overriding consideration for every police officer.

- 1) Whether or not an arrest is based on probable cause will depend on a variety of factors, and unless the offense is committed in the officer's presence, usually no single fact alone is controlling.
- 2) Therefore, the totality of circumstances surrounding the arrest is of great importance. Each officer should be aware of the following types of circumstances which have been looked to in establishing probable cause:
  - a) Direct observations of the police officer;
  - b) Knowledge of the prior criminal record or criminal activity of the person arrested;<sup>27</sup>
  - c) Flight accompanied by other factors;<sup>28</sup>
  - d) Evasive answers and/or conflicting stories;<sup>29</sup>
  - e) Time of day or night;<sup>30</sup>
  - f) History of criminal activity in the particular area;<sup>31</sup>
  - g) Experience of the officer applied to observations and firsthand information;<sup>32</sup> and
  - h) Reliable hearsay.<sup>33</sup>
- e. HEARSAY: Hearsay statements often present problems in establishing probable cause and also evidentiary problems during trial. Usually, they are derived from three principal sources:
  - 1) Statements from the victims and/or witnesses;
  - 2) Statement from other police officers;
  - 3) Statements from informants.
    - a) It is this source that is most closely scrutinized when used to establish probable cause.
    - b) An officer relying on the hearsay statement of an informant must:
      - i. Show the circumstances establishing the reliability of the informant; and
      - ii. Show the circumstances establishing the reliability of the informant's information.<sup>34</sup>

## **D. Extra-Territorial Arrest**

### **1. GENERALLY**

- a. Other than constitutional safeguards, the other major constraint on the power of arrest is jurisdictional. Generally, the power to arrest ceases at the boundaries of the officer's city or town.
- b. Where an officer has been appointed and sworn as a "special police officer" in another (often neighboring) jurisdiction, [s]he has arrest powers in that community as well.

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- c. However, there are four instances in which an officer may make “extra-territorial” arrests, that is, arrests outside the limits of the city or town where [s]he has been appointed.
  2. FRESH PURSUIT IN STATE: An officer may, “on fresh and continued pursuit,” pursue and arrest an offender in any other city or town in Massachusetts if:<sup>35</sup>
    - a. The offense is one for which a warrantless arrest is authorized; and
    - b. The offense was committed in the officer’s presence; and
    - c. The offense was committed in the officer’s jurisdiction (city or town, etc.).
  3. MUTUAL AID: If there is a mutual aid agreement in effect between his/her city or town and the city or town to which [s]he has been assigned under the mutual aid agreement, an officer may exercise the same authority in such city or town as [s]he exercises in his/her own city or town.<sup>36</sup>
  4. INTERSTATE FRESH PURSUIT: An officer may “on fresh pursuit” pursue and arrest a person who has committed a felony in Massachusetts and may pursue and arrest such person in any other state if that other state has in force similar interstate felony fresh pursuit laws.<sup>37</sup> (New York and all New England states have such laws.)
  5. CITIZEN’S ARREST
    - a. An officer may exercise his/her citizen’s arrest powers. For example, any citizen may make an arrest for a felony if a felony has, in fact, been committed.
    - b. When a police officer exercises his/her citizen’s arrest powers outside his/her jurisdiction, [s]he need only have probable cause to believe that a felony has been committed and that the person arrested committed it.<sup>38</sup>
    - c. Such citizen’s arrest powers may be exercised in another state.<sup>39</sup>

## **E. Arrests in Dwellings**

1. SERVICE OF WARRANT AT DWELLING OF NAMED PERSON
  - a. Police officers may enter the dwelling of a person named in an arrest warrant to serve an arrest warrant without obtaining a search warrant, provided there is a reasonable belief that the arrestee is in his or her residence at the time the arrest warrant is executed.<sup>40</sup>
  - b. KNOCK AND ANNOUNCE: To serve an arrest warrant on private property, police officers shall first knock and announce their authority and purpose (unless the warrant issued is a “No Knock and Announce Warrant”) and wait a reasonable period to be admitted.<sup>41</sup>
    - 1) Once a reasonable time has passed and the officers have not been voluntarily admitted, and there is reasonable cause to believe that the wanted person is on the premises, officers may use whatever force is reasonably necessary to gain entrance.<sup>42</sup>



- 2) The least amount of force that will accomplish an entrance should always be used.
  - c. DISPENSING WITH ANNOUNCEMENT: If the police officers reasonably believe that announcing their presence and purpose will endanger themselves or others, or will result in the escape of the wanted person or the destruction of evidence, they may dispense with the announcement of authority and purpose.<sup>43</sup>
    - 1) In such cases, they may attempt to deceive the suspect into voluntarily opening the door, or gain entrance by a ruse, if this will result in a safe and successful apprehension with less destruction of property or risk of harm to persons.<sup>44</sup>
    - 2) Massachusetts has given recognition to a “Useless Gesture” exception, at least in the narrow situation where the facts known to the officers would justify them in being virtually certain that the occupant already knows the police officers’ identity and purpose.<sup>45</sup>
    - 3) Further, violation of the “no-knock” rule may require that the evidence which has been seized be suppressed.<sup>46</sup>
  - d. NO KNOCK WARRANT: If at the time police make application for an arrest warrant, they reasonably believe that dispensing with the knock and announce rule may be necessary, they should so inform the magistrate, give their reasons, and ask that the arrest warrant be marked “No Knock and Announce Warrant.”
    - 1) Valid reasons for requesting a “No Knock and Announce Warrant” would include a reasonable belief that the suspect would escape, or would resist violently if not taken quickly and by surprise, or that evidence or contraband would be destroyed if the police have to knock and announce their presence.<sup>47</sup>
    - 2) A defendant is entitled to suppression of the evidence seized to a “no-knock” search where the officer had knowledge or information available that would have justified dispensation with the rule, but had not presented the evidence to the issuing magistrate.<sup>48</sup>
    - 3) However, when the police seek to execute the “No Knock and Announce Warrant,” they must reappraise the situation at that time. If the reason or circumstance that justified issuance of the “No Knock and Announce Warrant” is no longer present, then they must follow the normal knock and announce procedure.<sup>49</sup>
2. SERVICE OF ARREST WARRANT AT THE DWELLING OF A PARTY NOT NAMED IN THE WARRANT
- a. If police seek to arrest a person in someone else's dwelling, they must obtain a search warrant unless:<sup>50</sup>
    - 1) Lawful consent to enter is granted; or

- 
- 2) Exigent circumstances are present which excuse the failure to obtain a search warrant.
- b. Exigent or emergency circumstances necessary to excuse the failure to obtain a warrant before entering a dwelling to make an arrest are determined by the following factors:
    - 1) Whether the crime was one of violence or there is a showing that the suspect is armed;
    - 2) Whether there is a clear demonstration of probable cause to arrest;
    - 3) Whether there is strong reason to believe the suspect is in the dwelling;
    - 4) Whether there is the likelihood that the suspect would escape if not apprehended immediately;
    - 5) Whether the entry can be made peaceably; and/or
    - 6) Whether the entry would be in the nighttime (or could be made in the daytime when clerk/ magistrates are more readily available).
  - c. Warrantless Arrest in Dwelling: Police officers should first determine whether a warrantless entry and arrest is allowed by law. Generally, no arrest warrant (or search warrant) is required to arrest a person who is in public. However, with regard to making an entry into and an arrest in a dwelling, the following standards apply:
  - d. If the arrest pursuit was set in motion in public, the officer may make a hot pursuit warrantless entry into a private dwelling if the suspect runs into the dwelling.
  - e. If the police seek to arrest a person in that person's own dwelling, they must obtain an arrest warrant unless:
    - 1) Lawful consent to enter is granted; or
    - 2) Exigent circumstances are present which excuse the failure to obtain an arrest warrant.
  - f. If the police seek to arrest a person in someone else's dwelling, they must obtain a search warrant unless:
    - 1) Lawful consent to enter is granted; or
    - 2) Exigent circumstances are present which excuse the failure to obtain a search warrant.

## **F. Alternatives to Arrest [1.2.6]**

1. GENERALLY: Although police officers must always be guided by the intent and purpose of the law, there are limited circumstances in the discretion of the officer involved when the public interest would be better served by not making an arrest, even though there is legal justification for such action.
2. ALTERNATIVES TO ARREST: Arrest alternatives include:
  - a. Citations,

- b. Summonses,
  - c. Informal resolutions,
  - d. Warnings, and
  - e. Referrals to other agencies.
3. Discretionary Situations:
- a. Circumstances where alternatives to arrest may be appropriate include the following:
    - 1) When an arrest could aggravate community conflict or possibly precipitate a serious disorder;
    - 2) When there is a greater priority to respond to a more serious crime or to an urgent public emergency;
    - 3) In neighborhood quarrels, noisy parties, landlord-tenant problems and minor disturbances of the peace where no serious crime has been committed and the officer can successfully act as a mediator.
    - 4) In minor juvenile offenses where a warning and a talk with the parents can avoid a court appearance; (See department policy on **Handling Juveniles** .)
    - 5) In other minor offenses where a summons can effectively accomplish the intended purpose; and
    - 6) Minor motor vehicle offenses. ( See department policy on **Traffic Enforcement** .)
  - b. Circumstances where little or no discretion to use alternatives to arrest is appropriate include the following: [1.2.7]
    - 1) Domestic Violence
      - a) Arrests are statutorily mandatory for violations of restraining orders (209A's)<sup>53</sup>
      - b) Arrests are the preferred method for domestic crimes of violence including assaults and assaults and battery.<sup>54</sup>
      - c) For further information, see the department policy regarding **Domestic Violence** .
    - 2) Operating Under the Influence of Alcohol
      - a) Officers **SHOULD** arrest all operators for whom probable cause exists for operating under the influence of alcohol or drugs.
      - b) Officers may, with a supervisor or OIC's approval, issue a criminal summons for operators injured in serious motor vehicle accidents.
      - c) For further information, see the department policy regarding **Impaired Drivers** .

**G. Officer Safety :** Arresting officers should not act in a careless or routine manner. They should take all necessary steps to ensure their own personal safety and that of the public and to secure destructible evidence. Such steps shall include, but are not limited to:

1. Obtaining assistance when necessary whether before or after the arrest. This is particularly advisable when:
  - a. There is more than one person to be arrested;
  - b. A dangerous crime is involved, usually a felony of a serious nature; or
  - c. Prior experience has shown the need for assistance in particular situations.
2. Searching for and seizing any instruments capable of inflicting serious bodily injury or causing death, and evidence of any crime;
3. Making a search of the area within the immediate reach and control of the persons arrested for weapons or destructible evidence; and
4. Keeping the persons arrested in control and in view of the officer at all times. If more than one officer is present, the additional officer shall never pass or position himself/herself between the arresting officer and the person arrested.

#### **H. Following Arrest**

1. Once an arrest is made, it is the responsibility of the arresting officer or officers to ensure that arrestees do not injure themselves or others, and that they do not escape or dispose of evidence.
  2. At the time of arrest, a "search incidental to arrest" shall be conducted in accordance with the department policy on **Searches and Seizures** .
  3. At the time of arrest, unnecessary conversation should be avoided and any orders or statements to the persons arrested should be clear and brief.
  4. Persons arrested shall be given the Miranda warnings as soon as possible and prior to interrogation or any questioning likely to elicit an incriminating response. (See department policy on **Interrogating Suspects and Arrestees** .)
  5. See department policy on **Handling Juveniles** when a person under the age of seventeen is arrested.
  6. The persons arrested shall be handcuffed and promptly and safely transported to the station house in accordance with the department policy on **Transportation of Prisoners** .
  7. Upon arrival at the station house, the persons arrested shall be booked and processed in accordance with the department policy on **Detainee Processing** .
- I. REPORTS :** Arresting officers will make a full and complete report of any arrests made, with or without warrants, in accordance with standard department procedures.

<sup>1</sup> See, 6A C.J.S. “Arrest” §4.

<sup>2</sup> Beck v. Ohio, 379 U.S. 89, 85 S. Ct. 223 (1964); Com. v. Crawford, 410 Mass. 75, 571 N.E.2d 7 (1991); Com. v. Motta, 424 Mass. 117, 676 N.E.2d 795 (1997).

<sup>3</sup> M.G.L. c. 274, §1.

<sup>4</sup> M.G.L. c. 274, §1.

<sup>5</sup> See 11 C.J.S. “Breach of the Peace” §1.

<sup>6</sup> Mass. General Hospital v. Revere, 385 Mass. 772, 434 N.E.2d 1851 (1982), rev. on other grounds, 463 U.S. 239 (1983); Com. v. Cook, 419 Mass. 192, 644 N.E.2d 203 (1994).

<sup>7</sup> See Com. v. Klein, 372 Mass. 823, 363 N.E.2d 1313 (1977).

<sup>8</sup> Com v. Moreira, 388 Mass. 596, 447 N.E.2d 1224 (1983).

<sup>9</sup> M.G.L. c. 276, §23.

<sup>10</sup> Com. v. Baldassini, 357 Mass. 670, 260 N.E.2d 150 (1970).

<sup>11</sup> M.G.L. c. 276, §21.

<sup>12</sup> M.G.L. c. 318, §32.

<sup>13</sup> M.G.L. c 276, §24.

<sup>14</sup> M.G.L. c. 119, §54.

<sup>15</sup> Won Sun v. U.S., 371 U.S. 471, 83 S. Ct. 407 (1963).

<sup>16</sup> Com. v. Crotty, 92 Mass. 403 (1865).

<sup>17</sup> Mass. Rules of Crim. Proc. 6(c)(3).

<sup>18</sup> M.G.L. c. 276, §23A.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id. at 6(c)(4).

<sup>22</sup> M.G.L. c. 276, § 29.

<sup>23</sup> M.G.L. c. 276, § 20B.

<sup>24</sup> See Whren v. U.S., 116 S. Ct. 1769 (1996).

<sup>25</sup> Beck v. U.S., 385 U.S. 293, 87 S. Ct. 408 (1966); Com. v. Bottari, 395 Mass. 777, 482 N.E.2d 321 (1985).

<sup>26</sup> Won Sun v. U.S., 371 U.S. 471, 83 S. Ct. 407 (1963); Com. v. Stevens, 361 Mass. 885, 283 N.E.2d 673 (1972), Com. v. Roman, 414 Mass. 642, 609 N.E.2d 1217 (1993).

<sup>27</sup> Com. v. Rossetti, 349 Mass. 626, 211 N.E.2d 658 (1964); Com. v. Silva, 366 Mass. 402, 359 N.E.2d 942 (1974).

<sup>28</sup> Won Sun v. U.S., 371 U.S. 471, 83 S. Ct. 407 (1963); Com. v. Thibeau, 384 Mass. 762, 429 N.E.2d 1009 (1981).

<sup>29</sup> U.S. v. Brown, 457 F.2d 731 (1st Cir. 1972); Com. v. Chaisson, 358 Mass. 587, 266 N.E.2d 311 (1971).

<sup>30</sup> Com. v Ellis, 365 Mass. 574, 254 N.E.2d 408 (1970).

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<sup>31</sup> Com. v. Mercado, 422 Mass. 367, 773 N.e.2d 243 (1996); Com. v. Doulette, 32 Mass. App. Ct. 506, 609 N.E.2d 473 (1992).

<sup>32</sup> Com. v. Mitchell, 353 Mass. 426, 233 N.E.2d 205 (1967); Com v. Santaliz, 413 Mass. 238, 596 N.E.2d 337 (1992).

<sup>33</sup> Draper v. U.S., 358 U.S. 307, 79 S. Ct. 329 (1959).

<sup>34</sup> See Aguilar v. Texas, 378 U.S. 108, 84 S. Ct. 1509 (1964); Spinelli v. U.S., 393 U.S. 410, 89 S. Ct. 584 (1969); Com. v. Frazier, 410 Mass. 235, 571 N.E.2d 1356.

<sup>35</sup> M.G.L. c. 41, §98A.

<sup>36</sup> M.G.L. c. 40, §8G.

<sup>37</sup> In Massachusetts, see M.G.L. c. 276, ss. 10A-10D (The Uniform Extraterritorial Arrest on Fresh Pursuit Law).

<sup>38</sup> Com. v. Claiborne, 423 Mass 275, 667 N.E.2d 873 (1996); Com. v. Harris, 11 Mass. App. Ct. 165, 415 N.E.2d 216 (1981).

<sup>39</sup> Com. v. Harris, 11 Mass. App. Ct. 165, 415 N.E.2d 216 (1981); Com. v. Gullick, 386 Mass. 278, 435 N.E.2d 348 (1982); Com. v. Dise, 31 Mass. App. Ct. 701, 583 N.E.2d 271 (1991).

<sup>40</sup> Com. v. Silva, 440 Mass. 772, 802 N.E.2d 535 (2004).

<sup>41</sup> Com. v. Antwine, 417 Mass. 637, 632 N.E.2d 818 (1994); Com. v. Silva, 440 Mass. 772, 781 n. 12, 802 N.E.2d 535, 543 n. 12 (2004).

<sup>42</sup> Com. v. Reynolds, 120 Mass. 190 (1876).

<sup>43</sup> Com. v. Allen, 22 Mass. App. Ct. 413, 494 N.E.2d 55 (1990).

<sup>44</sup> Com. V. Cundriff, 382 Mass. 137 (1980).

<sup>45</sup> Com. v. Gondola, 28 Mass. App. 286, 550 N.E.2d 880 (1990); rev. den'd 407 Mass. 1103, 554 N.E.2d 1214 (1990).

<sup>46</sup> Com. v. Gomes, 408 Mass. 43, 556 N.E.2d 100 (1990).

<sup>47</sup> U.S. v. Ramirez, 523 U.S. 65 (1998).

<sup>48</sup> Com. v. Gomes, 408 Mass. 43, 556 N.E.2d 100 (1990).

<sup>49</sup> Com. v. Scalise, 387 Mass. 413, 439 N.E.2d 818 (1982).


<sup>50</sup> Warden v. Hayden, 387 U.S. 294, 87 S. Ct. 1642 (1967); Com. v. DeRosia, 402 Mass. 284, 522 N.E.2d 408 (1988).

<sup>51</sup> Payton v. New York, 445 U.S. 573, 100, S. Ct. 1371 (1980); Steagald v. U.S., 451 U.S. 204, 101 S. Ct. 1642 (1981); Com. v. Forde, 367 Mass. 798, 329 N.E.2d 717 (1975).

<sup>52</sup> Warden v. Hayden, 387 U.S. 294, 87 S. Ct. 1642 (1967); Com. v. DeRosia, 402 Mass. 284, 522 N.E.2d 408 (1988).

<sup>53</sup> M.G.L. c. 209A, §6(7).

<sup>54</sup> M.G.L. c. 209A, §6(7).

<b>HADLEY POLICE DEPARTMENT</b>		Policy No. <b>1.05</b>
Subject: <b>RESPONSE TO RESISTANCE (USE OF FORCE) BY SWORN PERSONNEL</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:</b> 1.2.2; 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.8; 1.3.9; 1.3.10; 1.3.11; 1.3.12; 1.3.13; 11.4.1; 16.3.5; 22.2.3; 22.2.4; 22.2.6; 33.1.2; 33.5.1; 33.6.1 <b>Statutory: AN ACT RELATIVE TO JUSTICE, EQUITY AND ACCOUNTABILITY IN LAW ENFORCEMENT IN THE COMMONWEALTH</b>		<b>GENERAL ORDER</b>
Issue Date: 10/10/19 Effective Date: 10/10/19 Revision: 4/4/21	<b>Issuing Authority</b> <b>Michael A. Mason</b> Michael A. Mason Chief of Police	

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## **GENERAL CONSIDERATIONS AND GUIDELINES**

The Hadley Police Department's *Use of Force Policy* provides specific written guidelines regarding the reasonable use of necessary force that may be used by Hadley Police Officers while they are serving and protecting the greater community at large. **This Use of Force Policy is based from federal, state, and local law as well as existing best practices of accredited law enforcement agencies across the nation.** Each and every day officers are continually involved in numerous and varied interactions and encounters with members of the community. The Hadley Police Department trains each one of our police officers to have a complete and accurate understanding of, and true appreciation for, their individual statutory and common law authority as well as the existing limitations to this authority. This is especially true with respect to overcoming resistance - whether armed or not - while engaged in the performance of lawful law enforcement duties and responsibilities.

As you are aware, the men and women of the Hadley Police Department place the highest value on the sanctity of life, the protection of the public, the safety of our officers all the while respecting individual freedoms, liberty and dignity of every individual that we have occasion to encounter, engage with, or assist. Because of our law enforcement responsibility and our peacekeeping role, an Hadley Police Officer may at times be called upon and even required to



utilize some type of physical force, however slight, to enable our officers to fully carry out their law enforcement responsibilities in maintaining order, especially when met with significant resistance or when the individual that is confronted is in the act of causing or attempting to cause injury to another person. Police officers may be confronted with situations requiring or resulting in the use of various degrees of force to not only affect a lawful arrest, but to ensure public safety and to protect themselves or others from imminent harm. The degree of force used is strictly dependent upon the facts and circumstances surrounding the situation that the officer encounters. Our police officers are trained that only a reasonable and necessary amount of force may be used and is dependent upon the intensity of resistance or threat to the safety that the situation presents, and the lack of any less restrictive available alternatives.

It should be understood that the rationale for the use of force is always to maintain and/or reestablish control over a volatile situation and never to be used in a retaliatory manner or against persons who only verbally confront officers. Control is reached when a person complies with the officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the officer or another. Since an officer will encounter a wide range of behaviors, the officer must be prepared to utilize a range of force options that are both reasonable and necessary to maintain and/or reestablish control by overcoming resistance to the officer's lawful authority while minimizing injuries. **Officers are further trained that whenever a particular force option is utilized against an individual who fails to comply with the reasonable and lawful commands of the officer(s), that particular force option shall terminate, when it is deemed to be objectively reasonable that a subject is fully within the law enforcement officers' control.**

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

The Hadley Police Department recognizes that the development of certain skills and abilities through ongoing training allows an officer to regularly resolve confrontations and disturbances without the need to resort to force is a hallmark of a professionally trained police officer.

## POLICY

It is the policy of the Hadley Police Department that officers use only the force that is permissible under applicable federal and state laws and regulations. [1.3.1]

This Policy requires strict adherence by all sworn personnel.

When exigent and unforeseen circumstances cause officers to deviate from the provisions of this Policy, officers are still expected to act with intelligence, sound judgment and in full

conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this Policy shall be examined on a case-by-case basis.

In order to comply with this Policy, the attached Use of Force Report Form shall be utilized.

## DEFINITIONS

- A. **Actively Resistant Individual:** An individual who uses physical strength and/or body movement to resist a Department member. Examples of active resistance include pulling, turning, or walking away from an officer.
- B. **Assaultive Individual (Serious Bodily Harm/Death):** An individual who engages in conduct that is likely to produce death or serious bodily harm to a member of the Department or another person.
- C. **Assaultive Individual (Bodily Harm):** An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.
- D. **Chokehold:** The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death. **Chokeholds are strictly forbidden by statute and are not trained by this department.**
- E. **Commission:** The Massachusetts Peace Officer Standards and Training Commission.
- F. **Compliant Individual:** An individual who is fully cooperative with a Department member.
- G. **Deadly Force / Lethal Force:** Physical force that can reasonably be expected to cause death or serious bodily injury. Sworn personnel are authorized to use lethal force in accordance with the law and this Policy. [1.3.2]
- H. **De-escalation Tactics:** 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, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in

subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis.

- I. **Drive Stun Deployment:** In Drive Stun mode, the Electronic Control Weapon (ECW) is a pain-compliance facilitator rather than an electro-muscular disruptor. Drive stun occurs when the ECW is held against the subject, whether or not probes are deployed. Drive stun may be utilized in response to active resistance or assaultive behavior.
- J. **Electronic Control Weapon (ECW):** A weapon that uses electricity to override voluntary motor responses or applies pain in order to gain compliance or overcome resistance. ECWs are designed to incapacitate without causing serious bodily injury or death. [1.3.9 (a)]
- K. **ECW Activation:** Any time an ECW is turned on, exclusive of training and routine maintenance/readiness checks.
- L. **ECW Cycle:** Occurs when probe deployment delivers energy to an individual for 5 seconds.
- M. **Force:** The amount of effort required by police to compel compliance by an unwilling subject.
- N. **Kinetic Energy Impact Projectiles:** Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or serious bodily injury, when compared to conventional projectiles.
- O. **Laser Activation:** The ECW is turned on, activating the light and/or laser beam. Laser activation may be utilized as a warning technique (Laser Painting) if drive stun deployment and/or probe deployment is objectively reasonable.
- P. **Less-Lethal Force:** Use of force that is not intended to cause serious bodily harm/serious physical injuries or death. Sworn personnel are authorized to use less-lethal force in accordance with the law and this Policy.
- Q. **Objectively Reasonable:** This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject, and/or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are forced to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.

- R. **Officer-Involved Injury or Death:** Any event during which an officer:
- 1) discharges a firearm, as defined in section 121 of chapter 140, actually or proximately causing injury or death to another;
  - 2) discharges any stun gun as defined in said section 121 of said chapter 140, actually or proximately causing injury or death to another;
  - 3) uses a chokehold, actually or proximately causing injury or death of another;
  - 4) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
  - 5) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
  - 6) deploys a dog, actually or proximately causing injury or death of another;
  - 7) uses deadly force, actually or proximately causing injury or death of another;
  - 8) fails to intervene, as required by section 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
  - 9) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.
- S. **Passively Resistant Individual:** An individual who is uncooperative but does not use physical or mechanical efforts to resist a Department member.
- T. **Probe Deployment:** In Probe Deployment mode, the ECW uses electricity to override voluntary motor responses. Probe Deployment occurs when probes deployed from an ECW, whether or not the probes strike their intended target. This includes follow-up drive stuns when a single probe is attached to an individual. Probe deployment may be utilized in response to assaultive behavior. Probe deployments should last no longer than (5) seconds unless objectionably reasonable and justified by the Department member. No person shall receive more than three, five second, activations of an ECW unless objectionably reasonable and justified by the Department member. Each 5 second activation is considered a separate Use of Force and will be documented and reported as such.
- U. **Public Safety Statement:** A statement to ascertain the threat level at the scene of the incident, to identify witnesses or other injured officers or civilians, and to facilitate

the collection of evidence and preservation of the scene. This public safety statement is a brief explanation of what has transpired and what is presently happening. The Public Safety statement may be given by the Chief Of Police or his/her designee who has gathered this information. The Public Safety Statement should include the following in substance and where applicable:

- 1) The identity of officers and other involved parties to the incident who discharged firearms and their approximate position at the time of the discharge.
  - 2) The direction and number of shots fired
  - 3) A description of any suspects and direction of flight
  - 4) The identity and location of any injured officers or civilians
  - 5) The identity of potential witnesses
  - 6) The location of any unsecured weapons or contraband at the scene.
- V. **Reasonable Force:** Reasonable force is determined under the legal standard set forth in Graham v. Connor, 490 U.S. 386, 395 (1989). Reasonable force is defined as force which is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject's compliance with an officer's lawful exercise of police authority.
- W. **Safety Priorities:** The Police Department safety priorities are established as follows:
- 1) Hostages and Involved non-subject civilians
  - 2) Police officers
  - 3) Subject (the person who is the focus of the police operation)
- X. **Serious Bodily Injury:** Bodily injury that results in: (i) permanent disfigurement; (ii) protracted loss of impairment of a bodily function, limb or organ; or (iii) a substantial risk of death. This may also be referred to as "serious physical injury".
- Y. **Spark Display:** The ECW is activated and the arc switch is depressed, activating the electrical arc. Spark display may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.
- Z. **Stress Disorder:** An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress. The person must have experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of one's self or others. The person's response to the event(s) will have involved intense fear, helplessness, or horror.
- 1) **Acute Stress Disorder:** A category of stress disorder lasting for a minimum of two days and a maximum of four weeks occurring within four weeks of the event(s).

- 2) **Post-Traumatic Stress Disorder:** A category of stress disorder in which the symptoms last more than one month.
- AA. **Susceptible Population Groups:** Susceptible population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.
- BB. **Sworn Personnel:** An employee of a law enforcement agency who has sworn to carry out law enforcement duties and has full arrest powers. For the purposes of this Policy, the term “sworn personnel” and “officer” are used interchangeably.

## PROCEDURES

### I. *FORCE OPTIONS*

- A. The amount and degree of force, which may be employed, will be determined by the totality of circumstances including, but not limited to:
1. The nature and seriousness of the offense;
  2. The behavior of the subject against whom force is to be used;
  3. Actions by third parties who may be present;
  4. Physical odds against the officer;
  5. The feasibility or availability of alternative actions; and
  6. The opportunity to use de-escalation tactics at any time during the encounter.
- B. An officer shall only use that amount of force that the officer feels would be reasonable in a particular situation to accomplish his/her lawful objective or to protect the officer or another from serious bodily injury or death. Officers shall continuously evaluate the circumstances of the encounter with the goal of exploiting both verbal and tactical opportunities with the intent of de-escalating to a lower force level. **(Reference Appendix E of this policy)**
- C. **Equipment, Weapons and Ammunition Generally**

1. Only issued or authorized equipment will be carried on-duty and used when applying any level of less-lethal force. [1.3.4]
2. Only weapons and ammunition authorized by the Police Department will be used by agency personnel in the performance of their responsibilities (listed in “Appendix A” of this Policy) while on duty unless exigent circumstances compel the officer to utilize other options. [1.3.9 (a); 1.3.9 (b)]
3. An officer shall not alter or modify his/her firearm or ammunition in any way without the express permission of the Chief of Police.
4. Sworn personnel of the Department shall take all reasonable precautions to ensure that weapons issued to them by the Department are properly secured, protected from loss, misuse, or theft. Attention is drawn to G.L. c. 140, §§ 131C and 131L. [1.3.9 (f)]
5. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon that malfunctions shall be returned to the Department Armorer forthwith for the necessary repairs, and a replacement weapon shall be issued by the Armorer. The officer shall qualify with the replacement weapon prior to carrying it on duty. [1.3.9 (d)]
6. Prior to the issuance of any weapons to the officer, the Department Armorer shall review, inspect and approve each individual weapon. If any malfunctions or defects are found, or if the weapon is found to be unsafe in any manner, the deficiency shall either be rectified, or the weapon shall be returned to the manufacturer for a replacement weapon. [1.3.9 (c); 1.3.9 (d)]
7. The Department Armorer shall maintain a log for each weapon that is owned or authorized by the Department. This log should list the make, model, and serial number and shall indicate the condition of the weapon. A file shall also be maintained by the Training Coordinator documenting the make, model and serial numbers of the issued and authorized duty weapons to each member of the Department and a log of each officer’s qualifications and re-qualifications. [1.3.9 (e)]

## **II. ENCOUNTERS WITH MINORS, EMOTIONALLY DISTURBED, MENTALLY ILL AND PHYSICALLY DISABLED PERSONS**

- A. Encounters may arise between law enforcement and those individuals who are known or suspected of being minors, emotionally disturbed, mentally ill or physically

disabled. Such encounters may require special police skills and abilities to effectively and legally respond to the given situation. Officers should never, however, compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of emotional, mental and/or physical illness.

B. Should the officer determine that an individual may be a minor, emotionally disturbed, mentally ill and/or physically disabled and a potential threat to himself/herself, the officer, or others; or may otherwise require law enforcement intervention for humanitarian reasons, the following responses should be taken, bearing in mind officer safety is most important:

1. Request a backup officer.
2. **Take steps to utilize de-escalation tactics.** Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts are not occurring, avoid physical contact, and take time to assess the situation.
3. Move slowly and do not excite the person. Provide reassurance that the police are there to help and that he/she will be provided with appropriate care.
4. Communicate with the individual in an attempt to determine the root of the person's actions. Relate your concern for his/her feelings and allow the person to express their feelings. Where possible, gather information on the subject from acquaintances or family sworn personnel and/or request professional assistance, if available and appropriate to assist in communicating with the person and/or de-escalating the situation.
5. Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.
6. Avoid topics that may agitate the person and guide the conversation toward topics that may help ease the individual.
7. Always attempt to be truthful. If the subject becomes aware of a deception, he/she may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.
8. Consider containing the situation, establishing distance, waiting for additional help, and/or the arrival of trained medical staff.

C. While the policies and guidelines regarding the use of force do not change due to a subject's mental or physical status, officers should take this status into account



(where the status is known) in their approach of the subject in an effort to de-escalate the situation.

- D. Once a person is under control, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's age, mental, emotional or physical status, and consider available and appropriate reasonable accommodations.
- E. As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force.
- F. In furtherance of the department policy to utilize de-escalation protocols whenever practical – especially when dealing with minor children or an emotionally disturbed person or someone otherwise in crisis, Hadley Police Officers should always attempt to implement the trained principles of what is commonly referred to as ICAT (Integrating Communication, Assessment & Tactics) whenever possible.

These principles are comprised of carefully developed strategies that train police officers to:

- (1) slow down a situation,
- (2) communicate (have a direct conversation) with the subject who appears to be in crisis and/or distress,
- (3) devise a strategy,
- (4) be willing to create space and distance whenever possible,
- (5) maintain a position of advantage over the subject whenever possible,
- (6) assess and continue to reassess the situation,
- (7) work as a well-coordinated team with other personnel on the scene,
- (8) have one individual designated as the contact officer (communicator with the subject),
- (9) designate cover officer(s) to keep the scene safe and contained,
- (10) isolate the subject to prevent others from being in harm's way,
- (11) have an initial plan devised but be ready to shift with a backup plan in a moment's notice should the initial plan fail, and
- (12) intervene only if there is an immediate threat.

Note: The Hadley Police Department fully recognizes that there are those times where a subject may not be amendable to the aforementioned ICAT principles or the subject may become assaultive toward the officer(s) and/or others with a dangerous weapon. In these situations ICAT does not prevent an officer from using a justified use of force option - to include lethal force - if the situation warrants especially if a firearm is involved. ICAT principles have been developed to make the option of

lethal (deadly) force as a last resort where the officer needs to protect the public or themselves from imminent danger of serious bodily injury or death.

### III. *LESS-LETHAL FORCE*

#### A. PROCEDURES FOR THE USE OF ALL LESS-LETHAL FORCE

1. A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary:
  - a. to effect the lawful arrest or detention of a person;
  - b. to prevent the escape from custody of a person;
  - c. to prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; or
  - d. and proportionate in accordance with the regulations promulgated jointly by the Commission and the Municipal Police Training Committee pursuant to G.L. c. 6E, § 15(d).
2. It is preferred that less-lethal force not be used if resistance is minor and not hazardous, or if a lesser degree of force would reasonably achieve the same result. Officers should issue a verbal warning and allow a reasonable amount of time for response unless a warning could endanger the officer or others.
3. Each less-lethal force option is not intended to be a substitute for other options in situations in which the use of other force options are more appropriate.
4. Absent exceptional circumstances, officers shall not use less-lethal force on susceptible population groups, or for the sole purpose of protecting property.
5. The use of less-lethal force is not authorized for indiscriminate use, non-violent behavior or when an individual is handcuffed unless a threat to the officer or others exists. Officers should be also aware and avoid techniques and modes of transport that run a substantial risk of positional asphyxia.
6. A subject who is exposed to less-lethal force shall be actively monitored while in police custody after they have received medical care. If the subject requests further medical attention, they shall be transported immediately by EMS to a medical facility. [1.3.5]

## **B. LESS-LETHAL FORCE OPTIONS**

1. All officers shall be properly trained and certified, when appropriate, in the use of any less-lethal weapons before being authorized to carry such weapons. [1.3.4; 1.3.10]

### **1. CHEMICAL SUBSTANCES**

- a. Chemical substances or sprays (e.g. oleoresin capsicum, commonly known as “OC”) may be used when physical force is necessary to:
  - i. Protect an officer or other person from an assault;
  - ii. Subdue a person who actively resists arrest; or
  - iii. Control persons engaged in riotous or violent conduct.
- b. When a chemical substance is used, it should be aimed at the subject’s face and upper torso. Officers are required to utilize only two (2), one second bursts from at least 3 feet away from the subject unless exceptional circumstances require otherwise. Each deployment of OC spray constitutes a separate use of force and must be justifiable.
- c. First aid shall be administered as soon as practicable under the circumstances. Upon arrival at the police station, the subject shall be given the opportunity to wash his/her face with warm water. Officers shall transport sprayed subjects to the hospital for treatment when they complain of continued effects after decontamination or they indicate that they have a pre-existing medical condition (e.g., asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the application of chemical spray. [1.3.5]
- d. Once handcuffed, a contaminated subject should not be placed faced down. Officers shall monitor handcuffed subjects.

### **2. BATONS: EXPANDABLE BATON (ASP), PR-24, STRAIGHT BATON**

- a. The Expandable Baton, PR-24 or the straight baton may be used:
  - i. As a restraining or come-along tool in instances where verbalization and physical strength have failed or would obviously be futile;
  - ii. As a defensive weapon to ward off blows;

- iii. As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject. An officer is justified in using this type of force under the following circumstances:
  - a) To overcome the violent resistance of an arrestee;
  - b) To overcome an assault on an officer or a third party;
  - c) To deter persons engaged in riotous or violent conduct.
- b. For guidance on the use of the baton, please refer to the MPTC/Monadnock Baton Striking Chart for appropriate striking areas and descriptions of “Green,” “Yellow,” and “Red” target areas, a copy of which appears in the Appendix of this Policy.

### 3. ELECTRONIC CONTROL WEAPONS (ECWS)

- a. Only those officers who have successfully completed the requisite ECW training are authorized to carry and use an ECW.
- b. Officers issued and authorized to use an ECW shall:
  - i. Ensure the ECW is carried in an approved holster on the side of the body opposite the service handgun;  
  
**Note:** members not assigned to uniformed duty may use other Department-approved holsters and carry the weapon consistent with Department training.
  - ii. Ensure the ECW is fully armed with the safety on in preparation for immediate use;
  - iii. Ensure one spare cartridge is available as backup in case of cartridge failure or the need for reactivation;
  - iv. Ensure the spare cartridge is stored, carried, and used in a manner consistent with training;
  - v. Ensure cartridges are replaced following the manufacturer’s expiration requirements;
  - vi. Ensure only manufacturer-approved battery power sources are used for the ECW;

- vii. Prior to each regular tour of duty shift, confirm that the ECW is functioning properly by performing all tests as defined in training; and
  - viii. Not make any modifications or repairs on the ECW unless authorized in writing by the Armorer.
- c. In accordance with the law, and this Policy, and when it is objectively reasonable to do so, Department members are authorized to utilize an ECW to arrest and/or detain an individual that has and/or continues to exhibit behavior that leads the officer to believe the individual is actively resisting or assaultive and will resist being arrested or detained.
- d. ECW Use of Force Response Table

If the subject is:	Then the response may include:
Actively Resistant	Laser Activation Spark Display Drive Stun
Assaultive – Bodily Harm	Laser Activation Spark Display Drive Stun Probe Deployment
Assaultive – Serious Bodily Harm/Death	Laser Activation Spark Display Drive Stun Probe Deployment

NOTE: Department members are not required to use a weapon of less-lethal force if use of lethal force is objectively reasonable.

- e. Situations in which the ECW may be activated in accordance with the above table include but are not limited to:
- i. When an individual uses force or violence against the member or another person(s);
  - ii. When an individual exhibits violent, threatening, or potentially violent behavior;

- iii. When an individual actively resists an arrest or detention;
- iv. When an individual flees in order to avoid arrest or detention in circumstances where the member would pursue on foot and physically effect the arrest or detention;
- v. When an individual expresses intent and has the means to commit suicide or inflict serious bodily harm to themselves or others and ECW activation does not create additional risk;
- vi. To protect officers or others against an aggressive animal; and
- vii. In the course of Department-authorized training exercises or demonstrations.

f. Officers shall:

- i. Give the individual a warning prior to activating the ECW, unless doing so would place any member or person(s) at risk;
- ii. Adhere to the Department's training regarding warnings, which may include verbal warnings, display of the ECW, laser painting, arcing, spark display, or a combination thereof;
- iii. When feasible, make an announcement to other officers or personnel on the scene that an ECW is going to be activated;
- iv. Not intentionally activate more than one ECW at a time against an individual;

**Note:** Be aware that an individual subjected to an ECW Cycle may not be able to respond to commands during or immediately following an ECW Cycle exposure;

- v. Limit the number of ECW cycles to the least number of exposures and should last no longer than necessary to bring an individual under control. Each 5-second cycle is considered an independent use of force and must be objectively reasonable and be documented in writing. ECW cycles should be limited to (3), (5) second cycles, on any one individual unless objectionably reasonable and justified by the Department member.

- vi. Avoid continued ECW use as an attempt to facilitate compliance if circumstances indicate that drive stun deployment is ineffective as a pain-compliance technique.

**Note:** Officers should be aware that pain compliance may not be effective against an individual in a mental health crisis state, under the influence of a mind-altering substance, or when extremely focused.

- vii. Consider potential risk(s) to third parties or bystanders when activating ECWs.
- viii. Be aware that a subject's heavy clothing may impede the effectiveness of ECWs.
- ix. Aim, to the degree possible, for the following target areas: (a) lower center mass below the chest; (b) back; or (c) legs.

**Note:** To the extent possible, Department members should avoid sensitive areas such as the eyes, face, head, throat, neck, breasts, groin and genitals.

- g. Officers shall not use the ECW:
  - i. On a passively resistant individual;
  - ii. On a handcuffed or secured prisoner; except where the individual exhibits overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.
  - iii. In any environment where the member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, propane;
  - iv. When the individual is located in water;
  - v. In any situation where the member has a reasonable belief that the subject might fall resulting in death or serious bodily injury, and the circumstances presented do not justify that risk; or

- vi. On individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist.
- vii. On individuals considered to be in Susceptible Population Groups, including those that are pregnant, elderly, or small children.

#### h. ECW Post-Activation

- i. After a probe deployment, officers shall seek medical attention for the individual and ensure that ECW probes are removed by qualified medical personnel or by a Department Member trained to do so.
- ii. In any case of Drive Stun deployment or Probe deployment from an ECW on an individual, officers shall:
  - Transport the individual to an emergency care facility for evaluation and/or treatment if any of the following apply:
    - The individual requests medical attention or there is an obvious need for medical attention;
    - The ECW was deployed in a sensitive area (e.g., eye, face, head, throat, neck, breasts, groin, genitals);
    - The individual is part of a susceptible population group;
    - More than three ECW cycles were deployed on the individual or the ECW was deployed for continuous cycles amounting to 15 seconds or more; or
    - More than one ECW device has been deployed on an individual.
  - Use restraint techniques that minimize risk of impairing a subject's respiration.

## 4. **KINETIC ENERGY IMPACT PROJECTILES**

### a. Evaluation of Projectiles



Kinetic energy impact projectiles will be evaluated on the following criteria:

- i. ***Accuracy:*** This is the primary consideration, since proper shot placement greatly assists in controlling the other two evaluation criteria. This will be evaluated based on the anticipated ranges of deployment. A minimal standard of accuracy for such rounds is a 12-inch group at 15 yards in a secure rest.
- ii. ***Effectiveness:*** This is the potential of the round to cause incapacitation and reduce the subject's ability to continue their inappropriate behavior. The level of energy to cause incapacitation creates the potential for injury, but when properly deployed, with low probability for causing serious bodily injury or death.
- iii. ***Potential for Causing Death or Serious Bodily Injury:*** The potential for causing death or serious bodily injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back and abdominal cavities and the groin.
- iv. ***Deployment Areas:*** The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the level of force authorized.

b. **Deployment**

- i. Kinetic energy impact projectiles may be used by an officer to defend himself/herself or others from the threat of serious bodily injury.
- ii. The issued kinetic energy impact weapon, 40MM Launcher, will be dedicated to kinetic energy impact projectiles, and marked with ORANGE tape on the butt and barrel of the weapon. At NO TIME will lethal ammunition be stored with these weapons. Officers assigned will visually/physically inspect the chamber and magazine, each time the weapon comes under their control (i.e., beginning of the shift, and/or any time the weapon was out of their direct control), to ensure the total absence of lethal ammunition.
- iii. The use of the kinetic energy impact projectile weapon SHALL only be used when authorized by an individual of the rank of OIC or above.

- iv. The kinetic energy impact projectile weapon shall be secured in hard rifle or gun cases which are then secured in the assigned officer's cruiser.
- v. When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target and/or response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.

## IV. *DEADLY FORCE / LETHAL FORCE*

### A. PARAMETERS FOR THE USE OF LETHAL FORCE

1. **A sworn member of this Department is authorized to use lethal force only after 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 a person and the amount of force used is proportionate to the threat of imminent harm. This may include situations in which there are no viable alternatives available and lethal force is necessary for the officer to:**
  - a. Defend himself/herself or another from unlawful attack which he/she reasonably perceives as an imminent threat of death or serious bodily injury;

OR

  - b. Effect an arrest, **only** when:
    - i. The arrest is for a felony; and
    - ii. The officer reasonably believes that:
      - a) The force employed creates no substantial risk of injury to innocent persons; and
      - b) The crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force; and
      - c) There is substantial risk that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.

2. Where practical, and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force.
3. A law enforcement officer shall not use a **Chokehold** to restrain or subdue a suspect under any circumstances. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow. [1.3.4]

## B. FIREARMS

1. In addition to those circumstances provided for in the PARAMETERS FOR THE USE OF LETHAL FORCE, a police officer may discharge a Department-issued and/or authorized firearm in the following instances:
  - a. At a firearms range for authorized training, target practice or competition; or
  - b. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal, and the officer shall adhere to the following guidelines:
    - i. Officers shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.
    - ii. Where feasible, ensure children are not present.
2. **Warning shots and signaling shots are strictly prohibited.** [1.3.3]

### 3. **MOVING VEHICLES**

- a. Officers shall not discharge a firearm **from inside any moving vehicle**.
- b. Officers shall not discharge a firearm **at a moving vehicle** unless, based upon the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person and all of the following conditions have been met:

- i. The occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious bodily injury to themselves or another;
  - ii. There is no substantial risk to the safety of other persons, including risks associated with motor vehicle accidents;
  - iii. Officers have not 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);
  - iv. The officer is not firing strictly to disable the vehicle; and
  - v. The circumstances provide a high probability of stopping or striking the intended target.
4. **DRAWING & POINTING OF FIREARMS:** An officer shall not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer should carry their firearm in a position that will facilitate its speedy, effective, and safe use. Officers shall not point firearms at persons in circumstances, which are clearly unjustifiable. **In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within a Use of Force report.**
5. **OFF-DUTY FIREARMS**
  - a. Any weapon that an officer carries while off-duty for protection or to enable them to take official action as a police officer, excluding the officer's issued service weapon, will be considered an off-duty weapon.
  - b. Any officer who desires to carry an off-duty weapon and be indemnified with that weapon must first obtain written permission from the Chief of Police by submitting a written request providing a complete description of the firearm, and must qualify with the weapon at the range, at least semiannually. [1.3.9 (e); 1.3.10]
  - c. All ammunition carried in an approved off-duty weapon must be of a type approved by the Chief of Police. [1.3.9 (b)]

## V. *SPECIAL WEAPONS*

- A. When not carried in the locked rack in the patrol vehicle, special weapons will only be issued, with the knowledge and permission of the Officer-in-Charge to officers who have qualified with them.

- B. Special weapons may be selectively issued by the Officer-in-Charge if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons shall use those weapons in accordance with the provisions of this Policy as well as any applicable policies and guidelines issued at the time.
- C. Prior to issuing any special weapon, the Officer-in-Charge of the police station shall inquire of any officer to whom he/she intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless he/she is qualified in its use.

## **VI. DUTY TO INTERVENE**

- A. An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual.
- B. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to 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 this Department's policy. The officer's written statement shall be included in the supervisor's report.
- C. Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident, or made a report regarding the witnessed excessive force incident, shall be a violation of this Department policy and shall, upon a sustained internal administrative investigation, be subjected to the imposition of departmental discipline up to and including termination.

## **VII. USE OF FORCE CONSIDERATIONS INVOLVING PLANNED MASS DEMONSTRATIONS**

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

- B. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department.
- C. A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless:
1. de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and
  2. the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm.
- D. If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Massachusetts Peace Officer Standards and Training Commission (POST) detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog.
- E. The Commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified.

## **VIII. ADMINISTRATIVE RELIEF FROM DUTY AFTER FORCE RESULTING IN DEATH OR SERIOUS BODILY INJURY**

- A. In every instance in which any officer acting in an official capacity uses force which results in death or serious bodily injury to another person, the following steps shall be taken: [1.3.8]
1. Any employee whose action(s) or use of force in an official capacity results in death or serious bodily injury will be removed from line-duty assignment, pending an administrative review of the incident by a supervisor not directly

involved in the incident or such other period of time as the Chief of Police deems necessary. [1.3.8]

2. The officer will be given the opportunity to call his/her family as soon as possible.
  3. The officer shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the Office of the Chief of Police or the Public Information Officer.
- B. Assignment to Administrative Leave status shall be with no loss of pay or benefits.
- C. Relief from operational assignment with full pay and benefits is intended to: (i) address the personal and emotional needs of an officer and his/her involved in the use of force which results in serious bodily injury or death; and (ii) assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- D. Officers on administrative leave shall remain available to the Department and/or State Police Investigators to assist in the investigation of the incident.
- E. Whenever an officer is involved in a use of force incident that results in death or serious injury the Chief of Police or his/her designee will make arrangements for stress counseling, or any appropriate psychological assistance provider for the officer and members of his or her immediate family, authorized by the Chief of Police.

## **IX. POST USE OF FORCE INCIDENT PROCEDURES**

### **A. INVOLVED OFFICER RESPONSIBILITY**

In all incidents involving: (1) weaponless physical force where either the officer or the suspect is noticeably injured or claims to be injured at the time force is used; (2) the deployment of less-lethal force; or (3) the deployment of lethal force, the involved officer(s) shall: [1.3.6 (c); 1.3.6 (d)]

1. Notify the Patrol Supervisor;
2. Request that sufficient officers be dispatched to the scene;
3. Activate EMS, render medical assistance to the subject and arrange for transportation to a medical facility for evaluation and/or treatment;

4. Identify involved officers and witnesses;
5. Preserve any evidence;
6. Secure the scene until the Patrol Supervisor has arrived;
7. File the appropriate incident or arrest report and Use of Force Report pursuant to this Policy.

## **B. PATROL SUPERVISOR / OFFICER-IN-CHARGE RESPONSIBILITY**

### **1. LESS-LETHAL FORCE**

In any incident involving an officer's use of less lethal force including: weaponless physical force where either the officer or the suspect(s) are injured or claim to be injured; or a chemical substance; or less-lethal impact weapons, or an electronic control weapon (ECW), the Patrol Supervisor / Officer-in-Charge shall: [1.3.5; 1.3.6 (b); 1.3.6 (c); 1.3.6 (d); 1.3.7; 1.3.13]

- i. Immediately respond to the scene.
- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. [1.3.5]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.3.5]
- iv. Conduct an initial review of the circumstances for the use of force.
- v. Identify and interview officers and witnesses.
- vi. Photograph the scene. Officers should make reasonable efforts to protect the subject's privacy.
- vii. Gather and collect evidence. For ECW deployments, take custody of the ECW and discarded cartridge that was deployed and submit the device to the Defensive Tactics Officer for data downloading. The Defensive Tactics Officer or his designee will print the data and attach it to the Supervisor's After Action Report, as soon as practical thereafter.



- viii. Determine if a detective should respond to the scene and the level of investigative services to be utilized (including photographs, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain photographs.

**NOTE:** A photograph showing no injury may be as important as one, which shows injury.

- ix. File a report prior to the conclusion of their tour of duty.
- x. If the subject is admitted to a medical facility for treatment, respond to the facility and document the condition or injuries. [1.3.5]
- xi. Ensure Incident or Arrest and Use of Force Reports are completed by the deploying officer prior to the conclusion of his/her tour of duty or immediately after their detail assignment.
- xii. Complete the Supervisor After Action Report and submit the report with any evidence to the Defensive Tactics Officer.

## 2. **LETHAL FORCE AND FIREARMS**

In any incident involving the use of lethal force; or discharge of firearms, including a kinetic energy impact projectile, the Patrol Supervisor / Officer-in-Charge shall: [1.3.5; 1.3.6 (b); 1.3.6 (c); 1.3.6 (d); 1.3.7; 1.3.13]

- i. Immediately respond to the scene.
- ii. Ensure that the officer(s) receives any necessary assistance, including medical treatment, and that any injuries to the officer(s) are properly documented. [1.3.5]
- iii. Ensure that the subject(s) receives the necessary medical treatment and that any injuries to the subject(s) are properly documented. [1.3.5]
- iv. Conduct an initial review of the circumstances for the deployment of force.
- v. Identify involved officers and witnesses.
- vi. **FOR INCIDENTS RESULTING IN DEATH OR EXPECTED DEATH:** In any incident involving the death or expected death of an officer or subject, the Patrol Supervisor/Detective shall also notify the Massachusetts State

Police CPAC Unit and the District Attorney as soon as possible, and secure the scene until such time that the CPAC Units arrives. In any incident involving the death or expected death of an officer or subject, the On-Call Detective shall respond, assume control of the scene and conduct an investigation.

- vii. **FOR INCIDENTS NOT RESULTING IN DEATH OR EXPECTED DEATH:** In any incident not involving the death or expected death of an officer or subject, the On-Call Detective shall respond, assume control of the scene and conduct an investigation.
- viii. **FOR OFFICER-INVOLVED SHOOTING INCIDENTS:** In any officer-involved shooting incident, obtain a Public Safety Statement from any officer who has discharged a firearm or witnessed an officer-involved shooting incident, unless that officer is medically incapacitated, invokes his/her constitutionally-protected right to remain silent, or requests to consult with legal counsel.

### **C. OFFICER IN CHARGE (OIC) RESPONSIBILITIES**

1. The OIC may respond to the scene of any incident involving weaponless physical force or instances of less-lethal force.
2. The OIC shall respond to all incidents involving the use of lethal force, whether such force results in death or serious bodily injury.
3. The OIC shall make all resources, facilities, and personnel of the Department available to assigned investigators;
4. The OIC shall ensure that the involved officer(s) is provided with appropriate Federal/State civil rights protection.
5. The OIC shall politely refer all media requests for information to the Public Information Officer (PIO).
6. If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, (unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.
7. The OIC or authorized investigator shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the OIC shall:
- 8.

- a. Take custody of the weapon(s) in a discrete manner; and
  - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
9. The OIC shall immediately institute an investigation into any incident involving the use of lethal force whether such force results in death, serious bodily injury or no injury at all, and shall notify the Chief of Police or their designee of the situation.

#### **D. DEPARTMENT RESPONSE TO INCIDENTS RESULTING IN DEATH OR SERIOUS BODILY INJURY**

In any event resulting in the death or serious bodily injury of an officer or subject, the following protocols shall be adhered to:

1. Involved officers shall refrain from speaking or discussing the incident with anyone except with those directly involved, medical or mental health professionals, legal counsel, or union representatives.
2. Involved officers shall remain available, at reasonable times, for interviews and statements regarding the incident.
3. During any period where the involved officers are required to remain on the scene, but have no immediate duties to fulfill, the officer(s) should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive officer should remain with the involved officer, but should be advised not to discuss details of the incident.
4. If involved officers are not required at the scene, a supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting, such as police headquarters.
5. The supervisor shall:
  - a. Require that involved officers abstain from ingesting caffeine or other stimulants or depressants unless administered by medical personnel.
  - b. Conduct a brief interview of the involved officer consisting of only minimal, preliminary questions. The officer should be advised that a more detailed debriefing will be conducted later (but as soon as possible).
  - c. Advise all officers not to discuss the incident with anyone except a personal attorney, an attorney appointed by the Department, a union representative,

a departmental or authorized investigator until the conclusion of the preliminary investigation.

- d. Instruct involved officers to notify their families about the incident as soon as possible and assist them with the notification. Where an officer or officer is unable to do so, an agency official shall personally notify the officer(s) family, and arrange for their transportation to the hospital.
  - e. At all times, when at the scene of the incident, handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
6. Debriefings shall be held as soon as possible after the incident. The Department shall ensure that there are officers on-call or on-duty at all times so that someone is available shortly after an incident.
  7. Any Department or authorized outside agency investigation of the incident shall be conducted as soon and as quickly as practical.
  8. The Department should privately brief other department Sworn personnel concerning the incident so that rumors are kept to a minimum. Department Sworn personnel are encouraged to show the involved officers their concern.
  9. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident.
  10. In order to protect against harassing or abusive calls, personnel should be advised to have phone calls answered by another person for several days if their names are released to the public.
  11. Personnel directly involved in a shooting incident shall be required to re-qualify with firearms as soon as practical.

## **E. OFFICER WELLNESS CONSIDERATIONS**

1. Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that any action in an official capacity resulting in death or serious bodily injury to a citizen

or a fellow officer may precipitate such stress disorders. However, such disorders can also be created by accumulated stressors from seemingly minor incidents as well. Consequently, it is the responsibility of this Department to provide all personnel with information on stress disorders and to guide and assist in their deterrence.

2. This section is meant to provide guidelines that shall be uniformly applied following any officer-involved incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder. Moreover, officers are expected to monitor their peers with the goal of interdicting potentially debilitating and harmful stress disorders that can severely impact the fellow officer's career, family, and health.
3. Since some post-traumatic stress disorders may not arise immediately, or the officer/officer may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit personnel for symptoms of the disorder.
4. Some symptoms of post-traumatic stress disorder include:
  - a. A feeling of being numb;
  - b. Feeling out of touch with what is going on around them;
  - c. A feeling that this is happening to someone else;
  - d. Withdrawing and avoiding anything to do with the traumatic situation or police work;
  - e. Avoiding other people, including one's family;
  - f. Intrusive and recurring thoughts of the event and feeling that it may be happening again;
  - g. Irritability;
  - h. Sleep problems;
  - i. Difficulty in concentrating; and
  - j. Hyper-vigilance.
5. The Chief of Police may order an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer or officer's job performance. [22.2.3; 22.2.6]
6. Any officer whose action(s) or use of force in an official capacity results in death or serious bodily injury will be removed from line-duty assignment, pending an administrative review of the incident, or such other period of time as the Chief of Police deems necessary, after the officer or officer has completed his/her report of the incident. [1.3.8]
7. All officers directly involved in a shooting incident should contact a department

designated specialist for counseling and evaluation as soon as practical after the incident, even if they believe the incident did not impact them negatively. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. [22.2.3; 22.2.6]

8. The Department strongly encourages the families of sworn personnel and civilians to take advantage of available counseling services, as well. [22.2.4]

## X. *USE OF FORCE REPORTING*

### A. FORM OF USE OF FORCE REPORT

All Use of Force Reports filed in compliance with this Policy shall be on the Form attached to this Policy and accompany any incident or arrest reports filed by the officers involved.

### B. USE OF WEAPONLESS PHYSICAL FORCE

The handcuffing or display of remote restraint device (Bolawrap) towards a compliant detainee will not be construed to be a use of physical force. All officers shall complete a Use of Force Report if they are involved in any instance where Bolawrap is deployed, physical force greater than handcuffing of a compliant detainee, such as “soft hand physical compliance techniques” or “come-alongs” are utilized, or where the application of weaponless physical force results in an injury (either noticeable or complained of) to the officer or detainee. [1.3.4]

### C. USE OF LESS-LETHAL FORCE

1. In all incidents involving the use of less-lethal force, all involved officers shall prepare and submit a Use of Force Report. This includes spark displays of an ECW, except when a spark display check is conducted to test the device at the beginning of an officer’s shift. [1.3.4; 1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]
2. Always remember that each application of the ECW is a separate application of a use of force and a separate Use of Force Report must be filed for each application.
3. **If an ECW is deployed, including a spark display of an ECW**, the supervisor(s) of the officers involved must file an After Action Report (AAR). [1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]

4. All Officers-in-Charge, subordinate supervisors and the Internal Affairs Supervisor will conduct a written review of all reports concerning each incident where less-lethal force has been utilized. [1.3.7]
5. The Department shall ensure that the Executive Officer of Public Safety and Security (EOPSS) *ECW Use Reporting Form* is completed and submitted as required by EOPSS in accordance with G.L. c. 140, section 131J and St. 2004, c. 170, section 2.

#### **D. USE OF LETHAL FORCE**

1. All officers involved in the use of lethal force shall file a separate Use of Force Report. [1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]
2. All supervisors shall file a report on the incident and his/her observations with the Officer-in-Charge (OIC) at Police Headquarters. [1.3.6 (a)]
3. It is not necessary to complete a Use of Force Report when a badly injured animal is destroyed. However, the officer shall submit an Incident Report according to current departmental procedures. [1.3.6 (b)]
4. All officers involved in any instance where a firearm was pointed at a subject shall file a separate Use of Force Report. [1.3.6 (a); 1.3.6 (b); 1.3.6 (c); 1.3.6 (d)]

#### **F. USE OF FORCE INCIDENT REVIEW**

1. All reports concerning any use of force incidents shall be forwarded to the Internal Affairs function, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action. [1.3.6]
2. With respect to all instances of use of force, the Defensive Tactics Officer shall be responsible for the following: [1.3.7]
  - a. Ensuring that a thorough investigation was conducted and that all reports were prepared and submitted; and
  - b. Reviewing all reports submitted to determine whether the use of force was in compliance with department policy and procedures.

3. The Department will adhere to at least the minimum standards for internal agency review of complaints of officer-involved injuries or deaths as established by the Commission.
4. The Department shall adhere to all reporting requirements established pursuant to G.L. c. 6E, and such further requirements as may be promulgated by the Commission.

## **G. ANNUAL ANALYSIS**

The Operations Supervisor will conduct an annual analysis of all Use of Force Reports, activities, policies and practices. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The review should identify: [1.3.7; 1.3.11 (a); 1.3.11 (b); 1.3.11 (c); 1.3.13; 11.4.1 (b); 11.4.1 (c); 11.4.1 (d)]

- o Date and time of incidents;
- o Types of encounters resulting in use of force;
- o Trends or patterns related to race, age and gender of subjects involved;
- o Trends or patterns resulting in injury to any person including employees; and
- o Impact of findings on policies, practices, equipment, and training.

Such analysis and conclusions shall be documented annually to the Chief of Police and appropriate action taken. [1.3.13; 11.4.1 (e)]

# **XI. TRAINING**

## **A. GENERALLY**

1. No officer of this Department will be authorized to carry any lethal or less-lethal weapon until he/she has: [1.3.12; 16.3.6]
  - a. Been issued a copy of this Use of Force Policy, received instruction and successfully passed a written examination on same; and
  - b. Completed the necessary training and qualifications promulgated by the Municipal Police Training Committee (MPTC); and
  - c. Signed a receipt indicating that he/she has received a copy of this Use of Force Policy and has been afforded the opportunity to discuss it and ask



questions regarding the policy, which shall be maintained by the instructor and Training Coordinator. [1.3.12]

2. All weapons qualification records and officer scores shall be documented and maintained by the Training Coordinator. [1.3.11 (b)]
3. All training in use of force shall be conducted by MPTC-approved instructors and shall comply with MPTC standards. [1.3.11]
4. At least annually, all officers authorized to carry weapons are required to receive in-service training on the Department's Use of Force Policy and demonstrate proficiency with all approved lethal weapons and ECWs that the officer is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially. [1.3.11]
5. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

## **B. DEFENSIVE TACTICS AND DE-ESCALATION**

1. All recruit officers shall receive training on defensive tactics and de-escalation mandated by the Municipal Police Training Committee during the recruit officer training academy.
2. Annually, all officers shall continue to receive the in-service training on defensive tactics and de-escalation mandated by the Municipal Police Training Committee.

## **C. ECW TRAINING**

1. **Basic User Training:** Six (6) hour certification course is mandatory training for all officers. [16.3.5; 33.1.2]
2. **In-Service Training:** All officers who are certified to carry and deploy the ECW **shall complete annually a minimum of one (1) hour in-service documented proficiency and legal update training**, conducted by certified weapons instructor with remedial training available, if needed. [1.3.11 (a); 1.3.11 (b); 1.3.11 (c); 33.1.2; 33.5.1; 33.6.1 (a); 33.6.1 (b)]
3. **Instructor Training:** All department instructors are required to complete a sixteen (16) hour ECW manufacturer certification course, and an additional instructor training course from the Municipal Police Training Committee (MPTC).

Instructors are required to be trained and re-certified biannually. [33.1.2; 33.6.1 (a); 33.6.1 (b)]

4. **Supervisor Training:** Annually, superior officers of all ranks shall receive specialized ECW awareness and After Action Report (AAR) in-service training by qualified instructors so they can intelligently investigate, properly document and report ECW deployment incidents. This training shall be in addition to the annual ECW in-service training requirement and **shall be not less than two (2) hours in length**. [33.1.2; 33.6.1 (a); 33.6.1 (b)]

#### **D. FIREARMS TRAINING**

1. All recruit officers shall receive training on firearms mandated by the Municipal Police Training Committee during the recruit officer training academy.
2. All personnel authorized to carry a Department-issued weapon shall qualify with their issued weapon and any other weapon they are authorized to carry while on duty at least annually. [1.3.10; 1.3.11 (a); 16.3.6]
3. All approved lethal weapons shall be under the direction of the department's Training Coordinator and approved Municipal Police Training Committee (MPTC) weapons and tactics instructors. [1.3.11 (a); 16.3.6]
4. Following a period of training and practice, all officers will be expected to qualify in accordance with the standards established by the MPTC.
5. Only officers demonstrating proficiency in the use of Department-issued or authorized weapons will be authorized to carry or use those weapons. [1.3.10; 1.3.11 (a)]
6. Qualification and proficiency shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
7. If the Chief of Police approves an off-duty weapon, the officer must qualify with the weapon at the range, at least semiannually. [1.3.10]
8. All officers authorized to use any of the Department's special weapons, such as shotguns, will qualify with the weapon(s) they are authorized to use, in accordance with the standards established by the Municipal Police Training Committee (MPTC), the manufacturer, or the Department's Weapons and Tactics Instructor, at least annually. [1.3.9 (a)]
9. A listing of all officers who have qualified with each special weapon will be maintained with the weapons and with the Training Coordinator.

10. Training in the use of extended range kinetic energy impact projectiles will consist of an annual recertification by department firearms instructors.

#### **E. POST TRAUMATIC STRESS DISORDER TRAINING**

The Police Department shall provide officers with training pertaining to post-traumatic stress disorders and the uniform practices contained in this Policy on a regular basis.

#### **F. ADDITIONAL TRAINING**

Any officer who requires additional training instruction will be given an additional amount of time to demonstrate proficiency and if necessary, remedial training, while removed from line duty assignment. If it becomes necessary, the officer will be sent to additional remedial firearms training until such time as he/she successfully passes the MPTC qualification course. [1.3.11 (c)]

#### **G. SPECIAL WEAPONS**

Any officer authorized to carry or use any special weapon shall complete training on such special weapon at least annually. [1.3.11] [KEEP IN MIND THAT CERTAIN SPECIAL WEAPONS MAY REQUIRE MORE FREQUENT TRAINING]

# APPENDIX A

## EXAMPLE

### AUTHORIZED HANDGUN FIREARMS

MANUFACTURER	MODEL	CALIBER	RBI LENGTH	MAGAZINE CAPACITY
Glock	19	9mm	4.02"	15
Glock	17	9mm	4.02"	17
Kahr	K9	9mm	3.5"	10
S&W	Bodyguard	.380	2.75"	6

### AUTHORIZED HANDGUN AMMUNITION

DUTY/RANGE	WINCHESTER	BULLET WGT	BULLET TYPE	VELOCITY	MUZZLE ENERGY
Duty	Federal Tactical	147g (9mm)	H. P.	1000 FPS	326 FT LB
Range	Speer	124g (9mm)	FMJ	1090 FPS	327 FT LB
Range	Federal AE	147g (9mm)	FMJ	1000 FPS	326 FT LB
Range	Federal AE	95g (.380)	FMJ	980 FPS	203 FT LB
Duty	Speer	90g (.380)	H. P.	980 FPS	196 FT LB

### AUTHORIZED RIFLE

MANUFACTURER	MODEL/ACTION	CALIBER	BBL LENGTH	MAGAZINE CAPACITY
Yankee Hill	AR15	.223/5.56mm	11"	30

### OTHER AUTHORIZED - LESS-LETHAL

MANUFACTURER	MODEL/ACTION	CALIBER	BBL LENGTH	MAGAZINE CAPACITY
Remington	870	12 GAUGE	18.5"	4/6

### AUTHORIZED RIFLE AMMUNITION

USE	MANUFACTURER	WEIGHT	TYPE	VELOCITY
Duty/Range	Federal AE	55g	FMJ	3165FPS

### AUTHORIZED SHOT GUN AMMUNITION - LESS-LETHAL

USE	MANUFACTURER	WEIGHT	TYPE	VELOCITY
Duty/Range	ALS Triton	4.5 grams	Bean bag	525 FPS

### AUTHORIZED TASER - LESS-LETHAL

MANUFACTURER	MODEL	BBL	MAGAZINE CAPACITY
Taser International/Axon	X2	N/A	2

### AUTHORIZED TASER CARTRIDGE - LESS-LETHAL

USE	MAKE	MOP	DISTANCE
-----	------	-----	----------

Duty	Taser	SP 25 foot cartridge	25'
Training	Taser	SP 25 foot cartridge	25'

**AUTHORIZED BATON - LESS-LETHAL**

MANUFACTURER	MODEL	DESCRIPTION
Monadnock	Auto Lock	22"/24"/26" Expandable

**AUTHORIZED CHEMICAL SPRAY - LESS-LETHAL**

MANUFACTURER	MOP	STRENGTH
Defense Technology Federal Laboratories	MK3	1.3%

**OTHER AUTHORIZED - LESS-LETHAL**

MANUFACTURER	MODEL/ACTION	CALIBER	BBL LENGTH	MAGAZINE CAPACITY
Pepperball	FTC	.68	10"	180

:

**OTHER AUTHORIZED – Remote Restraint**

MANUFACTURER	MODEL/ACTION	CALIBER	BBL LENGTH	MAGAZINE CAPACITY
Bolawrap	Bolawrap100			

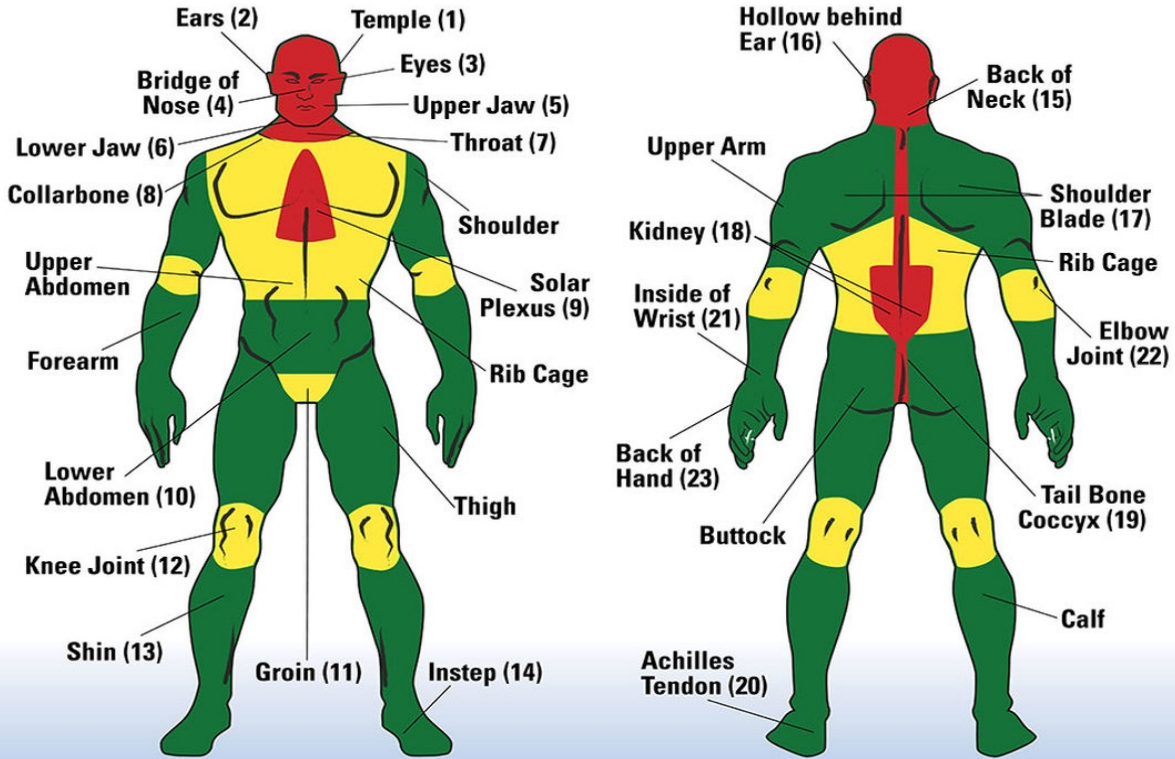
**Authorized Cartridge**

<u>Use</u>	<u>Make</u>	<u>Wrap Length</u>
Duty	Wrap Technologies Corp	8Ft

**APPENDIX B**

# BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



## STRIKING AREAS

GREEN	YELLOW	RED
<p><b>REASONING</b> Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p><b>REASONING</b> Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p><b>REASONING</b> Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

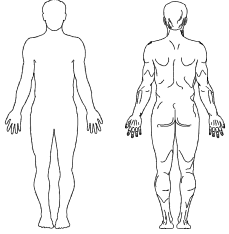
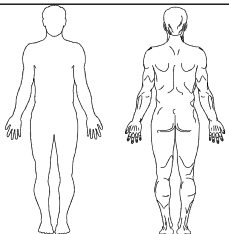
When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.

# APPENDIX C

## SUPERVISOR AFTER ACTION REPORT

DATE	TIME	LOCATION	CASE #
SUBJECT'S NAME		DATE OF BIRTH	PHONE NUMBER
HEIGHT	WEIGHT		
<b>REASON THE USE OF FORCE WAS NECESSARY (check all that apply):</b>			
<input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> TO DEFEND ANOTHER OFFICER / PERSON <input type="checkbox"/> TO DISPATCH ANIMAL		<input type="checkbox"/> TO DEFEND SELF <input type="checkbox"/> PROTECTIVE CUSTODY / SUBJECT SAFETY <input type="checkbox"/> OTHER: _____	
<input type="checkbox"/> PREVENT ESCAPE <input type="checkbox"/> OTHER - EXPLAIN: _____			
CHARGES:			BOOKED? <input type="checkbox"/> YES <input type="checkbox"/> NO
DEPLOYING OFFICERS:		SUPERVISOR NOTIFIED / TIME / BY WHOM:	
<b>TYPE OF INCIDENT (check all that apply):</b>			
<input type="checkbox"/> CIVIL DISTURBANCE <input type="checkbox"/> BARRICADED SUSPECT		<input type="checkbox"/> SUICIDAL <input type="checkbox"/> WARRANT SERVICE	
<input type="checkbox"/> SUICIDE BY COP <input type="checkbox"/> EDP		<input type="checkbox"/> VIOLENT SUSPECT <input type="checkbox"/> OTHER - EXPLAIN: _____	
<b>AT THE TIME OF ARREST, THE SUBJECT WAS:</b>			
<input type="checkbox"/> SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> UNDER THE INCLUDE OF ALCOHOL OR DRUGS		<input type="checkbox"/> MENTALLY IMPAIRED / EMOTIONALLY DISTURBED <input type="checkbox"/> OTHER: _____	
LIGHTING: <input type="checkbox"/> NATURAL <input type="checkbox"/> ARTIFICIAL EXPLAIN: _____ LOCATION (check all that apply): <input type="checkbox"/> INDOOR <input type="checkbox"/> OUTDOOR <input type="checkbox"/> STATION <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/> HOSPITAL			
<b>FORCE USED PRIOR TO ECW DEPLOYMENT:</b>			
<input type="checkbox"/> VERBAL COMMANDS: <input type="checkbox"/> COMPLIANCE TECHNIQUES: (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)			
<input type="checkbox"/> CHEMICAL SPRAY / CHEMICAL AGENT: Number of Bursts: _____ Duration of Bursts: _____ Distance from Subject: _____ Impact Location: _____ Time between application / decontamination: _____			
<input type="checkbox"/> IMPACT WEAPON / TEMP. INCAPACITATION: <input type="checkbox"/> FIREARM DISPLAY: <input type="checkbox"/> OTHER: _____			
<b>ECW DEPLOYMENT:</b>			
ECW MODEL:	ECW SERIAL #:	ECW AIR CARTRIDGE TYPE:	ECW AIR CARTRIDGE XP#:
ECW USE: <input type="checkbox"/> SUCCESS <input type="checkbox"/> FAILURE SUSPECT WEARING HEAVY OR LOOSE CLOTHING? <input type="checkbox"/> YES <input type="checkbox"/> NO NUMBER OF CARTRIDGES FIRED: _____ NUMBER OF CYCLES APPLIED: _____ USAGE (check all that apply): <input type="checkbox"/> ARC DISPLAY <input type="checkbox"/> LASER/LIGHT DISPLAY <input type="checkbox"/> DRIVE STUN <input type="checkbox"/> DART PROBE IF DART PROBE APPLICATION, APPROXIMATE DISTANCE TO TARGET (FEET): _____ NEED FOR ADDITIONAL APPLICATION? <input type="checkbox"/> YES <input type="checkbox"/> NO DID DART PROBES PENETRATE SUBJECT'S SKIN? <input type="checkbox"/> YES <input type="checkbox"/> NO PROBES REMOVED ON-SCENE? <input type="checkbox"/> YES <input type="checkbox"/> NO PROBES REMOVED BY: _____ DID THE ECW RESPOND SATISFACTORILY? <input type="checkbox"/> YES <input type="checkbox"/> NO IF DART PROBE DEPLOYMENT WAS UNSUCCESSFUL, WAS A DRIVE STUN APPLICATION USED? <input type="checkbox"/> YES <input type="checkbox"/> NO			
OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:		SHIFT SUPERVISOR(S):	
OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:		SHIFT OFFICER(S):	
AUDIO-VISUAL EVIDENCE: <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, explain: _____		SUPERVISOR(S) WHO RESPONDED TO SCENE:	
<b>COMPLETING SUPERVISOR(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT; ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND</b>			

**FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY**

<b>CASE #</b>		
<b>WAS SUBJECT(S) INJURED?</b> * <input type="checkbox"/> YES <input type="checkbox"/> NO *(Complete Diagram Below)	<b>OFFICER(S) TAKING PHOTOS</b>	<b>TOTAL # OF PHOTOS</b>
DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM: <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;">  </div> <div> <hr/><hr/><hr/><hr/><hr/><hr/><hr/> </div> </div>		
<b>IF SUBJECT WAS INJURED, WAS THE SUBJECT PROVIDED MEDICAL TREATMENT?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>IF YES, DESCRIBE THE MEDICAL TREATMENT PROVIDED:</b>		
<b>WAS OFFICER(S) INJURED?</b> * <input type="checkbox"/> YES <input type="checkbox"/> NO *(Complete Diagram Below)		
DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM: <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;">  </div> <div> <hr/><hr/><hr/><hr/><hr/><hr/><hr/> </div> </div>		
<b>WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:</b>	<b>ADDRESS:</b>	<b>PHONE #:</b>
<b>SYNOPSIS:</b>		
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
<b>POST ECW DEPLOYMENT:</b>		
<b>DESCRIBE SUSPECT'S Demeanor AFTER ECW DEPLOYMENT:</b>		
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
<b>FORCE USED AFTER ECW DEPLOYMENT:</b>		
<input type="checkbox"/> <b>COMPLIANCE TECHNIQUES:</b> (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)		
<input type="checkbox"/> <b>CHEMICAL SPRAY / CHEMICAL AGENT:</b> Number of Bursts:                      Duration of Bursts:                      Distance from Subject: Impact Location:                      Time between application / decontamination:		
<input type="checkbox"/> <b>IMPACT WEAPON / TEMP. INCAPACITATION:</b> <input type="checkbox"/> <b>FIREARM:</b> <input type="checkbox"/> <b>OTHER:</b>		
<b>PHOTOGRAPHS TAKEN:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>DESCRIBE:</b>	<b>EVIDENCE SEIZED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>DESCRIBE:</b>	
<b>SUPERVISOR REVIEW</b> (Print / Sign / Date):		<b>OFFICER-IN-CHARGE REVIEW</b> (Print / Sign / Date):

**SUPERVISORS: REVIEW & CRITIQUE USE OF FORCE WITH INVOLVED OFFICER(S).  
 NOTE FINDINGS ABOVE AND FORWARD COMPLETED PACKET TO CHIEF OF POLICE**  
 ECW deployment requires an ON-SCENE review, including a narrative report from the responding supervisor.

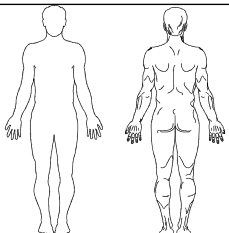
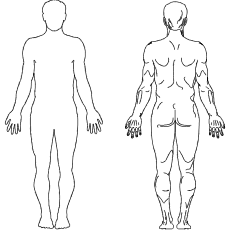


# APPENDIX D

## USE OF FORCE REPORT FORM

**(YOU MUST ALSO COMPLETE THE UOF QUESTIONNAIRE IN PMAM)**

DATE	TIME	LOCATION	CASE #
SUBJECT'S NAME		DATE OF BIRTH	HEIGHT
		WEIGHT	RACE / ETHNICITY
<b>REASON THE USE OF FORCE WAS NECESSARY (check all that apply):</b>			
<input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> TO DEFEND ANOTHER OFFICER / PERSON <input type="checkbox"/> TO DISPATCH ANIMAL		<input type="checkbox"/> TO DEFEND SELF <input type="checkbox"/> PROTECTIVE CUSTODY / SUBJECT SAFETY <input type="checkbox"/> OTHER: _____	
LIST MOST SERIOUS OFFENSE(S) AT TIME FORCE USED:			
WAS SUBJECT INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:	WAS REPORTING OFFICER INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:	MEDICAL TREATMENT PROVIDED TO/BY:	PHOTOS TAKEN BY:
SUBJECTS THAT RESISTED:	# OFFICERS PRESENT:	SUPERVISOR NOTIFIED / TIME / BY WHOM:	
AT THE TIME OF ARREST, THE SUBJECT WAS:			
<input type="checkbox"/> SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS		<input type="checkbox"/> MENTALLY IMPAIRED / EMOTIONALLY DISTURBED <input type="checkbox"/> OTHER: _____	
<b>OFFICER'S PERCEPTION OF INDIVIDUAL'S ACTIONS (USE NARRATIVE TO DESCRIBE PERCEIVED THREAT(S) POSED BY INDIVIDUAL):</b>			
<input type="checkbox"/> <b>PASSIVE RESISTANCE –</b> (dead weight or non-compliance to Officer's lawful verbal direction, but offering no actively resistive movement)			
<input type="checkbox"/> <b>ACTIVE OR ESCAPE RESISTANCE –</b> (actions such as pushing, pulling, evasive arm movement, flailing, flight, muscle tension, etc. to avoid control)			
<input type="checkbox"/> <b>ASSAULTIVE / HIGH-RISK –</b> (agitated, combative state, physically assaultive actions and/or behavior that poses threat of injury to another – e.g. punching, kicking, etc.)			
<input type="checkbox"/> <b>LIFE THREATENING / SERIOUS BODILY INJURY –</b> (actions that may result in death or serious bodily injury)			
<b>OFFICER'S RESPONSE OPTION(S) (PROVIDE FURTHER DETAILS IN ATTACHED NARRATIVE REPORT(S)):</b>			
<input type="checkbox"/> <b>PRESENCE:</b> <input type="checkbox"/> FULL UNIFORM <input type="checkbox"/> PARTIAL UNIFORM <input type="checkbox"/> PLAINCLOTHES _____ NOTE: Officers not in full uniform, describe means of visual police identification (e.g. raid vest or jacket, displayed badge/ID, etc.)			
<input type="checkbox"/> <b>VERBAL COMMANDS (Describe details in Narrative Report):</b>			
<input type="checkbox"/> <b>COMPLIANCE TECHNIQUES (Describe details in Narrative Report):</b> (Force used to gain control – restraint, come-alongs, takedowns – use of hands, arms, feet, legs)			
<input type="checkbox"/> <b>CHEMICAL SPRAY / CHEMICAL AGENT (Describe details in Narrative Report):</b> Number of Bursts: _____ Duration of Bursts: _____ Distance from Subject: _____ Impact Location: _____ Time between application / decontamination: _____			
<input type="checkbox"/> <b>IMPACT WEAPON / TEMP. INCAPACITATION (Describe details in Narrative Report):</b>			
<input type="checkbox"/> <b>ELECTRONIC CONTROL WEAPON / DEVICE (Describe details in Narrative Report):</b> <input type="checkbox"/> Laser Only <input type="checkbox"/> Spark Check <input type="checkbox"/> Drive Stun <input type="checkbox"/> Probe Deployment Impact Location: _____ Number of Cycles: _____ Unit #: _____ Serial #: _____ Cartridge Serial #: _____ Distance from Subject: _____			
<input type="checkbox"/> <b>POINT A FIREARM (Describe details in Narrative Report):</b>			
<input type="checkbox"/> <b>DEADLY FORCE – Firearm or other (Describe details in Narrative Report):</b>			
<input type="checkbox"/> <b>OTHER:</b>			
RESTRAINT METHOD USED: <input type="checkbox"/> HAND or FLEX CUFFS <input type="checkbox"/> LEG RESTRAINTS <input type="checkbox"/> BODY GUARD <input type="checkbox"/> SPIT SHIELD <input type="checkbox"/> NONE <input type="checkbox"/> OTHER:			
OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:		SHIFT SUPERVISOR(S):	
OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:		SHIFT OFFICER(S):	
AUDIO-VISUAL EVIDENCE: <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, explain: _____		SUPERVISOR(S) WHO RESPONDED TO SCENE:	
<b>COMPLETING OFFICER(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT;          ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND          FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY</b>			

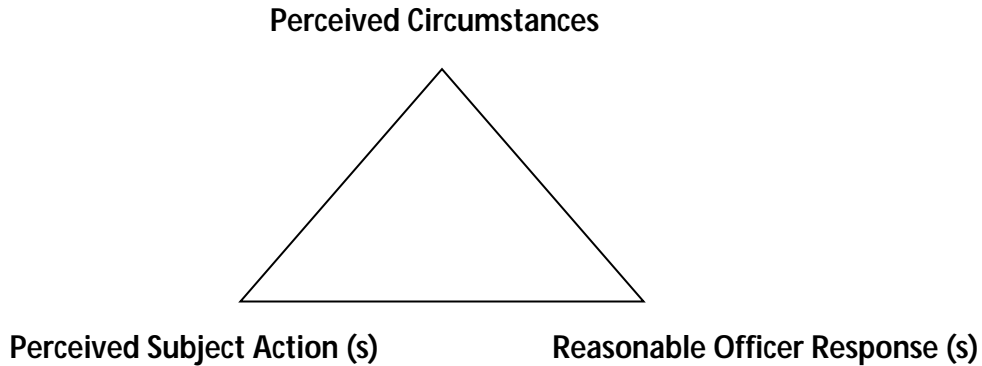
<b>CASE #</b>		
<b>WAS SUBJECT(S) INJURED?</b> * <input type="checkbox"/> YES <input type="checkbox"/> NO <small>*(Complete Diagram Below)</small>	<b>OFFICER(S) TAKING PHOTOS</b>	<b>TOTAL # OF PHOTOS</b>
	<b>DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM:</b>	
	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
<b>WAS OFFICER(S) INJURED?</b> * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)		
	<b>DESCRIBE THE EXTENT OF THE SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM:</b>	
	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
<b>WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:</b>	<b>ADDRESS:</b>	<b>PHONE #:</b>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<b>OFFICER'S NARRATIVE:</b> Did Officer prepare a detailed incident report describing facts and circumstances leading to the use of force? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, explain:		
<hr/> <hr/> <hr/>		
<b>SUPERVISORY / COMMAND REVIEW</b>		
<b>REPORTING SUPERVISOR</b> (Name and Badge #)	<b>DATE AND TIME OF SUPERVISOR RESPONSE</b>	<b>LOCATION</b>
<hr/>	<hr/>	<hr/>
<b>OFFICER WHO USED FORCE</b> (Name and Badge #)	<b>WAS SUBJECT(S) INJURED?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>WAS OFFICER(S) INJURED?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
<hr/>	<hr/>	<hr/>
<b>SUPERVISOR'S NARRATIVE:</b> (Document steps taken to review and evaluate Officer's use of force.)		
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
<b>A/V EVIDENCE AVAILABLE / REVIEWED BY SUPERVISOR:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date:	<b>A/V EVIDENCE AVAILABLE / REVIEWED BY OFFICER:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date:	<b>A/V EVIDENCE AVAILABLE / REVIEWED BY LIEUTENANT:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Date:
<hr/>	<hr/>	<hr/>
<b>LIEUTENANT REVIEW NARRATIVE:</b> (Confirm proper and complete investigation was conducted.)		
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
<b>OFFICER REVIEW</b> (Print / Sign / Date):	<b>SUPERVISORY REVIEW</b> (Print / Sign / Date):	<b>LIEUTENANT'S REVIEW</b> (Print / Sign / Date):
<hr/>	<hr/>	<hr/>

**SUPERVISORY / COMMAND: REVIEW & CRITIQUE USE OF FORCE WITH INVOLVED OFFICER(S).  
NOTE FINDINGS ABOVE AND FORWARD COMPLETED PACKET TO CHIEF OF POLICE**

Use of force requires an ON-SCENE review, including a narrative report from the responding supervisor. This is REQUIRED for incidents involving- Chemical Spray, ECW/ECD deployment or Drive Stun; any incident resulting in injury or complaint of injury; or any other time deemed appropriate by a supervisor.

# APPENDIX E

## MPTC USE OF FORCE REFERENCE GUIDE



The **Totality Triangle** © depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

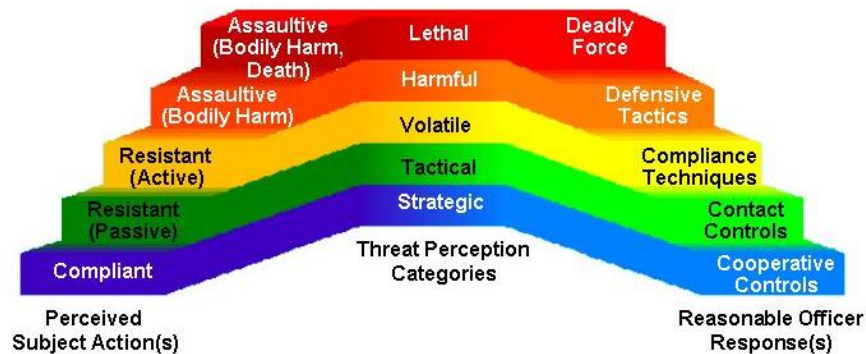
**Perceived Circumstances** - the officer’s perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject; culminating in its identification on the Use of Force Model.

**Perceived Subject Action (s)** - the subject action (s) as perceived by the reasonable officer that designate the subject at one or more of the Use of Force Model’s compliant / non-compliant categories.

**Reasonable Officer Response (s)** - the “balanced” response (s) appropriate for the reasonable officer’s selection from the Use of Force Model’s identified response categories, in order to maintain or gain subject compliance and control.

### MPTC Use of Force Model

The Use of Force Model was developed in 1991 by Dr. Franklin Graves, Federal Law Enforcement Training Center and Professor Gregory J. Connor, University of Illinois Police Training Institute. ™ 1998, G. Connor. All rights reserved.



**Threat Perception Color Code** - the tactically applied and color adapted correlation of the Threat Perception Categories on the Use of Force Model.

**Control Superiority Principle ©** - the understanding and visualization method utilized to reinforce the inherent principle of officer force superiority over the subject's degree of compliance / non-compliance.

**Assessment / Selection Arrows** - the mechanism utilized to indicate the dynamic nature of an officer's decision-making process of Tactical Transition © during the enforcement encounter.

### **Threat Perception Categories**

**Strategic** - the broad "mind set" of the officer, represented by the blue baseline on the Threat Perception Color Code©. The contemporary officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety.

**Tactical** - the second level on the Use of Force Model, depicted by the color green. Here the officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.

**Volatile** - the third level on the Use of Force Model utilizing the color yellow to indicate an activated level of alertness and threat potential. Here the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter.

**Harmful** - at this level on the Use of Force Model the color orange denotes an accelerated perception of threat directed upon the officer or others. In this regard the officer must deploy initial defensive force in the effort toward eventual subject compliance and control.

**Lethal** - the highest level on the Use of Force Model correlates to the most intense color in the Threat Perception Color Code©, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

### **Perceived Subject Action (s) Categories**

**Compliant** - represents the vast majority of officer / citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance, verbalization skills, etc.

**Resistant (Passive)** - the preliminary level of citizen non-compliance. Here, the citizen, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.

**Resistant (Active)** - the subject's non-compliance is increased in scope and / or intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

**Assaultive (*Bodily Harm*)** - the officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not result in the officer's or other's death or serious bodily harm.

**Assaultive (*Serious Bodily Harm / Death*)** - the officer's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death to the officer or others.

## **Officer Response (s) Categories**

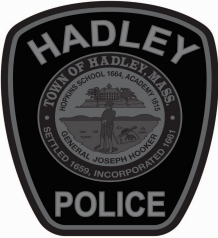
**Cooperative Controls** - include contemporary controls developed to preserve officer safety and security, including: communication skills, restraint applications (routine handcuffing), etc.

**Contact Controls** - includes resistant countermeasures designed to guide or direct the non-compliant subject. These "hands on" tactics would include the elbow / wrist grasp, Hand Rotation Position©, escort position, etc.

**Compliance Techniques** - includes resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could include arm/wrist manipulation, balance displacement, physical restraint, arm bar take down, distraction techniques, O.C., Baton restraint & control, Taser Drive Stun, etc.

**Defensive Tactics** - includes assaultive countermeasures designed to cease the subject's non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include weaponless strikes, Taser probe deployment, baton strikes, kicking techniques, "bean bag", etc.

**Deadly Force** - includes assaultive countermeasures designed to cease an assault which is lethal or could cause great bodily harm on the officer or others. These tactics could include the use of a firearm, lethal strikes, neck restraints, choke holds, etc.

<b>HADLEY POLICE DEPARTMENT</b>		<b>Department Manual:</b> <b>Policy No. 1.06</b>
<b>USE OF FORCE REPORTING &amp; INVESTIGATION POLICY</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b> <b>REFERENCED: 1.3.5, 1.3.6; 1.3.7; 1.3.8; 1.3.11; 1.3.13; 11.4.1; 22.2.3, 22.2.6</b>		<b>GENERAL ORDER</b>
<b>Effective Date:</b> <b>Amended: 12/8/21</b>	<b>Issuing Authority</b> <b>Michael A. Mason</b> <b>Michael A. Mason</b> <b>Chief of Police</b>	

**STATE POLICE EMPLOYEE ASSISTANCE UNIT**      **1-781-821-5496**

**STATE POLICE HEADQUARTERS**      **1-508-820-2121**

**I. General Considerations and Guidelines:**

The manner in which police personnel use both lethal force and less-lethal force is an extremely critical issue to the Department and one that generates intense public scrutiny. When these incidents occur they demand a thorough and complete inquiry into all the facts and circumstances surrounding the incident. Only through a comprehensive investigative inquiry can the complete and accurate facts of the incident evolve allowing for public trust and confidence to be maintained.

**II. Policy:**

**It shall be the policy of the Hadley Police Department to:**

**A. Require a written report and to investigate every incident regarding the use of**

Policy # 1.06, Use of Force Reporting and Investigation Policy

issued or authorized firearms or ammunition by any officer or employee, whether accidental or intentional and whether on or off-duty. (Obvious exceptions are during the lawful performance of duties and activities such as, but not limited to: Range Officers, Armorer, Ballistician, training, and hunting.); [1.3.6 a](#),

- B.** Require a written report whenever an employee takes action that results in, or is alleged to result in, the injury (however slight) or death of another person; [1.3.6 b](#)
- C.** Require a written report whenever an employee applies force through the use of lethal or less-lethal weapons; or [1.3.6 c](#)
- D.** Require a written report whenever an employee applies weaponless physical force (using open or closed hand tactics) at a level required to be reported. [1.3.6 d](#)
- E.** In order to comply with this policy all sworn personnel are required to complete a separate Use of Force Report in addition to any Incident or Arrest Report. The Use of Force Report is located within PM AM HCM, is to be completed and the contents of the case shall be placed in a blue file folder. An additional Use of Force Questionnaire Feedback Form will also be completed and submitted in PM AM HCM.
- F.** The completed report shall be submitted to the shift supervisor for review.
- G.** The shift supervisor shall review and approve all Use of Force Reports and submit for review by the Lieutenant of Operations.
- H.** The Lieutenant of Operations shall also review and approve all Use of Force Incidents for an additional level of review to ensure that the force that was utilized is in compliance and conformance with all federal, state and local law as well as department policy and established training protocols.
- I.** Any Officer who uses force more on more than three occasions in any calendar year is subject to review.
- J.** All officers of the Hadley Police Department should be aware of their personal responsibility during any use of force encounter. Officers shall have **an affirmative duty to intervene** should they observe a situation in which they perceive more than the necessary use of force is being deployed by a fellow officer or supervisor. Any observations of excessive force made by a fellow officer or supervisor **shall be reported in writing** through the chain of command or directly to the OIC.
- K.** Pursuant to Use of Force Regulation [550 CMR 6.00](#), law enforcement agencies

Policy # 1.06, Use of Force Reporting and Investigation Policy

shall be required to develop and implement a policy and procedure for reporting the use of force. Such policy shall mandate reporting such incidents including but not limited to **officer-involved injuries or deaths** as described herein, and include the use of a **standard use of force reporting form** as approved by the Committee and the Commission which shall be completed by any officer who uses force.

- L. Whenever an officer uses force that results in a death or serious bodily injury, the Sergeant/OIC will notify the Lieutenant of Operations who will notify the Chief of Police. The agency shall conduct an investigation according to their policies and protocols.
- M. If the use of force involved a weapon, the agency head or their designee shall secure the weapon or weapons used for examination and maintain the appropriate chain of custody protocols.
- N. Law enforcement agencies shall report to the National Use of Force Data Collection Database when actions by a law enforcement officer resulted in the death or serious bodily injury of an individual, or when a law enforcement officer, in the absence of death or serious bodily injury, discharged a firearm at or in the direction of a person.
- O. Law enforcement agencies are not required to report the discharge of a firearm during training or qualification exercises or for the purposes of animal destruction/euthanasia where necessary.
- P. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to 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 uniform protocols. The officer's written statement shall be included in the supervisor's report.
- Q. An officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a use of force report may be subject to decertification.
- R. Pursuant to Use of Force Regulation [550 CMR 6.00](#), law enforcement agencies shall develop and implement a policy and procedure for law enforcement personnel, including but not limited to law enforcement officers, to report abuse by other law enforcement personnel, including but not limited to law enforcement officers, without fear of retaliation or actual retaliation.



- S. Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident or made, intended to make, or is required to make a report regarding the witnessed excessive force incident shall be reported immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in decertification.
- T. All use of force reports shall be retained and maintained by the law enforcement agency/department and are subject to discovery and access through the Massachusetts Public Records Law MGL c. 66.

### **III. Procedures:**

#### **A. OFFICER(S) INVOLVED in FIREARMS DISCHARGE:**

- 1. At the scene the officer shall:
  - a. Immediately request emergency medical aid when it is safe to do so; **1.3.5**
  - b. Promptly notify the dispatcher, patrol supervisor or officer-in-charge;
  - c. Unless injured, remain at the scene and protect and secure it to the extent possible, pending the arrival of appropriate investigators and supervisors; and
    - i. If the circumstances are such that the continued presence of the officer at the scene might cause a more dangerous situation to develop, (unruly/violent bystanders/crowd), that officer should be transported to another, more appropriate location.
  - d. Protect the firearm and/or ammunition for examination and submit said items to the appropriate investigator.
    - i. The firearm should only be surrendered to another police officer, unless otherwise instructed by the officer-in-charge or appropriate supervisor, and should be replaced by another firearm as soon as practicable.
- 2. The officer should refrain from speaking or discussing the incident with anyone except with those investigators/supervisors directly involved or legal counsel.
- 3. Prepare a detailed report of the incident in a timely manner. Due to the potential

Policy # 1.06, Use of Force Reporting and Investigation Policy

trauma involved, if needed the officer will be allowed one sleep cycle before the submission of the written report and will be allowed to submit the report the following day.

4. The officer should be available, at reasonable times, for interviews and statements regarding the incident by assigned investigators from the Hadley and/or State Police.

**B. DISPATCHER RESPONSIBILITY:**

1. The dispatcher shall:
  - a. Immediately notify the patrol supervisor and the officer-in-charge;
  - b. Dispatch sufficient number of officers to secure the scene and ensure the continued safety and security of those present;
  - c. Make all appropriate, accurate and complete administrative computer entries; and
  - d. Politely refer all media requests for information to the Public Information Officer (PIO).

**C. PATROL SUPERVISOR:**

1. The Patrol Supervisor shall respond to the scene as soon as possible and render assistance to the officer(s) involved. A Supervisor involved in a UOF incident whose action(s) or use of force results in death or serious physical injury either directly or indirectly will not conduct an administrative review of the incident.  
**1.3.7**
2. The Patrol Supervisor will initially determine whether the type of shooting shall be classified as the following:
  - a. Accidental, no injuries;
  - b. Accidental death or injury to an officer(s) and/or other(s);
  - c. Intentional, no injuries;
  - d. Intentional, death or injury to an officer(s) and/or other(s);

Policy # 1.06, Use of Force Reporting and Investigation Policy

- e. Intentional, to euthanize an animal from suffering.
- 2. The Patrol Supervisor will advise the Lieutenant of Operations of the facts and circumstances of the shooting incident and will keep them informed of any and all developments.

**D. OFFICER-IN-CHARGE:**

- 1. In some circumstances, the officer-in-charge may be required to respond directly to the scene to render assistance to the assigned investigators.
- 2. The officer-in-charge shall:
  - a. Make all resources, facilities, and personnel of the Department available to the assigned investigators (Massachusetts State Police, Hadley Police DB Personnel, DA's Office);
  - b. Ensure that the involved officer(s) is provided with appropriate Federal/State civil rights protection.
  - c. Politely refer all media requests for information to the Public Information Officer (PIO).
- 3. Upon such notification, the Lieutenant of Operations shall immediately institute an investigation by notifying the Chief of Police, and MSP Assigned to the Northwestern District Attorney's Office
  - a. If bodily injury has occurred, impound the service weapon involved immediately, and issue a replacement weapon to the involved officer(s);
    - i. In doing so, the investigating supervisor shall preserve the firearm in the condition in which [s]he finds it.
    - ii. THE INVESTIGATING SUPERVISOR MUST USE EXTRAORDINARY CARE IN THIS RESPECT, AS THE GUN MAY STILL BE LOADED.
    - iii. Ensure proper chain of custody of the impounded weapon until it is placed in the custody of State Police crime lab personnel.
  - b. Direct the officer involved in the shooting to go to the police station or other suitable location to be allowed to collect their thoughts and debrief

Policy # 1.06, Use of Force Reporting and Investigation Policy

with a Union Representative or other Officer if he/she so chooses. If the officer has been injured in any way make arrangements that they are transported to the hospital for appropriate treatment. The officer will be instructed to prepare a detailed report of the incident in a timely manner. However, due to the potential trauma involved in the incident, if needed the officer will be allowed one sleep cycle before the submission of the written report and will be allowed to submit the report the following day.

- c. Interview all injured parties, if possible, to ascertain all of the circumstances involved in the shooting incident;
  - d. Assign a sufficient number of officers to secure the scene of the shooting to preserve all physical evidence and request the assistance of investigators and/or crime scene technicians as appropriate; and
  - e. Make arrangements for stress counseling by calling the Mass. State Police Employee Assistance Unit @ 1-781-821-5496 or MSP Headquarters @ 1-508-820-2121, the Critical Incident Stress Management Team, or any other appropriate psychological assistance providers for the officer or members of his or her family, authorized by the Chief of Police. **22.2.3; 22.2.6**
4. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will, based on an abundance of caution of all parties involved, be temporarily removed from line-duty assignment and placed on Administrative Leave (with pay), pending a thorough administrative review of the incident by a supervisor and investigator(s) not directly involved in the incident or such other period of time as the Chief of Police deems appropriate based on information that is developed during the course of the investigation. **1.3.8**
  5. In those incidents of the use of lethal force/ firearms where a death results, the District Attorney's office, pursuant to the terms of M.G.L. c. 38, s. 6, shall be notified forthwith and shall assume control of the investigation.
  6. All Hadley Police Supervisory staff directly involved in the investigation shall file a preliminary report prior to the conclusion of their tour of duty. They shall also file a complete detailed investigative report to the Chief of Police upon the completion of the investigation.
  7. During the course of the investigation, no police personnel will give any detailed information concerning the incident to any members of the public or news media without the express authorization from the Chief of Police. In no case shall any

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information which is prejudicial to any party be released prior to the completion of the investigation.

8. The authority and responsibility for final departmental disposition of a firearms discharge incident rests with the Chief of Police.

**F. CHIEF OF POLICE:**

1. The Chief of Police through the Lieutenant of Operations and Shift Sergeants shall be responsible for the following: **1.3.7**

- a. Ensuring that a complete and thorough investigation was conducted and that all reports were prepared in a timely manner and submitted through the appropriate channels;

- b. Review all reports that have been submitted to determine whether the use of force was in compliance with all federal, state and local laws, department policy and procedures, and training protocols; and

- c. The Internal Affairs Supervisor will conduct an **annual analysis** of all Use of Force Reports. A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The review should consider: **1.3.11 a, b, c, 11.4.1 b, c, d,**

- A comparison of the total number of UOF incidents compared to previous years;
- Type of force used;
- Type of weapons used;
- Effectiveness of the UOF techniques;
- Nature of incident that required force;
- Intensity of attack or resistance;
- Suspect demographics;
- The month, day of week, time of day, inside or outside a building;
- Years of experience of officer(s) involved;
- Uniform or non-uniformed officer;
- Severity of injuries to officer or suspect;
- A summary breakdown of the disposition of the administrative review and compliance with departmental policies.

Such analysis and conclusions shall be documented annually to the Chief of Police and appropriate action taken. In the interest of full transparency they shall

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also be placed on the town or department website. **1.3.13, 11.4.1 e**

2. All reports concerning any use of force incidents shall be forwarded to the Internal Affairs, who, after reviewing these reports, along with any accompanying comments or recommendations, shall take appropriate action.
3. All Use of Force reports shall be filed in the Administration Office. **1.3.6**

# VEHICLE PURSUITS

POLICY & PROCEDURE NO. <b>1.07</b>	ISSUE DATE: 11/01/17
	EFFECTIVE DATE: 11/01/17
HADLEY POLICE DEPARTMENT	REVISION DATE: 2/24/22

## POLICY

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of the Hadley Police Department to regulate the manner in which vehicular pursuits are undertaken and performed and that vehicular pursuits are authorized when the need to apprehend a fleeing suspect in a motor vehicle outweighs the risk created by the pursuit.

## PROCEDURES

### I. DEFINITIONS

- A. **Authorized Police Vehicle:** Any department-issued vehicle, the use of which is authorized by a superior officer, equipped with operable emergency warning equipment. For the purposes of this policy, an authorized police vehicle shall include marked and unmarked police cruisers only, and shall not include motorcycles, bicycles, animal control vehicles, prisoner transport vehicles, and other such police vehicles.
- B. **Primary Unit:** An authorized police vehicle that is the first vehicle behind the pursued vehicle.
- C. **Secondary Unit:** An authorized police vehicle that is actively involved in the pursuit behind the primary unit as backup.

- D. **Supervisor:** The supervisor or command staff member in-charge of the pursuit.
- E. **Vehicular Pursuit:** An active attempt by an officer in an authorized police vehicle, with emergency warning equipment activated, to apprehend one or more occupants of another moving vehicle, when the officer reasonably believes that the driver of the other moving vehicle is resisting apprehension by increasing the vehicle's speed, intentionally ignoring the officer, or otherwise attempting to elude the officer.
- F. **Failure to Stop:** When there is an attempt to apprehend a vehicle by an officer and the following conditions exist:
1. The suspect is unaware of the officer's presence and efforts to apprehend the vehicle; or
  2. The suspect is aware of the officer's presence and refuses to stop, but the speed of the vehicle is not greater than reasonable within the existing conditions, and there is no attempt by the suspect to evade the officer by violating any laws, other than the failure to stop for the officer's signal.
- G. **Surveillance:** A moving surveillance of the suspect vehicle at a safe distance to aid in the apprehension of the suspect.

## II. PURSUIT DECISIONS

- A. Termination should be any officer's initial response to a motor vehicle pursuit, as opposed to pursuing, with an evaluation to determine if the risk of continuation and the chance of capture outweighs the risk to members of the public.
- B. An officer may, within the posted speed, pursue any motor vehicle operating in conformance with posted speed limit and other traffic laws, under any circumstance justifying a lawful motor vehicle stop.
- C. No officer shall engage in a vehicular pursuit that requires the officer to exceed the posted or applicable speed limit or that involves a target vehicle operating in violation of the posted or applicable speed limit or other traffic laws unless the driver's conduct is negligent preceding the initial observance by officers **AND the officer reasonably believes:**
1. That the continued operation of the vehicle or the occupant(s) of the vehicle the officer intends to stop poses a **significant risk of physical harm** to the officer, the public, or others; or



2. That the occupant(s) of the vehicle is/are wanted for the commission of **specific felonious acts involving violence that threaten, have threatened, or will threaten the health, life, or safety of a person or persons.**

**Negligent operation for the purposes of this policy does not include speeds attained during the course of the pursuit or other actions taken intended to avoid capture.**

**Negligent operation as defined here includes signs that an operator may be impaired, or may be intentionally attempting to harm members of the public or responding police, such as swerving at other vehicles, or driving where pedestrians or cyclists could reasonably be present.**

D. For an officer to be authorized to engage in a vehicular pursuit requiring or involving the violation of the posted speed limit or other traffic laws, the officer should consider the following factors, when practicable: [41.2.2 (a)]

- Severity of the crime/offense believed to have been committed;
- Nature and degree of the threat to public safety;
- Alternatives to the pursuit;
- Whether the identities of the occupants are known;
- Population density;
- Nature of the area;
- Officer's familiarity with the area;
- Road and weather conditions;
- Time of day;
- Speeds involved;
- Driving skills of the officer and performance capabilities of the pursuit vehicle and the vehicle being pursued;
- Operational status of emergency warning equipment;
- Quality of radio communications; and
- The presence of other persons in the pursued vehicle.

E. No officer shall initiate or continue a pursuit on a divided highway opposite the direction of the flow of vehicular traffic.

F. No officer will continue a pursuit outside of the Town of Hadley for charges that solely include misdemeanor motor vehicle offenses or other misdemeanor charges as a result of driving behavior by the violator.

G. Any officer should feel comfortable respectfully suggesting the termination of a pursuit, even if the pursuing officer is an Officer-In-Charge or a supervisor of any rank.

H. Officers should take alternative measures to pursuit for non-hazardous violators.

### III. PURSUIT OPERATIONS GENERALLY

- A. Upon engaging in a pursuit, the primary unit and secondary unit (if applicable) shall activate all emergency lights, flashers and siren which shall remain activated during the duration of the pursuit.
- B. The primary unit shall notify the dispatcher or communications center of the location, direction and nature of the pursuit, the description of the pursued vehicle, the reason for the pursuit and, if practicable, the estimated speeds of the vehicles. The officer should keep the dispatcher or communications center updated on the pursuit at regular intervals.
- C. When engaged in a pursuit, officers shall exercise **due care for the safety of the public and shall comply with all of the provisions of G.L. c. 89, sections 7 and 7B, and G.L. c. 90, section 16.**
- D. An authorized unmarked police vehicle shall relinquish primary unit status immediately upon becoming aware of the participation of an authorized marked police vehicle. [41.2.2 (d)]
- E. Unless specifically authorized by a supervisor (Patrol Supervisor or Officer-in-Charge), no officer (other than the officers in the primary and secondary unit) shall engage in the main pursuit or pursue on parallel streets.
- F. No officer shall participate in a pursuit with a civilian or a detainee present in the authorized police vehicle under any circumstances. [41.1.3 (a); 41.2.2 (d)]
- G. No officer or employee operating a privately owned vehicle or any specialized vehicle requiring specific training prior to being authorized to operate that vehicle such as a Hadley Police Department motorcycle, or bicycle will participate in a vehicular pursuit. [41.1.3 (a); 41.2.2 (d)]

### IV. RESPONSIBILITIES OF THE SUPERVISOR [41.2.2 (f)]

- A. Upon becoming aware of the pursuit, the supervisor, shall evaluate the **totality of the circumstances** and decide, as quickly as possible, whether or not the pursuit should continue pursuant to the criteria of this policy. Termination should be the initial response of the supervisor with a careful evaluation to determine if the risk of continuation and the chance of capture outweighs the risk to members of the public and the involved officer(s).
- B. If the supervisor concludes that a pursuit should continue, [s]he shall monitor

incoming information and coordinate activities as needed to ensure that proper procedures are followed.

- C. A supervisor may authorize officers (in authorized police vehicles) in addition to the primary and secondary units, to engage in the pursuit and/or a parallel pursuit, in exceptional circumstances or if the supervisor reasonably believes that there is a substantial likelihood of serious physical injury or death should additional officers not participate.
- D. The supervisor **shall continually reevaluate** the need to continue the pursuit.
- E. The supervisor is **vested with the authority to terminate the pursuit, at any time**, especially when [s]he believes that the **foreseeable risks to the pursuing officers and to the public, arising from the continued pursuit, are greater than the foreseeable threat to public safety should the pursued vehicle be allowed to escape.** [41.2.2 (g)]
- F. The supervisor may authorize the resumption of a pursuit when [s]he believes that **circumstances have changed**, thereby warranting the resumption of the pursuit in accordance with the criteria of this policy.
- G. **A supervisor shall respond** to the location where a vehicle has been stopped following a pursuit.

## V. RESPONSIBILITIES OF THE PRIMARY & SECONDARY UNITS

### A. PRIMARY UNIT [41.2.2 (b)]

1. Subject to the direction of a supervisor, the officer operating the primary unit is vested with the authority to decide and direct the pursuit actions.
2. The officer operating the primary unit shall continually reevaluate and assess the pursuit. The officer shall terminate the pursuit, even in the absence of an order to terminate by a supervisor, when that officer reasonably believes that the foreseeable risks to the officer, the public or others arising from a continued pursuit is greater than the threat to public safety should the pursued vehicle be allowed to escape. [41.2.2 (g)]
3. Upon receipt of a notice to terminate the pursuit from a supervisor, the primary unit shall immediately reduce its speed to within the posted speed limits and shall deactivate emergency warning equipment.

## **B. SECONDARY UNIT [41.2.2 (c)]**

1. Once the pursuit is engaged, the secondary unit shall maintain a safe distance behind the primary unit, but should remain close enough to provide aid and assume radio communications if and when necessary.
2. Upon receipt of a notice to terminate the pursuit from the primary unit and/or a supervisor, the secondary unit shall discontinue the pursuit and shall immediately reduce its speed to within the posted speed limits and shall deactivate emergency warning equipment.

## **VI. RESPONSIBILITIES OF THE DISPATCHER**

Upon being informed of a pursuit in progress, the dispatcher shall: [41.2.2 (e)]

- A. Immediately inform the Officer-in-Charge. If there is no officer working that holds the rank of Sergeant or above, the dispatcher will contact the Lieutenant On-Call immediately;
- B. Receive and record all incoming information on the pursued vehicle;
- C. Advise all other units that a pursuit is in progress, providing all relevant information;
- D. Perform relevant record and motor vehicle checks as expeditiously as possible;
- E. Coordinate assistance of other officers under the direction of the supervisor;
- F. Notify affected law enforcement agencies over appropriate communications systems and seek their assistance if the pursuit is proceeding into another jurisdiction; and
- G. Notify all affected agencies when a pursuit has been terminated or if apprehension has been made.

## **VII. INTERVENTION TACTICS**

- A. Intervention tactics refers to the following actions associated with the forcible stopping of a moving vehicle to prevent death or serious injury to the operator or the general public.

B. Intervention tactics should be used only when: [41.2.3 (a)]

1. the officer has reason to believe the continued movement of the pursued vehicle would place others in imminent danger of serious bodily injury or death; and
2. the apparent risk of harm to other than the occupant of the pursued vehicle, is so great as to outweigh the apparent risk of harm involved in making the forcible stop; and
3. When specifically authorized by a supervisor in charge of the pursuit.

C. The following intervention tactics are generally authorized by the Hadley Police Department, and all of which constitutes a use of force, requiring a use of force report in addition to the required incident report:

1. **Tire Deflation Devices:** A department-authorized device (such as a Stop-Stick®) intended to be placed in the roadway to cause a slow deflation of one or more tires of a motor vehicle passing over it. The Hadley Police Department provides training in the use of this device and only officers trained in its deployment and use are authorized to deploy tire deflation devices. The supervisor in charge of the pursuit must authorize the deployment of this device and must take into consideration factors such as the dangerousness of the operator should s/he flee from the vehicle, available officers to contain the operator once stopped, the location of deployment (i.e. never in a school zone during school days and hours) and other factors at the time effecting safety. Deployment shall follow the manufacturer's instructions and Department policy. Under no circumstances will Tire deflation devices be deployed from positions that provide anything less than positive/immovable cover (i.e. from behind a guardrail, wall, bridge support). Deploying from an open area such unprotected roadside is strictly prohibited.
2. **Boxing-In:** An active attempt to terminate a pursuit by surrounding the pursued vehicle with the primary, secondary, or other units which are then slowed to a stop. This tactic may be utilized only when authorized by the supervisor in charge of the pursuit. At the first indication that the suspect vehicle will intentionally ram or collide with the units attempted the box-in, or the occupants brandish or display a firearm of any type, the maneuver should be terminated unless directed otherwise by the supervisor in charge of the pursuit. This tactic does require close communication and coordination between units and skilled driving. As with any stopping tactic used, selection of the box-in location is of crucial importance (i.e. never plan to terminate a pursuit at or near an occupied school or other area with potential hostages or high or vulnerable occupancy).

3. **Heading Off:** An active attempt to terminate a pursuit by the primary unit pulling ahead of the pursued vehicle in a manner to force the pursued vehicle to come to a stop or risk collision with the primary unit. This tactic may be utilized only when authorized by the supervisor in charge of the pursuit. As with any stopping tactic used, selection of the heading off location is of crucial importance (i.e. never plan to terminate a pursuit at or near an occupied school or other area with potential hostages or high or vulnerable occupancy). This tactic should not be utilized when the use of tire deflation devices is a viable option.
  
4. **Roadblocks:** An active attempt to terminate a pursuit through the use of a restriction or obstruction in the roadway that is intended to prevent free passage of motor vehicles on a roadway, or to divert the pursued vehicle onto another roadway or area where apprehension would be safer. **[41.2.3 (a)] A supervisor shall be present at the scene** and direct the type, location and setup of the roadblock. Police vehicles being utilized as barricades shall display full emergency lights, and no one shall remain in the vehicle(s). **The roadblock must be established in such a location as to allow vehicles approaching at high speeds sufficient time to stop, and not to cause a collision.** The use of road flares, traffic cones and barricades other than vehicles should be utilized. Any roadblock **should provide an “escape route”** should the vehicle refuse to stop. Officers shall position themselves a safe distance from the barricade, with appropriate site observation. A supervisor or commend staff member with training in the use of roadblocks must be present in order to initiate a forcible stopping roadblock. **[41.2.3 (b); 41.2.3 (d)]** This type of intervention tactic shall only be used if no other alternative is available.
  
5. **Vehicle Contact Action:** Vehicle contact action is an active attempt by the primary unit and/or other pursuit vehicles to terminate a pursuit through the use of deliberate contact between the moving police vehicle and the moving pursued vehicle. Vehicle contact action may only be utilized when the use of deadly force is justified and such action is taken in conformance with the departmental policy on the **Use of Force**. This tactic may not be used unless approved by the supervisor in charge of the pursuit. This tactic may not be utilized when any of the tactics authorized in this section are viable options.
  
6. **Use of Firearms:** Officers shall refer to the departmental policy on **Use of Force** with respect to discharging a firearm at or from a moving vehicle.

## VIII. INTER- AND INTRA-JURISDICTIONAL PURSUITS [41.2.2 (h)]

- A. A pursuit may continue into another jurisdiction when done in conformance with applicable Massachusetts General Laws, department policies, and inter-jurisdictional

agreements.

1. **Outside the Commonwealth:** On fresh and continued pursuit, a police officer may pursue and arrest a person who is wanted for the commission of specific felonious acts involving violence that threaten, have threatened, or will threaten the health, life, or safety of a person or persons into any neighboring state.
  2. **Within the Commonwealth:** A police officer by law may make an arrest outside his/her jurisdiction on fresh and continued pursuit provided:
    - a. The offense is one for which the officer would have the right of arrest without a warrant within his/her jurisdiction;
    - b. The offense was committed in the officer's presence; and
    - c. The offense was committed within the officer's jurisdiction.<sup>1</sup>
- B. Officers shall not become involved in another agency's pursuit unless specifically requested by their agency, and approved by a supervisor, nor will an officer attempt to pursue a motor vehicle from another agency's terminated pursuit. Additionally, Officers will not leave the Town of Hadley to assist another department's pursuit unless specifically requested by the pursuing agency and approved by a supervisor.
- C. When this department has initiated a pursuit, timely notification of a pursuit in progress shall be provided to any other jurisdiction into which the pursuit enters. Merely notifying another jurisdiction that a pursuit is in progress is not a request to join the pursuit. The department shall advise if assistance is necessary. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the jurisdiction into which the pursuit has entered, or whenever radio communication is lost, the pursuing officers shall, when possible, seek the assistance of, and be prepared to relinquish the pursuit to, the other agency.

## IX. TERMINATION OF A PURSUIT

- A. **TERMINATION:** When a decision is made to terminate a pursuit, the primary and secondary units shall immediately reduce their speeds to within the posted speed limits and shall deactivate their emergency warning equipment.
- B. **RESUMPTION OF A TERMINATED PURSUIT:** Once a pursuit has been terminated, the primary, secondary, and other units aware of the pursuit may not

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<sup>1</sup> G.L. c. 41, section 98A.

reengage the pursuit without first requesting specific authorization from a supervisor regarding the changed circumstances that have occurred.

## X. AFTER-ACTION REPORTING

- A. Any officer involved in a pursuit, and the Patrol Supervisor, will write reports surrounding the incident, and all sergeants shall file independent written reports on their assessment of each pursuit. These reports shall be evaluated and reviewed by a superior officer (OIC) not involved in the pursuit to determine if there has been compliance with departmental policies and regulations and shall be **submitted to the Chief of Police** for his/her review and filed with the Internal Affairs Unit for the purpose of conducting an annual analysis. [41.2.2 (i); 41.2.3 (d); 41.2.3 (e)]
- B. Due to the high visibility and high liability nature of police pursuits, Next Level Supervisory Reporting is Required. Following termination of a pursuit, the senior most officer shall make next level notification in the chain of command. OIC>Shift Sergeant>Lieutenant>Chief.
- C. The department shall on an annual basis, complete an analysis of pursuit activities for the purpose of identifying any improvements in this pursuit procedure, which shall be documented and maintained pursuant to the Department's records retention schedules. This analysis shall also be used to determine whether to implement modifications to this policy, if warranted. [41.2.2 (j); 41.2.3 (e)]
- D. The department shall maintain for three years the original or a copy of the radio transmission recordings of pursuits involving personal injury or death which shall be kept in a file under the control of the Internal Affairs Unit.

## XI. TRAINING

Officers who drive police vehicles shall receive annual training on this pursuit policy. Prior to utilizing any of the intervention tactics authorized in this policy, all sworn personnel shall receive training in their use. Initial training shall be done during the field training period and refresher / review training shall be done once per year. The Department's defensive tactics instructor shall develop and maintain an intervention tactics lesson plan and deliver training to new employees as part of the field training program on an annual basis and provide annual refresher training to all sworn personnel. [41.2.3]



# District Assignments

POLICY & PROCEDURE NO. <b>1.08</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Police Officers assigned to the patrol function will be assigned a patrol district. Officers will be responsible for patrolling their assigned area, and for all calls occurring within that district.

Officers shall become aware of all areas requiring regular police patrols, speed enforcement, and areas where park and walks will be effective and conduct same.

The primary districts are intended to split the town using a sensible boarder to define the two, as well as be fair with regards to call volume when there are only two officers on patrol. While the North District is larger with more roads, the South District has more businesses. When there are multiple Officers working, a third district will be used and will focus on the businesses in town.

## II. POLICY

It is the policy of this department that:

1. The North and South Districts will always be assigned during all shifts.
2. Upon having a third officer, not including a Supervisor, the Center District will be assigned.
3. When a Supervisor is not working, a designated OIC will be designated as such within the CAD.
4. Officers will remain within their districts, unless otherwise dispatched, or otherwise granted permission from a Supervisor or OIC. Officers leaving their districts shall notify dispatch. Exceptions include, south district going to the station and north district going for fuel.

### III. DEFINITIONS

- A. North District- The area of the Town north of the center line of Russell Street, to include the westbound lane.
- B. South District- The area of the Town south of the center line of Russell Street, to include the eastbound lane.
- C. Center District: Primary on all calls occurring **within** a business. Calls occurring on the exterior of any business is the responsibility of the district car. Also is the back-up for other districts. Patrol area includes the area between and including Rocky Hill and Bay Road.
- D. Patrol Supervisor: Shifts where there are more than two officers, including a Sergeant, the Sergeant will be designated Patrol Supervisor.
- E. OIC- Designated Officer-in-Charge
- F. CAD- Computer Aided Dispatch

### IV. PROCEDURES

#### A. District Assignments and Response :

1. The Supervisor in charge of scheduling shall include the district and OIC schedule into the department schedule. An officer replacing another officer shall assume that officer's assigned district, with the exception of patrol supervisor.
2. Officers shall not ignore suspicious activity in the opposite district and may pursue a vehicle into another district. Officers in the area of a high priority call in the opposite district shall notify dispatch and respond immediately. The assigned officer is still responsible for the call.
3. All officers will respond immediately to calls for service, regardless of what district they are assigned.
4. Officers that believe that they were dispatched to a call outside of their district mistakenly, will address the issue after clearing the call. Under no circumstances will an officer dispute being sent to a call previous to clearing, and never over the air.
5. Officers who believe that dispatch mistakenly sent them to a call outside of their district, will bring the issue to the attention of the OIC, who will address the issue.
6. Walk-in's to the station shall be the responsibility of the North District, although if an officer is in the station, the north officer shall not be called in off of patrol.
7. No officer shall not leave the station in order to avoid a walk-in.



# POLICE VEHICLES

POLICY & PROCEDURE NO. <b>1.09</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Police department vehicles are purchased and maintained for the purpose of delivering police services to this municipality. This department is committed to maintaining agency vehicles to be safe, dependable and professional in appearance. Vehicles should be maintained with equipment and stocked with supplies so that employees may effectively carry out their job functions. Employees are required to upkeep the vehicles by cleaning and fueling them, stocking supplies, and reporting defects and damage in a timely manner.

The security of public safety vehicles and equipment is an important issue, in light of intelligence exposing terrorist tactics using marked government vehicles for access to areas that would otherwise be restricted, or as delivery platforms for explosive devices. Marked public safety vehicles are trusted vehicles.

When police vehicles are retired from service, it is important that all equipment and markings that are unique to policing are removed to ensure that the vehicle does not appear to be an in-service law enforcement vehicle. Such vehicles may be misused by criminals or terrorists.

Vehicle accidents account for about one third of police fatalities each year. The wearing of seatbelts by employees and passengers can significantly improve survivability and reduce the severity of injuries in a crash. Seatbelts help operators maintain control of their vehicles during emergency driving and after a crash and are a critical component in the vehicles' occupant safety system.

## II. POLICY

It is the policy of this department that:

1. Department vehicles shall only be used for police purposes, as determined by the Chief of Police;
2. No officer shall use any other vehicle other than the vehicle assigned to them on that particular shift. In the event that an assigned vehicle is unavailable, the officer shall use the oldest cruiser available that does not interfere with another officer's vehicle assignment.
3. Officers using vehicles for court/admin purposes shall use the assigned court vehicle, if unavailable, use the oldest car available. Officers working details shall first use and available detail car and then the oldest car available. Officers who are assigned specific vehicles may utilize the same for court and detail purposes, so long as it does not interfere with another officer's assignment.

Officers working double-shifts where one of the two shifts is a regular shift, may use the cruiser normally assigned to that Officer's shift.

4. All agency vehicles shall be maintained in a clean, safe and dependable condition and,
5. Accidents involving agency vehicles shall be reported immediately to a Supervisor or OIC, documented and investigated.
6. No vehicles shall be left idling at the police station, or elsewhere unless there is a legitimate police purpose to do so (i.e., lights running at a scene, heavy snow and sallyports occupied etc.). Cruisers housing a K-9 officer may be left to idle to ensure a temperature conducive to the health of the dog.
7. Cruisers will be secured when unattended, using the shift lock if the cruiser is left running. If the cruiser is unattended with the engine off, the doors shall be locked. Under no circumstances are cruisers to be left unattended with keys left in the vehicle.
8. At the conclusion of every shift, each officer shall refuel the cruiser to a full tank of gasoline. Officers shall turn off the Radar unit and laptop computer, ensure the fuel key is returned to the cruiser and any station keys, Radar/Lidar Units, PBT's etc., are returned to the station and placed in their appropriate location.
9. Department members who choose to use their personal vehicle to attend specialized training are not subject to reimbursement for mileage.

### **III. DEFINITIONS**

- A. **Fleet Manager/Vehicle Maintenance Officer:** An employee designated by the Chief of Police or Officer who is responsible for coordinating the equipping, stocking, maintenance and replacement of department vehicles.
- B. **Patrol Vehicle:** A marked or unmarked four wheel SUV, sedan, or truck intended for regular patrol duties by uniformed personnel.

- C. **Specialty Vehicle:** A motor vehicle intended for a specific purpose, such as a mobile command post, tactical team van, animal control truck, four wheel ATV, etc.
- D. **Unmarked Vehicle:** A motor vehicle without the visible paint, markings, and equipment which would make it easily identifiable as a police vehicle.

## IV. PROCEDURES

**A. Fleet Manager /Vehicle Maintenance Officer :** The Chief of Police or Designee shall designate the fleet manager and shall be responsible for coordinating the equipping, stocking, maintaining and replacing of department vehicles. [41.1.3(c)]

### B. Operation

#### 1. AUTHORIZATION

- a. Department vehicles may be operated only by employees authorized to do so by a Supervisor or OIC.
- b. Department vehicles may be issued to specific individuals by the authority of the Chief of Police.

#### 2. LICENSING:

- a. Persons operating department vehicles must possess a valid Operator's License.
- b. An employee who's right to operate has been suspended or revoked must inform his/her Supervisor or OIC immediately upon learning of such suspension or revocation.
- c. The employee must advise any Supervisor or OIC employee that [s]he is not licensed if directed or instructed to operate a motor vehicle by such employee.

#### 3. USER RESPONSIBILITIES

- a. Prior to operating a department vehicle, normally at the beginning of an employee's tour of duty, employees must inspect the vehicle to ensure that the equipment is operating properly, and they must check for cleanliness, adequate supplies, and damage. Any deficiencies shall be reported through the PlanIt Police software program.
  - 1) In the case of an emergency, a vehicle inspection may be postponed until the emergency has passed, at which time an inspection shall be conducted.
  - 2) Operators shall identify and report defective equipment, such as head, directional and marker lights; auxiliary emergency lights; and radios.
  - 3) Body fenders, bumpers, glass and tires shall be viewed for obvious signs of damage.

- 4) Tires shall be inspected for damage, proper inflation, and wear.
  - 5) Supplies carried by the vehicle shall be checked and replaced or replenished as necessary. [41.3.2]
  - 6) Other equipment found to be inoperative or defective, such as radar, radios, gun racks, scanner, etc., shall be reported when discovered.
    - a) Defective or damaged vehicles shall be reported the shift Supervisor or OIC, who will inspect the reported deficiency and cause same to be reported to the fleet manager.
    - b) The Supervisor or OIC shall initiate an investigation of any unexplained damage.
    - c) In the event that department property is found bearing evidence of damage which has not been previously reported, it will be considered prima facie evidence that the last person using the property or vehicle is responsible for said damage until the officer comes forward and proves by a preponderance of the evidence that [s]he was not responsible.
  - 7) Vehicles used to transport detainees shall be inspected for contraband and weapons.
- b. Operators shall ensure that vehicles are washed regularly.
  - c. Prior to returning the vehicle, the operator shall ensure that the vehicle is re-fueled and the interior clean.
4. EQUIPMENT AND SUPPLIES
- a. Patrol Vehicles
    - 1) All marked and unmarked patrol vehicles shall be equipped with emergency lights and a siren, and the supplies and equipment specified in Appendix A of this policy. [41.3.1; 41.3.2]
    - 2) Medical supplies are available from the Fire Chief and any other supplies that are in need of replenishment, should be brought to the attention of the Vehicle Maintenance Officer.
  - b. Unmarked Vehicles
    - 1) All police department unmarked vehicles intended for use other than for normal patrol shall be equipped with the supplies and equipment specified in Appendix A of this policy.
    - 2) Investigators' vehicles may carry additional equipment at the discretion of the investigative function Supervisor or OIC.
    - 3) Administrative vehicles shall carry equipment specified under this section. Except as specified below, additional equipment may be carried at the discretion of the employee assigned to the vehicle's use.

- c. Additional permanently mounted radios, firearms and racks, equipment vaults, receivers, auxiliary emergency lights, push bumpers, must be authorized by Chief of Police prior to being installed.
  - d. No modifications may be made to any vehicle without prior approval of Chief of Police or Vehicle Maintenance Officer.
5. PASSENGERS: No person shall be permitted to be an occupant or ride as a passenger in a department vehicle, except when necessary in the performance of a police function, unless authorized by the Chief of Police or designee.
6. SEAT BELTS [41.3.3]
- a. The wearing of seat belts in department vehicles is **MANDATORY AT ALL TIMES**.
  - b. Seatbelts are mandatory for all civilian passengers.
    - 1) Children traveling as passengers must use car seats appropriate for the child's age or weight.
    - 2) Children may be transported without a car seat only if car seats are not available.
    - 3) The seatbelt must never be bypassed by locking it behind the occupant or by the use of any bypass device.

NOTE: To protect an occupant during a crash, the airbag control module may fire the seatbelt tensioners, which lock a seatbelt tightly in place around the wearer, fire the airbag, or both, depending upon the severity of the impact. If the seatbelt indicates that it is being worn, the airbag control module may make a decision to deploy only the seatbelt tensioner. If the seatbelt is not being worn, the occupant will not be protected.

7. PUSHING VEHICLES:
- Only department vehicles equipped with push bars may be used to push disabled vehicles from traffic to the breakdown lane or shoulder of the road. Care must be used not to cause damage to either vehicle.
8. JUMP STARTING VEHICLES: Department vehicles may not be used to jump start vehicles other than department vehicles, unless an exigent circumstance exists.
9. ROUTINE OPERATION
- a. Employees shall operate department vehicles carefully, obeying all statutes, rules, regulations, ordinances and bylaws relating to the operation and parking of vehicles. Employees shall exercise due care and judgment.<sup>1</sup>
  - b. In responding to an emergency, operators may drive in excess of applicable speed limits, provided that due caution is exercised under the circumstances for the safety of persons and property. Operators may drive through an intersection contrary to traffic signals and signs, provided that



the vehicle is brought to a full stop and then proceeds with caution. See the department policy on **Response to Calls** .<sup>2</sup>

### **C. Specialty Vehicles [41.1.3]**

1. The following specialty vehicles are available to members of this department.
  - a. Animal Control Vehicle
    - 1) This vehicle is authorized for use by patrol personnel in an emergency but primarily by the Animal Control Officer. Operators must be licensed to operate a motor-vehicle.
    - 2) The vehicle may be used for animal control functions or other police functions in an emergency.
    - 3) The Animal Control Officer is responsible for stocking the vehicle with supplies and coordinating maintenance with the Fleet Manager.
    - 4) A list of equipment and supplies to be kept on the vehicle are listed in Appendix A of this policy.
  - b. All Terrain Vehicles (ATV) (If available)
    - 1) This vehicle is authorized for use by all department personnel as needed. Operators must be trained in its operation prior to use.
    - 2) The vehicle may be used for police operations off road and in light traffic in the case of an emergency, to plow the police facility parking area and walkways, as well as to tow light trailers (ATV trailer, Jet Ski, speed trailer). The vehicle should not be used on roads with high speed traffic or high traffic volumes. Operators must wear a protective helmet while operating at all times, except while towing short distances at low speeds.
    - 3) Chief of Police shall coordinate upkeep and maintenance.
    - 4) No special equipment is normally carried on or assigned to this vehicle.
  - c. Additional equipment may be carried at the discretion of the Supervisor or OIC of the function to which the vehicle is assigned.

### **D. Maintenance**

1. REGULAR MAINTENANCE
  - a. Regular scheduled maintenance, such as oil changes, state safety inspections, tire replacements, etc., shall be coordinated by the Fleet Manager.
  - b. In the event that a tire is discovered to be flat or damaged, the tire may be changed by the person assigned to operate the vehicle or a tow company.
  - c. Weapons are to be removed from any vehicle that is going for service. If the vehicle is to be out-of-service for an extended period of time, the laptop computer and modem shall be removed.

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2. MECHANICAL AND AUXILIARY EQUIPMENT PROBLEMS
    - a. Mechanical and equipment problems shall be reported to the shift Supervisor or OIC who will determine if the vehicle should be taken out of service. The Supervisor or OIC shall cause the Fleet Manager to be notified of the condition so that it may be resolved.
    - b. If, in the discretion of the shift Supervisor or OIC, a condition that makes the vehicle unsafe exists, the Supervisor or OIC shall cause the vehicle to be taken out of service.
  3. TOWING: If a police vehicle becomes disabled and needs to be towed:
    - a. If the vehicle is in the local area, the operator shall call communications who shall arrange for the vehicle to be towed.
    - b. If the vehicle is outside of the local area, the operator shall notify the shift Supervisor or OIC. The state police or local police department in whose jurisdiction the disabled vehicle is located shall be called to arrange for the towing of the vehicle.

## **E. Accidents**

1. GENERALLY
  - a. Officers who are involved in an accident with a department vehicle, or when a vehicle is disabled and has been damaged, shall not move the vehicle except in an emergency.
  - b. A Supervisor or OIC shall immediately go to the scene and make an investigation and report all particulars to the Chief of Police forthwith.
  - c. The officer involved shall promptly submit a written report in accordance with department regulations.
2. OUTSIDE OF THE JURISDICTION
  - a. Officers who are involved in an accident with a department vehicle outside of the agency's jurisdiction shall immediately notify the shift Supervisor or OIC.
  - b. The shift Supervisor or OIC shall cause the State Police or police department of the jurisdiction to be notified.
  - c. The accident shall be investigated by the State Police or the police department of jurisdiction.
  - d. At the discretion of the shift Supervisor or OIC or a superior officer, the shift Supervisor or OIC may respond to take photographs and otherwise render assistance.

## **F. Disposal**

1. When a police department vehicle is to be disposed of through auction, trade in, possession by an insurance company, or other means, the Fleet Manager shall cause all loose supplies and equipment to be removed from the vehicle.
2. The vehicle shall be stripped of all retro-fitted equipment that is unique to public safety vehicles, such as two-way radios, emergency lights, prisoner cages, radio racks, MDT mounts, push bars, sirens, etc.

## **G. Police Details**

1. Private companies and citizens in conjunction with hired police officers may request the use of a cruiser to enhance the safety of the detail through use of cruiser emergency equipment, or to otherwise fulfil the needs of the detail.
2. Cruiser use for private duty will be authorized only after all other cruiser needs for the department have been fulfilled.
3. Due to heavy traffic, any police detail requested for work on Russell Street (Route 9) will also require the assignment of a police cruiser at the expense of the contractor or person requesting.
4. Rates for cruiser use is set by the Chief of Police and shall be charged to all requesting agencies.
5. Billing for the use of a police cruiser(s) will extend to only the time used for the detail itself. There are no minimum blocks of time. Officers must mark on their detail slip the amount of time the cruiser was used for the detail itself.
6. Only an officer who has attained the rank of Sergeant or above, may waive the cruiser requirement, based on an assessment of the work to be completed. Furthermore, those same supervisory officers may mandate the use of a cruiser on a police detail based on the same assessment, and must further specify why the cruiser was required (i.e., night detail)
7. Patrol Officers, unless granted permission by the supervisor or OIC, may only take a cruiser to a detail when they are specified in the details of the assignment.
8. All cruisers used for details must be returned fueled at the conclusion of the assignment. If this is not possible due to fuel pump access or extenuating circumstances, the Officer working the detail must notify the shift OIC/Supervisor.

M.G.L. c 89, §7B.

M.G.L. c 89, §7B.



**APPENDIX A****Mandatory Equipment - All Patrol Vehicles**

- Mobile two-way radio
- Siren
- Emergency auxillary lights
- First Aid Kit/Med Bag/Oxygen
- Fire Extinguisher
- Spare tire, jack, lug wrench (not required for motorcycle)
- Road flares, 30 minute with wire stand or traffic glow sticks
- Flotation Throw Line or Life Ring (water rescue)
- Police line tape
- Body armor/Active Shooter Kit
- Public Address System
- Rifle in locking rack
- Shotgun or Less Lethal Shotgun in locking rack
- Radio/Scanner
- Mobile Data Computer
- Traffic Cones

**Mandatory Equipment - All Unmarked Vehicles**

- Mobile two-way radio
- Siren
- Emergency auxiliary lights
- Fire Extinguisher
- Spare tire, jack, lug wrench (not required for motorcycle)

**Mandatory Equipment - Animal Control Vehicles**

- Mobile two-way radio
  - Emergency auxiliary lights
  - Fire Extinguisher
  - Spare tire, jack, lug wrench (not required for motorcycle)
  - Snare
  - Heavy duty gloves
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UPDATE LOG;

6/8/18 Paragraph G- Police Details

# SCHEDULING AND TIME -OFF

POLICY & PROCEDURE NO. <b>1.10</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 3/17/2021

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Scheduling personnel for duty as well as time off is one of the most important responsibilities for a Police Department.

Correct levels of staffing, while ensuring personnel are able to take time off are critical for the effectiveness of a Police Department.

The order in which vacant shifts are filled are governed in part by the Collective Bargaining Agreement between the respective bargaining unit and the Town and the process in which this occurs will be explained fully.

## II. POLICY

It is the policy of this department that:

1. The Police Department will have no less than two officers on at any given time. Staffing Minimums are generally increased during the College School year as seen fit by the scheduling officer with final determination by the Chief of Police. Dispatch will always be staffed by at least one dispatcher/dispatch trained officer.
2. Any time a shift vacancy will result in a drop below this mandatory staffing level, personnel will be called in to fill said shift, based on the current CBA.
3. All time-off requests are due by the 15<sup>th</sup> of each month for the following month. The scheduling supervisor has the discretion to accept late requests, up until the schedule is completed for the following month. Late requests that cannot be filled, must be worked by the requesting officer.



4. Any officer wishing to take time off after the schedule is completed will have to rely on a swap or a personal day. If a shift is scheduled over the Minimum Mandatory an officer may “book off” if approved by a supervisor.
5. Any change to the schedule shall be approved by a supervisor prior to such change being enacted.
6. All swaps documented on the schedule shall include a notation as to which employee shall be paid.
7. Dispatch personnel may take last minute time off based on their CBA.
8. Every effort is made to fill time-off requests, although, when multiple staff request the same day off, this may not be possible and time will be denied off based on inverse seniority.
9. In the event of an emergency where an employee must leave shift early, on-duty staff will be responsible for filling said vacancy.
10. Shifts shall be filled in accordance with what each CBA dictates. Full time Police shall be filled by rotating seniority, Part-Time Police shifts (if any), as well as Dispatch shifts shall be filled by simple seniority.

### **III. PROCEDURES**

#### **A. Requesting Time Off:**

1. Time off requests must be submitted via the PlanIt Police software program.
2. The scheduling officer shall approve the time off requests, or cause them to be removed upon the closing of the time off request period.

#### **B. Scheduling Program:**

1. Plan-It Police Scheduling Software, and any future versions, or similar type software/programs shall be logged in to on each work day and any required information or actions such as personal information, policy updates, payroll requirements, or other directives as relayed by a supervisor directly or through the program, shall be adhered to. Any employees that are required to take action or take action by a required Due Date are subject to discipline for failing to do so.

Part-Time/Per Diem employees are responsible for information contained within the program and it is strongly suggested that any member not working during a payroll period check for items such as messages/schedule changes/due dates for policy compliance, etc..

**c. Shift Filling:**

1. Upon or after the closing of the Time-Off Request Period, the scheduling officer shall offer out, or cause to be offered out the available shifts for the month to follow. This may be done in a manner convenient for the scheduling officer, in so far that it be done in accordance to this policy.
2. All staff are required to respond to the scheduling officer's request to fill open shifts by the closing date given, even if that response is declining to work extra shifts.
3. For Full-Time Police shifts, rotating seniority shall mean that each time an overtime shift is offered, the rotation shall start with the officer after the last officer to receive overtime. Excluded from the rotation are officers on requested days off and probationary employees, who are called last prior to any part-time officer. Special Police Officers are called after both Full and Part Time Officers have been offered.
4. When a four-hour block of overtime or more is assigned to any full time officer, it is considered acceptance of a shift for the purposes of overtime rotation.
5. Shifts that are Part-Time First Right of Refusal are offered to Part-Time Officers by seniority, then Special Police Officers. If a Part-Time shift going unfilled would result in staffing falling below minimum mandatory, the shift may then go to Full-Time Officers. Special Police Officers may be ordered to duty prior to the shift going to overtime, or in any other circumstances as deemed appropriate.
6. Dispatch Shifts are filled by starting with the most senior Dispatcher and every subsequent Dispatcher after. Any Police Officer qualified to work Dispatch may be offered after all dispatchers have been offered.
7. In all situations when shifts are being called out, staff must be provided with a 10 minute window after a message has been left. This shall be forgone if the shift vacated starts in less than 6 hours from the call out.
8. All shift call-outs shall be logged in PlanIt Police.
9. In the event that a shift cannot be filled, the Supervisor or OIC will attempt to split the shift between any officers willing to work whatever block of time necessary.
10. After all possibilities have been exhausted, the Supervisor or OIC may order a staff member to duty. For all vacancies shifts, this shall first include an attempt hold the current shift and call the following shift in early. If this cannot be done, staff may then be ordered from home.
11. In either case, the Order-In list shall start with the junior most employee. Order-Ins shall not interfere with part-time/special staff's Full-Time Employment, enrollment in educational courses, and Part-Time Employment is not considered an excusable exception to being ordered in for Full-Time staff. Those on bereavement are not to be ordered to duty.
12. The scheduling supervisor may accept other excuses from an order-in on a case-by-case basis, including matters, but not limited to a pre-paid for engagement. Documentation will be required.

13. Staff on a requested day off are ineligible to be ordered into duty for the eight-hour period before and the 16-hour period after the requested shift off, unless the circumstances are determined by the Chief of Police to be an emergency.
14. If an Order-In for a part-time staff member interferes with full-time employment, it is the responsibility of that individual to inform the ordering staff of that conflict. If an order-in for a full-time employee would put that employee in an over-hours situation, the ordering staff shall be informed at that time.
15. If time permits and contact cannot be made with an employee subject to order-in, the police department in that officer's home town may be requested to contact that employee at home and direct them to contact dispatch.
16. If at the time of Order-In, the Supervisor or OIC finds that an employee is eligible for Order-In, the employee under no circumstance may refuse to report for duty.
17. If an employee believes that the order-in was conducted improperly, then it shall be brought to the attention of a supervisor after the conclusion of the ordered shift.
18. Any employee failing to report for duty, or conducting an order-in improperly are subject to discipline.
19. In the event of an emergency circumstance(s), the Supervisor or Designated Officer in Charge may forgo rotation and order for the purposes of attaining or maintaining appropriate staff levels.

#### **IV. PAY SHEETS/PAYROLL REPORTING**

A law enforcement officer as defined in section 1 of chapter 6E, who knowingly submits to a state agency, state authority, city, town, or agency as defined in said section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and receives payment therefore or knowingly makes, uses or causes to be made or used a false record or statement material to a false or fraudulent claim of hours worked for payment that results in a law enforcement officer receiving payment therefor or any person who conspires to commit a violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages paid or by imprisonment for not more than 2 years.

# Private Duty Details

POLICY & PROCEDURE NO. <b>1.11</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 12/6/21

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Police Officers who are not actively working shift may be hired by a variety of different organizations, such as utility companies, construction companies, municipal agencies and private citizens/companies to work traffic control and security operations.

The Chief of Police or designee shall have sole discretion in determining the number of officers and the necessary safety equipment required at a specific site.

Officers are to conduct traffic details in the safest manner possible, and officers are fully expected to address issues of unsafe actions by motorists within their work zone, as well as safety issues arising with any construction crew.

## II. POLICY

It is the policy of this department that:

1. Officers shall abide by all department rules and regulations during any such detail and will fall under the direction of supervisory officers and/or OIC's;
2. Officers working within another municipality shall follow directions given by that city/town's supervisory officers.
3. Officers working traffic details may wear the Department Detail Uniform or the Department Class B Uniform with weather appropriate reflective vest/reflective coat, with hat appropriate for the specific uniform. Pistol/holster, radio and handcuffs are required at minimum, as is having a ballistic vest in the event a call-for-service arises. Knit winter caps with Department Insignia are authorized for cold-weather details.

4. Officers working security details are to wear the full Class B uniform, with vest and duty belt. Officers working a security detail outside shall wear the department cover.
5. Devices that could interfere with an officer's attention to the task at-hand are prohibited. If cell phone use is necessary to speak with another member of the police department, or a family member in an emergency, the officer shall make every effort not to do so while directing traffic.
6. All Full-Time officers shall be offered private duty details, by seniority before any Part-Time officer. If no Full-Time officer is available, Part-Time officers shall be offered by seniority before any Special Police Officer. If no Part-Time officer is available, Special Police Officers may be offered by seniority. While the Collective Bargaining Agreement specifically states that there shall be no seniority amongst Special Police Officers, for this section, seniority is defined by hire date and details will be offered in that order.
7. Every effort will be made to fill details on or about 1530 hours on days when details are received. Although, details requested after 1530, Emergency Details, requests from outside agencies with time limitations, or any other circumstances where a sooner or immediate call-out are necessary or appropriate, will be called out at the discretion of the Chief's designee. Officers who use a "Do Not Disturb" application for their phone, are encouraged to allow the automated calling system ring through.
8. Upon request for a private duty officer(s), the employee receiving the call shall use the current department form and complete all fields of the form, or refer that individual to the designee responsible for detail scheduling.
9. Upon the completion of a detail, all personnel shall complete the required department form to initiate the pay and billing process.
10. For details that are called in for a date in the following month, the detail will not be filled until the patrol schedule is filled. No officer may sign up for that detail until shifts have been filled.
11. For on-going details, such as Basketball Games, only Full-Time Officers may sign up. The most senior Full-Time officer may choose from open details and sign up. Any officers junior must ask each officer senior to him/her before signing up.
12. Any senior officer who wishes to bump a junior officer, it must be done no less than 16 hours prior to the start of the detail and must be completed via telephone.
13. No utility crew, such as Electric, Cable, Phone or Tree service, or any other company that may easily collect their equipment and clear the roadway shall not under any circumstance be allowed to be idle in the roadway for the purposes of breaks or lunch.
14. Minimum blocks of hours do not apply in any circumstance where an officer must leave the detail for any reason. Only hours worked are billable.

15. Officers accepting second halves of details are not subject to a minimum 4 hours for cancellation prior to the start of that block. No officer may charge a minimum 8 hours for split details (for example, 9 hour **detail, split into two 4 ½** hour details are not two eight-hour minimums). Officers who arrive at the scheduled time to the second half of a split detail are entitled to four-hours of pay.
16. Cancellations- Any officer cancelled from a detail within eight hours of the start time may charge a four-hour minimum. Any situation where a detail crew does not show, call, cannot be contacted, and when approved by a supervisor or OIC, may consider themselves cancelled. One hour shall be given from the detail start time. Officers working security or traffic for an event, are considered cancelled in the event the event is cancelled.
17. No company will be permitted to keep an officer for any period of time past the completion of the job, solely for the purpose of keeping the officer to the end of a minimum block of time. When the job is completed, the detail is considered over and the officer must be signed out.
18. No officer shall ask for, or otherwise suggest to whomever is responsible for a detail to increase the timeframe worked, whether actual or documented, to trigger an increase in billable time. Additionally, no officer shall accept or bill for an eight-hour minimum unless the actual time worked on the detail exceeded the four-hour threshold.
19. The filling of patrol shifts shall take priority over details. Officers unavailable for a shift, are considered unavailable for details during the same time frame of the shift.
20. All officers assigned to a detail, are responsible for said detail until it is completed. An officer finding that they can no longer work said detail, is responsible for filling it. Officers who become ill will not be expected to fill a detail from home.

### **III. DEFINITIONS**

- A. Bumping- The process in which a senior officer replaces a junior officer on a detail.
- B. Emergency Detail- A detail where a repair to critical infrastructure is required to restore human services/access to roadways, i.e, water/sewer main break, utility wires in the roadway, roadway defect. A detail that comes in with an immediate start time is not automatically considered an emergency detail.
- C. Traffic Detail: A private duty detail where the primary function is traffic control.

- D. **Security Detail:** A detail where the primary function is security. Upon arrival at such details, officers shall meet with the event manager and discuss what the expectations of the event and security are.

## IV. PROCEDURES

- A. **Details Posted Upon Receipt :** Regardless of the date of the detail, except as mentioned above in Policies, details are to be posted and announced on the day they were received.
- I. Details are posted, announced, and awarded in the department schedule software. When there is not an immediate need to fill, at least 15 minutes must be allowed before awarding.
  - II. Unfilled details shall be filled by using outside agencies, at the discretion of the Chief's Designee. Members of the Hadley Fire Department (HFD) who have been trained in traffic control may offered traffic control details, only within the Town of Hadley. Non-Traffic Control details may be assigned to HFD members at the discretion of the Chief's designee, with the general exclusion of security details.
  - III. In the event that details are sent out of town, no one shall continue on the out of town list without verifying that previous department(s) have not filled the detail. Outside agencies should be asked to call back and confirm if they have someone, or not, although, it should not be assumed that an agency has not filled a detail if they have not called back. Reasonable time-frames may be imposed upon outside agencies, or advised that the detail is on a "first come, first served" basis. Although, upon the filling of a detail in this manner, all other departments are to be advised that the detail is no longer available.
- B. **Conduct:** Officers working details shall conduct themselves in a professional manner at all times, keeping constant attention on all aspects of the detail.
- I. Detail Officers shall be at the designated location, equipped and ready to start at the designated time.
  - II. Detail Officers shall meet with the crew and learn the specifics of what their expectations are of the officer(s), any inherent dangers of the work being done and any other pertinent information about the detail.
  - III. Detail Officers shall obey all reasonable requests from the crew with regards to the detail.
  - IV. Those working for Berkshire Gas shall at all times, unless an emergency circumstance exists or directed by the crew, stay out of the coned off area of the work area.

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- V. Detail Officers shall pay attention to the police radio, keeping in mind that incidents may occur near or beyond the detail location, requiring fire and on-duty officers to respond near or past the detail.
  - VI. Detail officers working traffic, shall use clear and concise hand signals and will wear high visibility gloves, and, if working into dusk/night time, shall use a flashlight with appropriate traffic cone.
  - VII. Details that include the use of police cruisers shall be used to effectively warn traffic of the presence of the detail crew.
  - VIII. Detail officers will be on site through the duration of the detail, unless excused by the crew or relieved by another officer.

## **V. PAY SHEETS/PAYROLL REPORTING**

A law enforcement officer as defined in section 1 of chapter 6E, who knowingly submits to a state agency, state authority, city, town, or agency as defined in said section 1 of said chapter 6E, a false or fraudulent claim of hours worked for payment and receives payment therefore or knowingly makes, uses or causes to be made or used a false record or statement material to a false or fraudulent claim of hours worked for payment that results in a law enforcement officer receiving payment therefor or any person who conspires to commit a violation of this section shall be punished by a fine of 3 times the amount of the fraudulent wages paid or by imprisonment for not more than 2 years.



# TRAFFIC CONTROL OFFICER

POLICY & PROCEDURE NO. <b>1.11a</b>	ISSUE DATE: 04/01/2022
	EFFECTIVE DATE: 04/01/2022
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>16.4.1; 16.4.2 ; 16.4.3</b>	REVISION DATE:

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Hadley Traffic Control Officers (TCO) are a group of non-sworn civilian personnel who are trained and are prepared to assist the Hadley Police Department with the traffic and pedestrian control functions. The specific limits, utilization and level of training of the Traffic Control Officers are left to the discretion of the Chief of Police. In order to be sufficiently prepared for traffic control, the training for TCO must be consistent with their responsibilities and assigned duties. They shall be assigned primarily to law enforcement related community service functions (i.e., parades, large-scale special events, disaster relief, unfilled outside details, etc.) and unfilled outside details.

## II. AUTHORITY

Traffic Control Officers are not sworn law enforcement officers. They do not carry firearms while on duty. There is no power vested in a Traffic Control Officer unless specifically directed by the Chief of Police. They may assist police, under the direction of the Officer in Charge, in situations which cannot be met by the regular police force. They have no arrest powers and must seek the assistance of a regular officer when such situations arise.

## III. DUTIES [16.4.1]

Typical duties are including but not limited to parades, road races, fireworks displays, outside details etc. Traffic Control Officers may also be utilized in positions classified as civilian provided they possess the requisite skills [16.4.1]

#### **IV. TRAINING [16.4.2]**

Every Traffic Officer is required to maintain CPR certification

In order to have experience with traffic control all Traffic Control Officers must have received MPTC training or its equivalent, and was previously employed as a full-time or part-time Massachusetts police officer or as a Massachusetts Deputy Sheriff, but is not required to be “certified” as a POST officer, however, “decertified” POST police officers, or officers who have been less-than honorably discharged, or resigned or retired while under investigation or pending discipline shall not be used. Fulltime members of the Hadley Fire Department, who have completed the fulltime Fire Academy, or attended an MPTC Traffic Control class may also be utilized<sup>1</sup>.

Traffic Control Officers shall be familiar and abide by the Hadley Police Department’s policy **1.11, Private Duty**

#### **V. UNIFORM & APPEARANCE [16.4.3]**

Traffic Officers shall wear the detail uniform as on-file at Sentry Uniform with ‘TRAFFIC’ screened on the back, (or if the TCO is the member of the Hadley Fire Department, appropriate ANSI Fire Uniform) approved dark navy colored utility type shorts or pants, and an official navy Hadley Police/Fire baseball cap. During inclement weather the Traffic Control Officer shall wear appropriate ANSI outerwear or vest with “Hadley Traffic Control” (or Hadley Fire Department) prominently displayed on the rear of the outermost garment.

All TCO’s will wear reflective gloves at all times while directing traffic.

No TCO will wear any equipment with the words Police or Police Officer.

The Traffic Control Officer will be responsible to supply and properly maintain such uniforms, equipment and tools necessary, as authorized and determined necessary by the Chief of Police, for the use of traffic officer’s to efficiently and effectively perform their duties.

Traffic Control Officers shall have a neat and professional appearance.

Hair must be clean, neat, and professional, and will not extend below the bottom of the ear on the sides, nor longer than the bottom of the collar on the back of the uniform shirt

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<sup>1</sup> See: Section 30, Chapter 253 of the Acts of 2020; G.L. c. 6E, §§ 4(g) & 11.

while standing with head in normal posture. Bangs are allowed to the eyebrow in length. Hair shall not be dyed or tinted in an exaggerated or unnatural color. If hair is longer than described in the preceding section, or long enough on any point on the head to interfere with the eyes, nose, or mouth, it must be pulled back in a neat fashion and securely fastened. When secured, the hair will not exceed the “yoke line” of the uniform shirt. The “yoke line” refers to the line on the uniform shirt that crosses the back of the shirt below the neck and across the shoulders.

Natural and protective hairstyles, which shall include, but not be limited to, natural and protective hairstyles such as braids, locks, twists, Bantu knots, and other formations are permitted, provided they are professional in appearance. Multiple braids are allowed, however, may not contain brightly colored beads or bands. Objects worn in the hair, including but not limited to pins, barrettes, beads, bands, and clips, shall be inconspicuously placed for the sole purpose of holding hair in place, must be unadorned, transparent, or similar in color to the hair, and must not interfere with officer safety or the proper wearing of issued headgear. Wigs, tracks, and hairpieces may be worn in a manner consistent with hair appearance standards as described in the preceding section.

Facial hair: Mustaches are permitted. They shall be always neatly trimmed and shall not extend beyond the upper lip in any direction. “Handlebar” and “fumanchu” style mustaches are prohibited. If an officer chooses to have sideburns, they will be neatly trimmed and tapered. They may extend to a level even with the midpoint of the ear and will not be flared. They will end with a clean shaven, horizontal line. They shall be kept neatly trimmed with clear and sharp edges, and professionally appearing. They shall be approximately one-half (1/2”) inch to one inch (1”) in length and be symmetrical while in uniform.

Tattoos: For the purposes of this policy, “tattoo” or “tattoos” shall include tattoos, body art of any form, branding or other non-natural markings on the skin.

1. No officer shall display any tattoo determined to be excessive. Excessive is defined as any marking on the face, hands, neck, ears, or any portion of the body above the uniform neckline or any tattoo which could potentially be perceived as offensive. These are expressly prohibited.

## **VI. SENORITY AND BID RIGHTS**

Traffic Control Officers are per diem at-will employees of the Town of Hadley with no set hours and no benefits. They may be appointed and discharged by the Chief of Police as (s)he may feel appropriate.

Traffic Control Officers will be offered traffic control positions only after all regularly employed sworn police officers have declined. Assignment of open/unfilled details will be based upon hours worked (employees with the least hours will be awarded first).

Following the award to police department employees, details may be awarded to the Hadley Fire Department, if authorized by the Police and Fire Chief.

## **VII. INSURANCE**

Unless employed by the Hadley Fire Department, Traffic Officers will not be covered by MGL c. 41, s. 111F. If injured on the job through no fault of their own, traffic officers will be covered by the Town's Workers' Compensation insurance.

## **VIII. BACKGROUND INVESTIGATION**

Since TCO's may have access to secure are of the police department and to the computer network, a background check will be completed and will include;

- Warrant and BOP check (and annual re-check)
- Driver's License and History Check (and annual re-check)
- CJIS Fingerprint Check
- Previous employment and MPTC certification check

# RESPONSE TO CALLS

POLICY & PROCEDURE NO. <b>1.12</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The manner in which officers respond to calls for services will vary according to the nature and severity of the call. This is necessary to ensure the maximum safety of the general public and of the officers themselves. Types of calls can be classified into three categories: routine, urgent, and emergency. The type of response is determined by the category into which the call falls. The total number of officers to be initially sent on a call can also be determined through these categories.

The purpose of this policy is to provide personnel with clear guidelines as to what calls will generally fit into which category, thus determining the degree of response and the number of officers to be assigned. None of these procedures will preclude the possibility of circumstances which will alter our normal and expected reactions. Response to any type of call requires an officer to utilize the shortest and safest route of travel.

See HIGH RISK CALLS policy for information on response and handling of Active Shooter situations, Bank Hold-Up Alarms, and Bomb Threat/Suspicious Device.

## II. POLICY

It is the policy of this department that:

1. The department will evaluate the urgency of the police response to a given situation and assign the appropriate number of officers; and,
2. In situations when the department is unable to respond to calls with sufficient on-duty personnel, it may have to rely on off-duty officers, non-regular personnel and officers from neighboring departments via mutual aid agreements.

### III. PROCEDURES

**A. Statutory Guidelines** : Emergency Vehicle Operation: M.G.L. Chapter 89, Section 7B states that the driver of any police vehicle "in an emergency and while in the performance of a public duty may drive such vehicle at a speed in excess of the applicable speed limit if [s]he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if [s]he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection."

#### **B. Categories of Calls for Service**

##### 1. GENERALLY

- a. Under the direction of the officer-in-charge, the number of officers to be assigned to a call will normally be left to the dispatcher's discretion.
- b. Certain types of crime will require the dispatching of at least two officers.
  - 1) Emergency calls and many urgent calls will normally require two officers or units to respond.
  - 2) Routine calls will normally require only one officer or unit to respond.
- c. Patrol Supervisor or OICs have the responsibility and authority, at their discretion, to determine the number of officers necessary at any particular call or assignment.
- d. It shall be the responsibility of the dispatcher or person taking the call to obtain information from the caller which will determine the severity and thus govern the degree of response to any call.
- e. Dispatchers should avoid giving callers overly optimistic estimates of the timeliness or level of probable police response. Simply stated, do not make promises concerning how many officers will arrive or how quickly they will respond unless you are absolutely certain.
- f. The following procedures provide guidelines for the evaluation of the urgency of a police response to a given situation.

##### 2. EMERGENCY CALLS: CODE THREE RESPONSE

- a. Emergency calls are those which require immediate response from the department. They are critical in nature and will usually involve situations where there is actual danger of serious injury or death.
- b. Officers responding to emergency calls will use both emergency lights and siren, except when doing so would eliminate the element of surprise desired when responding to certain types of crimes in progress, and will adhere to the law.<sup>1</sup>

- 
- c. Officers must bear in mind that during the response, they have a responsibility to the public to ensure that their actions do not create a greater public hazard than is represented by the nature of the situation to which they are responding.
  - d. Conditions that will define an Emergency/Code Three Response are:
    - 1) Any imminent threat to life or danger of serious physical injury or major property damage;
    - 2) Any ongoing felony or misdemeanor that involves violence and may result in injury;
    - 3) Any serious felony or violent misdemeanor that has just occurred and reason exists to believe the suspect is still in the area;
    - 4) Any incident that involves exigent or unique circumstances that demand an immediate police response; and
    - 5) An officer in trouble call or any request from an officer for an emergency response.
  - e. Examples of emergency calls would include a shooting or stabbing; personal injury motor vehicle accidents; life threatening need for medical assistance; bank or armed robberies in progress; serious felonies in progress; subject with a gun or other deadly weapon; a bombing, explosion, major fire, or building collapse; and hostage situations.
  - f. If available, a minimum of two officers or units shall be dispatched on these types of calls. Other units on duty should immediately deploy themselves to a location within their area which is closest to the location of the call in case they, too, are dispatched.
  - g. Responses to vehicular pursuit calls shall be governed by the department policy on **Vehicular Pursuit**.
3. URGENT CALLS: CODE TWO RESPONSES
- a. Urgent calls are those which require quick response on the part of the officer, but are not so critical that they could be termed emergency. An officer's presence is needed at the scene, but the need is not immediate.
  - b. An Urgent/Code Two Response is accomplished by responding directly to an assignment without unnecessary delay. This type of call will have flexibility in the manner of response (i.e., emergency lights with or without siren). The response should be made in a quick but safe manner.
  - c. Units responding to urgent calls should be attentive to their radios, as the situation may quickly change to a more or less serious incident.
  - d. Conditions that will define an Urgent/Code Two Response are:
    - 1) Any incident that does not represent a significant threat to life and property or a felony that has occurred without injury and the suspect has fled the area;

- 2) An in-progress incident that could be classified as a possible crime;
  - 3) Any incident that represents a significant hazard to the flow of traffic;
  - 4) Any incident that requires a prompt, non-emergency response;
  - 5) An officer's call for non-emergency assistance (back-up unit, potential but not present problem); and
  - 6) Officers holding a prisoner and requesting transport will receive an Urgent/Code Two Response unless special circumstances dictate otherwise.
- e. Examples of Urgent Calls are domestic/family problems; property damage motor vehicle accidents; non-life threatening medical aids; and any other call which requires immediate response by the department.
  - f. Urgent calls will generally require that at least two units be dispatched, unless the primary unit responding is a two officer unit.
  - g. All officers must remain aware of the statutory limits placed on the operation of a patrol vehicle when emergency lights and sirens are in use.<sup>2</sup>
4. ROUTINE CALLS: CODE ONE RESPONSE
- a. Routine calls are those which require police response for the purpose of taking some sort of action, but which do not require immediate arrival, since the situation will probably not deteriorate to critical status due to the time period of that arrival.
  - b. A Routine/Code One Response involves no emergency lights or sirens. It is a normal traffic speed response.
  - c. Usually, only one officer will be initially assigned, unless the dispatcher or shift commander feels it necessary for safety purposes to assign more than one. Examples of routine calls would be past breaking and entering; loud groups or parties; barking dogs; larceny or stolen car reports; transport assistance (bank deposit) for retail businesses; and, any other call which can be termed routine in nature.
  - d. Routine responses include a call for service and taking a report.

### **C. Response to Officer Initiated Calls**

1. Any units responding to an officer initiated call (such as an officer in trouble) shall notify the dispatcher that they are responding and shall indicate from where they are responding.
2. Units will continue their response at the direction of the dispatcher.
3. All units will closely monitor their radios in the event that the situation changes (officer in trouble downgraded to a backup), so that their response can be appropriately modified.
4. The first unit to arrive at the scene will report the current situation so that other units may adjust their response accordingly.



5. Any units called off, by either the dispatcher or a Supervisor or OIC, will immediately discontinue any emergency operation and resume their normal patrol.

#### **D. Upon Arrival**

1. Upon arrival, first responding employees shall assess the situation and determine, based upon the information at hand, if responding resources are adequate for the situation.
2. If the response appears excessive, the employee shall notify the dispatcher and may request a reduced response.
3. The employee may request additional resources as appropriate for the situation, or in accordance with department policy, by contacting the dispatcher.
4. On-duty, local, or contracted resources may be requested directly by the first responding officer. Such resources may include requests for a Supervisor or OIC, Emergency Medical Services, investigator, fire department, highway department, Mass DOT, Gas Company, etc.
5. Requests for off duty personnel, mutual aid, or specialty assistance shall be authorized by a Supervisor or OIC.
6. Any determination as to response made by the Supervisor or OIC shall be followed.

#### **E. Calls for Suspicious Persons/Activity**

Calls for suspicious persons that are behavior based will require a police response. A caller who is reporting an unknown person in an area or their neighborhood must be further questioned to determine what behavior is leading them to call. If a caller cannot describe specific behavior, the shift supervisor or OIC will be contacted who may determine that there is no behavior that warrants a police response.

#### **F. Medical Assist Calls**

Police Officers will respond to the following categories of medical calls when dispatched and take appropriate actions in accordance with their level of medical training, and upon being relieved by a higher level of care, will assist medical personnel;

- Cardiac Arrest
- Cardiac Distress
- Respiratory Arrest/Distress
- Unresponsive person (unknown reason)
- Animal Bites - wild or domestic
- Lifeline (or similar) alert activation - unknown reason/no voice contact

- Suicide or Attempt
- Trauma due to Assault, Explosion, Fire, Fireworks, MVA, Weapons
- Overdose or Suspected OD
- Unknown Medical
- Any Medical Call that the dispatcher believes will benefit from a police response

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<sup>1</sup>M.G.L. c. 89, §7B.

<sup>2</sup>M.G.L. c. 89, §7B.

9/10/19- Paragraph E added to align dispatch and police policy.

# HIGH RISK CALLS (ACTIVE SHOOTER, BANK HOLD-UP, BOMB THREATS)

POLICY & PROCEDURE NO. <b>1.13</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 02/14/22

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This written directive is intended as a stand-alone quick reference specifically for “high risk” situations. More specifically, this is a quick reference guide for active shooter situations, bank hold-up alarms, and bomb threat or suspicious devices. It is understood that most police enforcement actions are dynamic, and evolving, and these situations are no exception. These particular calls may require officers to improvise and overcome obstacles in order to complete the objective. This policy is designed to add structure to these situations that would certainly be rapidly changing incidents.

## II. POLICY

It is the policy of this department to protect life by any legal means possible.

## III. ACTIVE SHOOTER

### Definitions:

**Active shooter** : An “active shooter” is a suspect, or suspects, whose activity is immediately causing death or serious bodily injury. Their activity is not contained, and there is an immediate risk of death or serious injury to potential victims.

**Immediate Deployment** : The swift and immediate deployment of law enforcement resources to ongoing life threatening situations; where delayed deployment could otherwise result in death or serious bodily injury to innocent persons.

**Objective:**

The department objective is to stop the active shooter(s), before they can take the lives of others. Initial responding officers have a duty to use all legal means to stop the active shooter. Their prioritization of activities is as follows:

- Stop the active shooter;
- Rescue victims;
- Provide medical assistance;
- Preserve the crime scene;
- Protect property.

**Responsibilities, in the event of a reported active shooter situation :**

**Dispatch Personnel :**

Dispatch responsibilities are routinely shared between one or two civilian dispatchers on duty. Their efforts are fluid by nature, and are therefore not defined here, but shall be carried out as the team deems necessary.

**Dispatch personnel shall :**

- Dispatch ALL available police officers to the scene, including patrol staff, detectives, sworn administrative police staff and any available officers assigned to training, details or any other duties.
- After verification by units on scene, notify the following personnel and agencies immediately, requesting their assistance:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Hadley Fire Department (medical response);
- Amherst Fire Department (medical response);
- [REDACTED]
- The commanding Officer of the scene shall assign one (1) member of the recalled officers to assist with dispatch responsibilities, but a member of the Fire Department will also be stationed to assist with some dispatch duties.
- [REDACTED]

NOTE: Depending on the dynamics of the situation, and the effectiveness of the initial response; some of these notifications may not occur and may be deferred to the immediate supervisor.

- Allow only emergency radio traffic, to the extent possible.
- Prioritize all other requests for police assistance, and defer non-life threatening calls, pending sufficient staffing.
- Coordinate all radio communications with officers at the scene.

To accomplish these designated tasks, dispatch personnel should request and direct the assistance of any available civilian staff on duty. They may be directed to handle non-emergency telephone traffic, make outgoing notifications, and coordinate information and other tasks as needed. Once Hadley Officers are recalled to duty, officers shall be assigned to assist with dispatch responsibilities.

**Responding Unit Responsibilities :**

**All sworn personnel responding to the scene shall :**

- Wear their issued ballistic vests;
- Bring all other appropriate issued protective gear and weapons;
- [REDACTED]
- [REDACTED]

**The senior first responding officer will do the following :**

**Conduct a quick assessment :**

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**Communicate the assessment :**

- [Redacted]
- [Redacted]

**Quick Intervention :**

[Redacted]

[Redacted]

[Redacted]

**Contact Team :**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

- [Redacted]

- [Redacted]

**Rescue Team :**

[Redacted]

- [Redacted]

[Redacted]

**Incident Command :**

The incident command system should be utilized to every extent possible, during any active shooter incident.

- [Redacted]
  1. [Redacted]
  2. [Redacted]
  3. [Redacted]

4. [REDACTED]
5. [REDACTED]
6. [REDACTED]

**Crime Scene :**

Once the active shooter is stopped, and all injured persons are being addressed properly, the building will be considered a crime scene.

The incident commander shall insure that the scene is handled as follows :

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**IV. HOLD-UP/PANIC ALARMS**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



If a hold-up alarm is reported accidental, officers will still respond forthwith and cautiously investigate, including a check of the interior of the bank.

Responding Unit Responsibilities :

All sworn personnel responding to the scene shall :

- Wear their issued ballistic vests;
- Bring all other appropriate issued protective gear and weapons;

- [REDACTED]
- [REDACTED]

[REDACTED] :

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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- [REDACTED]
- [REDACTED]

**Incident Command :**

The incident command system should be utilized to every extent possible, during any active shooter incident.

- [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]

**Crime Scene :**

[REDACTED]

The incident commander shall insure that the scene is handled as follows :

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## V. BOMB THREAT / SUSPICIOUS DEVICE

### DISPATCHER DUTIES:

- A. Enter the call immediately into the CAD system and note which line the call was received on.
- B. Attempt to record every word exactly spoken by the caller.
- C. Pay close attention to the caller's voice and note any comments about it in your log entry (male/female, etc.).
- D. Listen carefully to any background noises and note them as they may provide a clue as to where the call was made from.
- E. Ask the caller for the bomb location and time of detonation if he/she does not supply it.
- F. Attempt to keep the caller on the line as long as possible to assist you to gather as much information as you can.
- G. Dispatch the police units by use of a code number only. The code number is **9B**. Also, you will give the unit the amount of time before detonation or indicate if no time is given. For example: "320, you have a code 9B at Stop & Shop, 30 minutes".
- H. If a threat has been made to an establishment directly, you shall still obtain as much information as possible from someone such as the manager, but a police unit shall be dispatched immediately. Exclusions shall be if the time of detonation endangers keeping an employee on the telephone.
- I. A supervisor and/or the Chief of Police shall be notified of the threat and advised of the procedures taken.
- J. The dispatcher shall then await instructions from the police officer on the scene.

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**PATROL OFFICER DUTIES :****EVACUATION**

- A. Upon arrival on the scene, the officer shall contact the person in charge of the building being threatened and advise them of the threat if they have not received it directly.
- B. If the person in charge of the building desires an evacuation of the building, you shall comply with the request and supply all possible assistance.
- C. If the person in charge of the building does not wish an evacuation, the officer shall then analyze all the facts of the threat available and determine if this shall be a safe procedure.

**SEARCH OF THE BUILDING**

- A. Radio traffic will be kept to a minimum when the officer enters the building. Advising your dispatcher of this action will assist you. Whenever possible, use a telephone for communication.
- B. The search of the building may be conducted by persons who are familiar with the particular sections of the building in conjunction with the officer, if there is no threat to their safety.
- C. Every effort shall be made to ensure all sections are searched thoroughly.
- D. If the need exists, the officer may request a supervisor to the scene to assist, if time permits such action.
- E. If no foreign item is located in the search, a joint decision should be made by the officer and the person in charge of the building as to when the building can be re-occupied and/or whether further action is warranted.

**DISCOVERY OF A SUSPICIOUS DEVICE**

- A. If a suspicious device is located, under no circumstances will the device be touched or moved by anyone. In addition, a supervisor will be requested to the scene.
- B. Make every attempt possible to determine if there is an explanation for the discovered item.
- C. Evacuate the building and control the perimeter of the building, keeping people at a safe distance determined by you.
- D. Request the Hadley Fire Department to stand by outside the building.
- E. Contact the Massachusetts State Police and advise them of a potential bomb or suspicious device and request assistance.
- F. If the item does appear to be a bomb, the State Police will enlist a bomb disposal unit, depending on each situation.

- G. In some cases, the discovery of a suspicious device may require assistance of a hazardous material team. The officer and/or supervisor will analyze all facts in the incident to determine if this is warranted.

POST DETONATION PROCEDURE

Should the bomb explode prior to the officer enacting any of the previous safety procedures, the officer shall:

- A. Request the Hadley Fire Department and an ambulance.
- B. Request a supervisor to the scene.
- C. Request assistance from the MA State Police and area departments.
- D. Attend to any injured parties.
- E. Secure and protect the scene from bystanders.
- F. Maintain a perimeter safety zone around the building in the event of fire and/or additional explosions, such as from gas lines or secondary bombs.

## Pre-Determined Staging

For Incident Locations-

[REDACTED]

[REDACTED]

[REDACTED]

# BODY ARMOR

POLICY & PROCEDURE NO. <b>1.14</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Soft, concealable body armor is designed to protect the wearer against projectiles fired by most handguns and shotguns. Its effectiveness depends upon the protection rating. Soft body armor is not designed to protect the wearer from medium to high power rifle projectiles.

Heavier body armor made of ceramic plates may protect against multiple impacts from rifle fire, but it is generally too heavy and inflexible to be worn during normal patrol duties and is generally relegated to special operations.

Soft body armor may protect against improvised weapons, such as broken bottles, but is usually not effective against knives or ice picks unless it is designed, manufactured and rated as such. Sharp, pointed instruments used in a stabbing motion may penetrate body armor and could deliver a fatal injury. Slashing knife attacks may be resisted.

While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures and sound tactics. The purpose of this policy is to provide law enforcement officers with guidelines for the proper use and care of body armor.

## II. POLICY

It is the policy of this department to:

- A. Maximize the officer protection available through the use of body armor in combination with prescribed safety procedures; and



Require that uniformed and non-uniformed officers wear concealable, soft body armor while engaged in field activities both on duty and during extra-duty employment, e.g., certain details, overtime, etc., unless exempt by the provisions of this policy.

### **III. DEFINITIONS**

- A. Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

### **IV. PROCEDURES [ 41.3.5]**

#### **A. Authorized Body Armor**

1. All body armor worn must be agency-issued or authorized.
2. The body armor must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.

#### **B. Issuance of Body Armor**

1. AVAILABILITY OF BODY ARMOR: Regardless of whether or not body armor is worn regularly, each sworn employee shall have body armor available for wear. [41.3.5]
2. INITIAL ISSUE: Upon beginning employment with this agency and prior to working in the field,  

All full time sworn officers shall be issued concealable, soft body armor unless they already own or can acquire such equipment. Part time or Reserve Officers shall be required to provide their own soft body armor unless the department has extra on hand to issue.

#### **3. REPLACEMENT ISSUE**

- a. The life expectancy of soft body armor is approximately five years.
- b. Body armor that is no longer serviceable due to wear or service-connected damage shall be replaced for full time officers by the department.
- c. Employees requiring replacement body armor shall contact the Chief of Police.

#### **C. Use of Body Armor**

1. STUDENT OFFICERS: Body armor shall be worn by recruit officers as specified by the Municipal Police Training Committee or other academy regulations.

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## 2. FIELD OPERATIONS

- a. Uniformed Officers: Officers who are assigned to a uniformed function are required to wear body armor while engaged in field activities, both on duty and during paid details, unless exempt as follows:
    - 1) When the department determines that circumstances make it inappropriate to mandate wearing body armor; or
    - 2) When an agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor.
  - b. Plain Clothed Officers: Officers who are assigned to a non-uniformed function are required to wear body armor while engaged in field activities, both on duty and during paid details, unless exempt as follows:
    - 1) When the officer is involved in undercover or plain clothes work that his/her Supervisor or OIC determines could be compromised by wearing body armor;
    - 2) When the department determines that circumstances make it inappropriate to mandate wearing body armor; or
    - 3) When an agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor.
  - c. In such instances when body armor is not worn while the officer is engaged in field activities, the body armor must be immediately available to the officer, generally carried in the officer's vehicle with other equipment (this includes uniform carrier vests which are designed to be removed while not engaged in field activities).
- ## 3. ADMINISTRATIVE OFFICERS
- a. Officers assigned to administrative duties are generally not required to wear body armor while performing those administrative duties.
  - b. When administrative officers perform uniformed or non-uniformed field activities, they must comply with body armor wear requirements for officers involved in field activities.
  - c. When not being used, body armor must be immediately available to the employee. Body armor may be stored in:
    - 1) The officer's work area;
    - 2) The officer's locker; or
    - 3) The officer's vehicle.
- ## 4. Firearms Training: All employees involved in training which involves handling of loaded firearms shall wear body armor during such training.

5. High Risk Situations: The wearing of body armor may be mandated by a Supervisor or OIC during pre-planned, high risk situations, such as high risk search or arrest warrants or responding to an active shooter. [41.3.6]
6. INSPECTIONS OF BODY ARMOR
  - a. Supervisor or OICs shall be responsible for ensuring that body armor is worn as required by this policy through routine observation and periodic documented inspections.
  - b. Cleaning, maintenance and inspection of body armor are the responsibility of the wearer.

#### **D. Care and Maintenance of Body Armor**

1. Officers shall routinely inspect personal body armor for signs of damage or wear and for general cleanliness. Unserviceable body armor shall be reported to the wearer's Supervisor or OIC.
2. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.
3. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.

# AUTHORIZED WEAPONS

POLICY & PROCEDURE NO. <b>1.15</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Police officers in Massachusetts are authorized to carry and use a variety of weapons. G.L. c. 41, s. 98, for example, permits officers to carry firearms as authorized by the Chief of Police. While no statute addresses the possession and use of other weapons by officers, court decisions make it clear that the Chief may both authorize and regulate such activities.

## II. POLICY

It is the policy of the department to require that all personnel authorized to carry or use firearms or other weapons in the performance of their duties shall:

1. Carry or use only firearms, ammunition and other weapons that are issued or authorized by this department; and
2. Be properly trained and/or certified in the use of any firearm or other weapon used in the performance of their duties prior to being authorized to carry or use such weapon, and
3. Demonstrate proficiency in handling, operating, and using such weapon

## III. DEFINITIONS

- A. Primary Duty Firearm - the firearm primarily carried and used in the performance of department duties.
- B. Service Weapon - any weapons carried in the performance of normal duties.
- C. Special Weapon: Rifles, scoped rifles, shotguns, and firearms other than the primary duty firearm.

- D. Less Lethal Weapon: Devices used to stop, control and restrain individuals while causing less harm than deadly force. Less lethal weapons are not designed or intended to be deadly force weapon.

## IV. PROCEDURES

### A. Authorized Weapons and Ammunition

#### 1. GENERALLY

Personnel authorized to be armed with a firearm or other weapon, on or off duty, shall carry only those weapons and ammunition issued by this agency or authorized by the Chief of Police. This includes firearms and ammunition authorized for tactical team members and other specialized personnel (detectives, animal control officer). Sworn, off duty officers who activate themselves and act as a police officer may carry firearms for that purpose, only if the firearm and ammunition is issued by this agency or authorized by the Chief of Police.

#### 2. AUTHORIZED WEAPONS AND AMMUNITION ROSTERS [1.3.9(A); (B)]

Firearms and ammunition authorized for both **on and off duty use** by members of this department are set forth in **Policy 1.05, Use of Force** . This roster includes firearms and ammunition authorized for tactical team members and other specialized personnel (detectives, animal control officer).

Less Lethal and other weapons and ammunition authorized for use by members of this department are set forth in **Policy 1.05, Use of Force** . This roster includes less lethal and other weapons authorized for tactical team members and specialized personnel (detectives, animal control officer).

#### 3. APPROVAL OF NEW DUTY WEAPONS

All weapons considered for use by department employees must be approved by the chief of police.

Firearms must be submitted to a department armorer who shall review the weapon specifications and consider at a minimum, the quality of manufacture, reliability, and ballistic effectiveness.

Less lethal weapons will be reviewed by an instructor trained or certified in the use of the general weapons type, who shall review the weapon specifications and consider at a minimum, the quality of manufacture, reliability, and effectiveness of the weapon.

Where no employee is trained or certified in the use of a new weapon type, it may be researched by an individual or committee as determined by the Chief. Competent persons and organizations should be sought for guidance in conducting the review and the results reported in writing to the Chief.

The commander of the organizational unit to be armed with the weapon will consider the applicability to that units operation and prepare an estimate of cost of procuring the weapon and accessories for the personnel to whom the weapon is to be issued.

The training function shall review and determine training needs and costs of training employees with the weapon both initially and in retraining. Considerations must also be

made for any new training needed for aftercare of suspects against whom the weapon is used. Municipal Police Training Committee guidelines where applicable, at the minimum, must be met. An estimate of training costs will be prepared.

The reviewers shall forward their remarks and reports to the Chief of Police who will consider them and make a determination as to the approval of the weapon.

#### 4. INSPECTION OF WEAPONS PRIOR TO ISSUE

Prior to being issued or authorized for use, each weapon shall be inspected by a department armorer who is trained in each particular weapon.

The inspector shall not approve the weapon for duty use unless the inspector determines that it is in good working order. Failed weapons shall be removed from service and repaired or replaced.

The weapons inspector shall complete a Weapons Inspection and Maintenance Record for each weapon. Weapons inspections, maintenance and modifications shall be noted, including the date and initials of the inspector.

#### 5. WEAPONS MAINTENANCE INSPECTIONS

Each weapon used on or off duty, whether department owned or authorized, shall be inspected annually by a department armorer or qualified weapons instructor familiar with the weapon being inspected. Whenever possible, inspections will be done in conjunction with qualification on that weapon.

The inspector shall not approve the weapon for use unless the inspector determines that it is in good working order. Failed weapons shall be removed from service and may be repaired or replaced. Repaired weapons must be inspected prior to use.

The inspector shall record his/her name and the date of inspection on a weapons record form. The record shall be stored with the Chief of Police.

The weapons inspector shall complete a Weapons Inspection and Maintenance Record for each weapon. Weapons inspections, maintenance and modifications shall be noted, including the date and name of the inspector. The records will be stored with the Chief of Police or designee (firearms instructor or armorer).

Weapons inspections will be conducted following the inspection procedure for the weapon being inspected in Appendix D of this policy.

#### 6. ACCOUNTABILITY FOR WEAPONS

An inventory control roster of all weapons owned by this department or authorized for use on or off duty shall be maintained by Chief of Police or his designee. Weapons shall be categorized by manufacturer and model and listed by serial number, if so marked, and will indicate whether the weapon is being stored, assigned to a vehicle, or to whom the weapon is issued. The record shall be stored with the Chief of Police or designee [1.3.9(e)]

A physical inventory of all agency owned weapons shall be conducted at least annually by Chief or Sergeant.

A roster of all privately owned, authorized weapons shall be maintained separate from department owned records, by Chief or his designee. The record must identify the make, model, caliber (if applicable) and owner. The roster will be kept with the Chief of Police or designee. [1.3.9(e)]

## **B. Off Duty Weapons**

### **1. AUTHORIZATION GENERALLY**

Any personal weapon that an employee carries on his/her person while off-duty for the purpose of protection or to enable him/her to take action as a police officer (especially a firearm carried by an officer to and from an assigned tour of duty) will be considered an off-duty weapon.

Firearms carried off duty for sporting purposes shall not be considered off duty weapons.

Only employees qualified in the use of department authorized off-duty weapons may carry such weapons. [1.3.10]

Any employee who has not qualified with his/her approved off-duty weapon shall not be indemnified by the department for any use of such weapon until such time as the employee has qualified. A sworn officer may, however, carry his/her service firearm while off duty (if [s]he has qualified with it. This does not apply to sporting firearms.

### **2. APPROVAL OF PERSONAL AND/OR OFF DUTY WEAPONS**

All personal weapons considered for use by department employees must be approved by the chief of police or head firearms instructor.

Weapons already approved (make/model) do not need to be reviewed by a department armorer or instructor.

Firearms must be submitted to the department armorer. The armorer shall review the weapon specifications and consider, at a minimum, the quality of manufacture, reliability, and ballistic effectiveness.

The reviewing official shall forward to the Chief of Police advising of recommendations for acceptance or denial of the weapon.

The Chief of Police shall make the final determination.

If accepted, the armorer or weapons instructor shall update the roster of approved weapons to include the newly included weapon and/or ammunition.

## **C. Training and Qualification**

1. Only agency personnel demonstrating proficiency in the use of agency authorized weapons shall be approved to carry such weapons.

Qualification requirements shall meet or exceed the minimum standards established by the Massachusetts Municipal Police Training Committee.

2. No member of this Department will be authorized to be armed with any weapon until [s]he has been issued a copy of the department's **Use of Force** policy, received instruction and successfully passed a written examination on same. Use of force refresher training shall be conducted at least annually and can be in the form of classroom training or "force on force" live action training which tests officers on use of force standards (i.e. "shoot/no-shoot," moving targets, low light shooting, etc). [1.3.11]
3. Training and qualifications shall be monitored under the direction of a certified instructor for the weapon being qualified with. [1.3.11(a)]
4. Employees who fail to qualify with a weapon shall not be authorized to be armed with that weapon. The employee will receive additional instruction and will be given a reasonable opportunity to qualify. An employee may be assigned to administrative duty, if available, or placed on an unpaid leave of absence during the time that they are not qualified to be armed. [1.3.11(c)]
5. When new employees receive initial training on a weapon, or when veteran employees receive training on a new weapon, they shall be provided with and receive training on the department **Use of Force** policy as well as policies relating to the carrying and use of that weapon.[1.3.12]
6. Weapons training, proficiency results, issuance of **Use of Force** policy, and accompanying examination results shall be documented by the instructor. For further information, see the department policy regarding **Training and Career Development** . [1.3.11(b); 1.3.12]
7. New personnel must qualify with any weapons they are to be armed with prior to being authorized to use that weapon in the field.

## D. Firearms

### 1. TRAINING AND QUALIFICATION: [1.3.11]

No member of this Department will be authorized to be armed with a firearm until [s]he has been issued a copy of the department's **Use of Force** policy, received instruction and successfully passed a written examination on same.

All personnel authorized to use or carry firearms in the performance of their duties are responsible for maintaining a degree of proficiency in the use and handling of the firearms that they are authorized to use.

New personnel must qualify with any firearms they are to be armed with prior to being authorized to use that firearm in the field.

Qualification shall include an inspection, conducted by a department armorer or firearms instructor, of the firearm to be qualified with to ensure that it is in good working condition. Unsafe or defective firearms will be removed from service.

At a minimum, personnel must qualify on a qualification course approved by the Massachusetts Police Training Committee at least twice each year and obtain a passing score (this may be done during daytime training and low light training).



## 2. FAILURE TO QUALIFY

In the event an employee fails to qualify with a firearm, the employee will lose the authority to be armed with that firearm for other than training purposes. The employee may continue to be armed with firearms with which they remain qualified.

The firearms instructor for whom the employee failed to qualify shall notify the Chief of Police, who will suspend the employee's authority to be armed with that firearm.

If the employee fails to qualify with their primary duty firearm, the employee may be placed on administrative leave.

The employee will receive remedial training in the use of the firearm. When the employee passes qualification, the employee may be authorized to be armed with the firearm.

Any employee who fails to qualify with a firearm after remedial training will be subject to being reevaluated as to their fitness to continue to perform their duties.

Any sworn officer who, after remedial training has still failed to qualify with their primary duty firearm will be subject to reevaluation as to their fitness to continue to perform the duties of a police officer.

## 3. OFF DUTY FIREARMS

Under Massachusetts General Laws, a police officer is authorized to carry an issued or authorized firearm at all times when on duty and may carry such firearm while off duty within the Commonwealth of Massachusetts.<sup>1</sup> [1.2.2]

An officer may have to activate him/herself during off-duty situations where there is a need to draw a personal firearm and the possibility exists to use such weapon. Upon self activation, the officer's actions are guided by all Departmental rules and regulations, hence there is a need to show familiarization with any personal firearm which is carried while off-duty.

Members of the Department who are licensed to carry firearms pursuant to M.G.L. c. 140, § 131 and who may act in the capacity as a law enforcement officer while off duty, armed with a personal firearm must be qualified with that firearm on at least an annual basis. Qualification may be fired during regular qualification times and employees shall provide their own ammunition.

Any officer who desires to carry an off-duty weapon must first submit a written request to the Chief of Police detailing a complete description of the firearm. If the weapon is approved by the Chief, the officer must qualify in the use of the weapon.

Employees wishing to qualify with personal firearms while on duty will notify their Supervisor or OIC of their intent to do so and shall be authorized to possess those firearm(s) for the sole purpose of qualifying. This authorization shall be temporary and will only allow the employee to carry the personal firearm to and from the range. The personal firearm(s) shall be secured prior and subsequent to completion of the familiarization course.

Prior to carrying such weapon, it must be inspected and approved by a qualified weapons instructor or armorer, satisfactory to the Chief of Police. Weapons found by

such instructor or armorer to be unsafe may not be used. A record of all approvals shall be maintained, The Department firearms instructor will maintain the record and store such record with the Chief of Police.

All ammunition carried in an approved off-duty weapon must be of a type approved by the department.

#### Carrying Firearms Outside of Massachusetts

Many states have statutory exemptions from laws prohibiting the carrying or possession of firearms for law enforcement officers in the performance of their official duties.

Officers may obtain non-resident concealed weapons permits from other states.

While the Commonwealth of Massachusetts does not recognize as valid, permits from any other state, some states will honor Massachusetts License to Carry Firearms. Alaska, Arizona, Idaho, Indiana, Kentucky, Michigan, Missouri, Montana, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Vermont. <sup>2</sup>

The National Concealed Carry for Cops legislation, better know as HR 218 which was signed into law in 2004 allows active and retired police officers to carry firearms provided they meet the criteria below. Officers may carry concealed firearms generally, but are still subject to other state restrictions and local ordinances. Officers who carry concealed firearms under this statute:

Must have a current department ID;

Must be authorized to carry a firearm by their agency in the performance of their duties;

Must not be subject to any disciplinary action by the department;

Must have met department firearms qualification standards;

Must not under the influence of drugs or alcohol; and

Must not be prohibited by general law.

#### 4. CARE AND CONDITIONS OF FIREARMS

Officers are responsible for keeping their issued weapons clean and in good working order. A weapon which malfunctions shall be returned to the department Armorer forthwith.

No employee shall not alter or modify his/her firearm, holster, or ammunition in any way without the express permission of the Chief of Police. General Modifications authorized at this time are: grips, lasers, lights.

#### 5. FIREARMS SECURITY

Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are protected from loss, misuse, or theft.

Firearms assigned to vehicles must be removed and properly stored prior to the vehicle being sent out for maintenance.

#### 6. FIREARMS STORAGE [1.3.9(F)]

Firearms not under an officer's direct control must be secured in a locked container or equipped with an approved trigger lock.<sup>3</sup>

Firearms issued to an individual employee, when stored at the police department must be stored in a locked, designated arms locker, locked employee locker, locked desk or locked file cabinet.

Firearms that are not issued to an individual employee, when stored at the police department, must be stored in a designated arms locker or rack. Firearms assigned to vehicles shall be stored in a locked, rack or locked, secure container approved for use by Chief of Police.

Rifles and shotguns left unattended in a vehicle for an operation should be locked in the vehicles trunk or rack.

#### 7. HANDLING FIREARMS

Drawing or displaying: An officer shall avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose.

In responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer may carry a firearm in a position that will facilitate its speedy, effective, and safe use.

Officers shall not point firearms at persons in circumstances which are clearly unjustifiable.

### **E. Special Weapons**

#### 1. SPECIAL WEAPONS GENERALLY

All special weapons and ammunition authorized for use by department employees shall be listed in Appendix A of this policy.

If the Chief of Police authorizes special weapons, such as shotguns, to be carried in the police vehicle on routine patrol, all members of the department should be qualified in the use of the authorized special weapon. Failure to qualify with a special weapon does not necessarily exclude an employee performing duties without that weapon. The determination may be made by the Chief.

When not assigned to a vehicle, special weapons will only be issued, with the knowledge and permission of the officer-in-charge of the police station, to employees who have qualified with them.

A listing of all officers who have qualified with each special weapon will be maintained with the Chief of Police.

Special weapons may be selectively issued by the officer-in-charge of the police station if, in his/her opinion, they are necessary to ensure the safety and effectiveness of

police operations. Officers armed with special weapons in such circumstances shall use those weapons in accordance with the provisions of applicable departmental policies and procedures as well as any additional guidelines issued at the time.

Prior to issuing any special weapon, the officer-in-charge of the police station may inquire of any officer to whom [s]he intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless [s]he is qualified in its use.

## 2. CHEMICAL WEAPONS

**OC** is authorized for use by employees trained in its use and shall be carried and used by those employees.

Employees must receive and complete refresher training and demonstrate proficiency in use of this weapon at least biennially (performed during defensive tactics in service training).

It is the responsibility of the user to inspect the dispenser to ensure that it is not expired and appears to be in good working order. The spray should be replaced prior to its expiration date.

The dispenser should be shaken at least once per week and prior to use (when feasible) to ensure that the propellant and active ingredients are mixed and will deploy when needed.

## 3. IMPACT WEAPONS

The Expandable baton is authorized for use by employees trained in its use and shall be carried and used by those employees.

Flashlights are not designed as an impact weapon and shall not be used as such or as a weapon unless in the event that a threat arising to the level that would allow for any available means to counter that threat.

Employees must receive and complete refresher training and demonstrate proficiency in use of impact weapons at least biennially.

## 4. LESS LETHAL SHOTGUN BASED IMPACT PROJECTILES

If available, the department shall designate specific shotguns to be used to fire authorized kinetic energy projectiles. These shotguns shall be so marked; or fitted with an orange stock and fore end; for quick identification. Shotguns so designated shall not be used to fire conventional shotgun ammunition. Non-designated shotguns shall not be used to fire kinetic energy projectiles.

Less lethal shotguns shall be stored with an empty chamber and full magazine. Each round of kinetic energy ammunition must be inspected by the user prior to being inserted into the weapon to ensure that it is not conventional shotgun ammunition. If the weapon is handed to another user, it must be unloaded and the ammunition inspected by the new user.

Employees must be qualified in the use of the shotgun as well as the kinetic energy ammunition prior to its use.

Each shot fired will be aimed using the fixed sights and/or laser (if equipped) of the weapon. NOTE: Random firing into crowds, firing from the hip, and other deployments that do not involve a well-aimed shot are prohibited. The potential for death or serious bodily injury exists.

Target areas for kinetic energy impact projectiles will follow the Escalation of Trauma Chart. The primary target will be green areas. Red areas shall be only targeted when deadly force would be appropriate and/or acceptable.

Officers shall render medical aid within their level of training, when tactically feasible, and call for medical attention at the scene.

The use of a Less Lethal shotgun is a reportable Use of Force. After deployment of the weapon, a USE of Force form shall be completed and submitted with applicable Offense or Arrest Report.

## **F. Authorization of Employees to be Armed [1.2.2]**

1. POLICE OFFICERS: Police Officers may be armed with and use weapons in the performance of their duties under the authority granted in M.G.L. c. 41, §98. They may carry such weapons as authorized by the Chief of Police, provided that they are qualified in the use of such weapon. Authorized weapons and ammunition are specified in Appendix A of this directive.

The following represents general arming categories for department employees. Nothing in this directive shall prohibit the Chief of Police from authorizing or restricting the arming of an employee in a manner other than as specified in these general categories.

Police Officers: All PO are authorized to be armed with:

Duty side arm;

Shotgun;

Patrol Rifle;

Chemical spray;

Baton;

### **2. NON-SWORN EMPLOYEES**

Animal Control Officer: The Animal Control Officer (ACO) may be armed with and use firearms for the purpose of euthanizing animals, as authorized by the Chief of Police. The ACO must be properly licensed to possess and carry the firearm that he/she is armed with.

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<sup>1</sup> M.G.L. c. 41, §98

<sup>2</sup> National Rifle Association Right-to-Carry Reciprocity and Recognition Guide, 2007  
<http://www.nraila.org/recmap/usrecmap.aspx>

<sup>3</sup> M.G.L. c. 140, §131L

# CONDUCTED ELECTRICAL WEAPONS (CEWs)

POLICY & PROCEDURE NO. <b>1.15a</b>	ISSUE DATE: 02/1/19
	EFFECTIVE DATE: 02/1/19
HADLEY POLICE DEPARTMENT	REVISION DATE: 01/17/23

## I. GENERAL CONSIDERATIONS AND GUIDELINES

To provide members of the Hadley Police Department with Guidelines in the use of Conducted Electrical Weapons (CEWs) in compliance with the Use of Force Policy.

## II. POLICY

- A. The Hadley Police Department shall ensure proper guidance and direction on the use of CEWs.
- B. Members of the Hadley Police Department shall use, and are authorized to use, only that force which is objectively reasonable to:
  - 1. Effect an arrest;
  - 2. Restrain or subdue an individual resisting a lawful seizure; or
  - 3. Protect themselves or other from physical harm.
- C. CEWs may be used by authorized and trained members of the Hadley Police Department in accordance with this policy and other established Policy and Procedures. Department members shall use objectively reasonable force to control individuals who are violent, exhibiting threatening or potentially violent behavior, or physically resisting arrest or detention. CEW's are also authorized in situations where officers are protecting themselves or others from physical harm from an animal.
- D. Members should assess each situation to determine which action shall best bring the incident under control, using only that amount of force that is objectively reasonable.

If deployed, CEW cycles shall be limited to the minimum number of deployments necessary and should last no longer than necessary to bring an individual under control.

### III. DEFINITIONS

- A. **Actively Resistant Individual:** An individual who uses physical strength and/or body movement to resist a Department member. Examples of active resistance include pulling, turning, or walking away from an officer.
- B. **Aggravated Assaultive Individual (Serious Bodily Harm/Death):** An individual who engages in conduct that is likely to produce death or serious bodily harm to a member of the Department or another person.
- C. **Assaultive Individual (Bodily Harm):** An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.
- D. **Compliant Individual:** An individual who is fully cooperative with a Department member.
- E. **De-escalation:** The use of tactics, communication skills and other interventions with the goal of non-violent positive compliance with lawful objectives.
- F. **Drive Stun Deployment:** In Drive Stun mode, the CEW is a pain-compliance facilitator rather than an electro-muscular disruptor. Drive stun occurs when the CEW is held against the subject, whether or not probes are deployed. Drive stun may be utilized in response to active resistance or assaultive behavior.
- G. **Conducted Electrical Weapon (CEW):** A weapon that uses electricity to override voluntary motor responses or applies pain in order to gain compliance or overcome resistance. CEWs are designed to incapacitate without causing serious physical injury or death. [1.3.9 (a)]
- H. **CEW Activation:** Any time an CEW is turned on, exclusive of training and routine maintenance/readiness checks.
- I. **CEW Cycle:** Occurs when probe deployment delivers energy to an individual.
- J. **Force:** The amount of effort required by police to compel compliance by an unwilling subject.
- K. **Laser Activation:** The CEW is turned on, activating the light and/or laser beam. Laser activation may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.
- L. **Less-Lethal Force:** Use of force that is not intended to cause serious bodily harm/serious physical injuries or death. Sworn personnel are authorized to use less-lethal force in accordance with the law, the contents of the Use of Force Policy, and this Policy.
- M. **Lethal Force:** Use of force intended to inflict serious bodily harm/serious physical injuries or death. Sworn personnel are authorized to use lethal force in accordance with the law, the contents of the Use of Force Policy, and this Policy. [1.3.2]



- N. Objectively Reasonable:** This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject, and/or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are forced to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.
- O. Passively Resistant Individual:** An individual who is uncooperative but does not use physical strength or body movement to resist a Department member.
- P. Probe Deployment:** In Probe Deployment mode, the CEW uses electricity to override voluntary motor responses. Probe Deployment occurs when probes deploy from an CEW, whether or not the probes strike their intended target. This includes follow-up drive stuns when a single probe is attached to an individual. Probe deployment may be utilized in response to assaultive behavior.
- Q. Serious Physical/Bodily Injury:** Serious physical injury or serious bodily injury is defined as any bodily injury, which creates a substantial risk of death; causes serious, permanent disfigurement; or results in extended loss or impairment of the function of any bodily member or organ.
- R. Spark Display:** The CEW is activated and the arc switch is depressed, activating the electrical arc. Spark display may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.
- S. Susceptible Population Groups:** Susceptible population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.
- T. Sworn Personnel:** An employee of a law enforcement agency who has sworn to carry out law enforcement duties and has full arrest powers. For the purposes of this Policy, the term “sworn personnel” and “officer” are used interchangeably.

## **IV. PROCEDURES**

### **A. Authorized Users**

Only those Department members who have successfully completed the Department’s initial CEW training and subsequent in-service CEW training pursuant to 501 CMR 8.00 et seq. are authorized to use an CEW.

### **B. Weapon Readiness**

Department members issued and authorized to use an CEW shall:

- Ensure the CEW is carried in an approved holster and position on the side of the body opposite the service handgun;

[NOTE: members not assigned to uniformed duty may use other Department-approved holsters and carry the weapon consistent with Department training.]

- Ensure the CEW is fully armed and set to semi-automatic mode with the safety on in preparation for immediate use;
- Ensure cartridges are replaced following the manufacturer's expiration requirements and immediately replace an expired cartridge and notify a supervisor of the expired cartridge;
- Ensure only manufacturer-approved battery power sources are used for the CEW and notify a supervisor if found to be at 20% (one line) or below and immediately remove the CEW from service;
- Prior to each regular tour of duty shift, confirm that the CEW is functioning properly by performing all tests as defined in training, fill out the appropriate sign out and remove from service and notify a supervisor of any CEW showing malfunction icons or not functioning properly;
- Not make any modifications or repairs on the CEW unless authorized in writing by the Armorer.

### C. Activation

In accordance with the law, the contents of the Use of Force Policy, and this Policy, and when it is objectively reasonable to do so, Department members are authorized to utilize an CEW to arrest and/or detain an individual that has and/or continues to exhibit behavior that leads the officer to believe the individual is actively resisting or assaultive and will resist being arrested or detained.

### D. CEW Use of Force Response Table

<b>If the subject is:</b>	<b>Then the response may include:</b>
Actively Resistant	Laser Activation Spark Display Drive Stun
Assaultive - Bodily Harm	Laser Activation Spark Display Drive Stun

	Probe Deployment
Aggravated Assaultive - Serious Bodily Harm / Death	Laser Activation Spark Display Drive Stun Probe Deployment  NOTE: Department members are not required to use a weapon of less-lethal force if use of lethal force is objectively reasonable.

1. Situations in which the CEW may be activated in accordance with the above table include but are not limited to:

- When an individual uses force or violence against the member or another person(s);
- When an individual exhibits violent, threatening, or potentially violent behavior;
- When an individual actively resists an arrest or detention;
- When an individual flees in order to avoid arrest or detention in circumstances where the member would pursue on foot and physically effect the arrest or detention and where the flight poses a serious risk to the offender, bystanders or other persons;
- When an individual expresses intent and has the means to commit suicide or inflict serious bodily harm to themselves or others and CEW activation does not create additional risk;
- To protect Department members or others against an aggressive animal; and
- In the course of Department-authorized training exercises or demonstrations.

2. Department members shall:

- Give the individual a warning prior to activating the CEW, unless doing so would place any member or person(s) at risk;
- Adhere to the Department's training regarding warnings, which may include verbal warnings, display of the CEW, laser painting, arcing, spark display, or a combination thereof;

- When feasible, an announcement should be made to other members or personnel on the scene that an CEW is going to be activated;
- Not intentionally activate more than one CEW at a time against an individual; and
- Be aware that an individual subjected to an CEW Cycle may not be able to respond to commands during or immediately following an CEW Cycle exposure.
- CEW cycles should be limited to the least number of exposures and should last no longer than necessary to bring an individual under control. Each 5-second cycle is considered an independent use of force and must be objectively reasonable and be documented in writing.
- Avoid continued CEW use as an attempt to facilitate compliance if circumstances indicate that drive stun deployment is ineffective as a pain-compliance technique.
- Be aware that pain compliance may not be effective against an individual in a mental health crisis state, under the influence of a mind altering substance, or when extremely focused.
- Consider potential risk(s) to third parties or bystanders when activating CEWs.
- Be aware that a subject's heavy clothing may impede the effectiveness of CEWs.
- Aim, to the degree possible, for the following target areas:
  - Lower center mass below the chest
  - Back
  - Legs

NOTE: Consistent with training and to the extent possible, Department members should avoid sensitive areas such as the eyes, face, head, throat, neck, breasts, groin and genitals.

3. Department members shall not use the CEW:

- On individuals who passively resist as defined within this policy;
- On a handcuffed or secured prisoner;

EXCEPTION: CEW, in limited situations, may be used on a handcuffed or secured prisoner if an individual exhibits overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.

- In any environment where the member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, propane;
- When the individual is located in water;
- In any situation where the member has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk; or
- On individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist.

#### **E. Susceptible Population Group**

Department members shall be aware of general concerns when an CEW is used on an individual of a Susceptible Population Group. Department Members are not prohibited from using an CEW on susceptible population individuals, but use is limited to those exceptional circumstances where the potential benefit of using the CEW (i.e., injury reduction) reasonably outweighs the risks and concerns.

#### **F. CEW Post-Activation**

1. After a probe deployment, Department Members shall ensure that CEW probes are removed by a Department Member specifically trained to do so.
2. In any case of Drive Stun deployment or Probe deployment from an CEW on an individual, members shall:
  - Transport the individual to an emergency care facility for evaluation and/or treatment if any of the following apply:
    - The individual requests medical attention or there is an obvious need for medical attention;
    - The CEW was deployed in a sensitive area (e.g., eye, face, head, throat, neck, breasts, groin, genitals);
    - The individual is part of a susceptible population group;

- More than three CEW cycles were deployed on the individual or the CEW was deployed for continuous cycles amounting to 15 seconds or more; or
- More than one CEW device has been deployed on an individual.
- Use restraint techniques that minimize risk of impairing a subject's respiration.
- Reasonable efforts shall be made to protect the subject's privacy.

## **G. Reporting**

1. In all incidents involving the use of less-lethal force, all involved officers shall prepare and submit a Use of Force Report. This includes spark displays of an CEW, except when a spark display check is conducted to test the device at the beginning of an officer's shift.
2. Always remember that each application of the CEW is a separate application of a use of force and a separate Use of Force Report must be filed for each application.
3. In the event that a probe deployment(s) is used, photographs of the probe site(s) should be added to the full report.
4. In all incidents involving the use of less-lethal force, all involved officers shall prepare and submit an incident report/arrest report (if applicable).
5. All Officers-in-Charge, subordinate supervisors and the Internal Affairs Supervisor will conduct a written review of all reports concerning each incident where less-lethal force has been utilized.
6. The Department shall ensure that the Executive Officer of Public Safety and Security (EOPSS) CEW Use Reporting Form is completed and submitted as required by EOPSS in accordance with G.L. c. 140, section 131J and St. 2004, c. 170, section 2.
7. In the event that a probe deployment was used, the cartridge(s) shall be collected and logged into evidence per policy and shall be stored in a safe manner with probes facing inward, based upon training.
8. Any CEW use which would trigger a Use of Force report as described above (to include spark and laser displays) require that the specific CEW be removed from service to be downloaded. One of the CEW instructor supervisors shall be notified immediately and the CEW shall be stored in a place where it cannot be utilized until a download is completed.

## H. Training

1. Department members shall be trained in accordance with the lesson plan provided by the manufacturer and the training policy approved by EOPSS, in accordance with M.G.L. c. 140, § 131J. Submission of Hadley Police CEW policy to EOPSS is no longer required.
2. Department members shall be trained in accordance with the law, the contents of the Use of Force Policy, and this Policy.

## Update from The Executive Office of Public Safety and Security (EOPSS) :

### 501 CMR 8.00: STANDARDS FOR THE USE OF ELECTRONIC CONTROL WEAPONS IN THE COMMONWEALTH

8.01 : Purpose

8.02 : Statutory Authorization

8.03 : Definitions

8.04 : General Requirements for the Use of Electronic Control Weapons by Officers of Authorized Law Enforcement Agencies

8.05 : Minimum Safety and Quality Standards for the Use of Electronic Control Weapons by Authorized Law Enforcement Officers

8.06 : Education and Training Programs on the Use of Electronic Control Weapons by Authorized Law Enforcement Officers

8.07 : Certification Requirements for Training Instructors

8.08 : General Requirements for Civilian Use and Possession of Electronic Control Weapons 8.09: Severability Clause

### **8.01 : Purpose**

The purpose of 501 CMR 8.00 is to establish rules and regulations governing lawful possession, minimum safety and quality standards, safe storage, education and safety

training requirements, and law enforcement training in the use of electronic control weapons in the Commonwealth.

## **8.02 : Statutory Authorization**

501 CMR 8.00 is promulgated pursuant to M.G.L. c. 140, § 131J, requiring the Secretary of Public Safety and Security to promulgate rules and regulations governing electronic control weapons in the Commonwealth and the training of law enforcement on the appropriate use of such weapons.

## **8.03 : Definitions**

Authorized Law Enforcement Agency (Authorized Agency). A state, county, municipal or district law enforcement agency including, but not limited to:

- (a) a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department;
- (b) a sheriff's department in its performance of police duties and functions;
- (c) a public or private college, university or other educational institution or hospital police department;
- (d) a humane society police department in M.G.L. c. 22C, § 57; or
- (e) any other law enforcement agency subject to the Massachusetts Peace Officer Standards and Training (POST) Commission certification requirements.

Authorized Law Enforcement Officer (Authorized Officer). Any officer of a law enforcement agency, including the head of the agency; a special state police officer appointed pursuant to

M.G.L. c. 22C, § 57, 58 or 63; a special sheriff appointed pursuant to M.G.L. c. 37, § 4, performing police duties and functions; a deputy sheriff appointed pursuant to M.G.L. c. 37, § 3 performing police duties and functions; a constable executing an arrest for any reason; any other special, reserve, or intermittent police officer; or any other law enforcement agency subject to the POST Commission certification requirements. Authorized Law Enforcement Officer (Authorized Officer) does not include state or county correctional officers designated to special operations or tactical teams within a state or county correctional facility.



Civilian. Any individual who is not an authorized law enforcement officer as defined in 50 CMR 8.03.

### **8.03 : Continued**

Electronic Control Weapon (ECW)/Conducted Energy Devices. A stun gun as defined in

**M.G.L. c. 140, § 121, or any 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 that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.**

### **8.04 : General Requirements for the Use of Electronic Control Weapons by Officers of Authorized Law Enforcement Agencies**

(1) Any authorized agency permitting the use of electronic control weapons by the agency's officers in the performance of their official duties shall have the following written policies:

(a) A use of force policy consistent with 550 CMR 6.00: Use of Force by Law Enforcement Officers and 555 CMR 6.00: Use of Force by Law Enforcement Officers; and

(b) An electronic control weapons policy.

(2) Authorized agencies shall maintain a record acknowledging receipt and review of each policy listed in 501 CMR 8.04(1) by every authorized officer possessing or using electronic control weapons in the performance of their official duties.

(3) All electronic control weapons used by officers of authorized agencies in the performance of their official duties shall include a mechanism for tracking the number of times the electronic control weapon has been discharged.

(4) Authorized agencies shall comply with all reporting requirements set forth in St. 2004,

**c. 170, § 2. Authorized agencies shall comply with all rules, regulations, and policies established by the POST Commission including, but not limited to, any and all law enforcement agency certification requirements**

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**8.05 : Minimum Safety and Quality Standards for the Use of Electronic Control Weapons by Authorized Law Enforcement Officers**

- (1) In order to use an electronic control weapon in the performance of their official duties, an authorized officer must:
  - (a) Be currently certified by the POST Commission;
  - (b) Be employed as an authorized officer by an authorized law enforcement agency;
  - (c) Have reviewed the authorized agency's use of force and electronic control weapons policies and acknowledged such in writing;
  - (d) Have successfully completed a defensive tactics training course approved by the MPTC or approved by the Colonel of the Massachusetts State Police (MSP) including, but not limited to, the MPTC or the MSP basic recruit training that incorporates defensive tactics in the curriculum; and
  - (e) Be authorized by the officer's authorized agency to carry a firearm in the performance of the officer's official duties and have successfully completed both use of force training and firearms training as approved by the MPTC or the Colonel of the MSP.
  
- (2) Except for training purposes, an authorized officer shall not use or carry an electronic control weapon in the performance of their official duties until successfully completing an approved MPTC training program or a training program approved by the Colonel of the MSP pursuant to 550 CMR 6.04(5) for the use of electronic control weapons.
  
- (3) If not carried or under the control of the owner or other lawfully authorized user, electronic control weapons shall be secured in a locked container in accordance with M.G.L. c. 140,

§ 131L.

**8.06 : Education and Training Programs on the Use of Electronic Control Weapons by Authorized Officers**

- (1) Only training programs certified by the MPTC or the Colonel of the MSP may be approved by the Secretary of Public Safety and Security as meeting electronic control weapon training requirements. Those programs must contain, at a minimum, the following components:

**8.06 : Continued**

- (a) Not less than six hours of training;
  - (b) A review of the mechanics of an electronic control weapon;
  - (c) Illustration of the medical issues involved with the use of an electronic control weapon including, but not limited to, information regarding the effects of electronic control weapons on individuals with pre-existing medical and other conditions and information on and a demonstration regarding the removal of probes from an individual after an electronic control weapon has been discharged;
  - (d) Segments on weapon proficiency for trainees, including a demonstration on the accurate discharge of an electronic control weapon, practice discharge of an electronic control weapon by trainees, exercises wherein the trainee practices transitioning to and from an electronic control weapon, and scenario exercises involving electronic control weapons;
  - (e) A segment on the use of an electronic control weapon as a force option and an overview of the authorized agency's policies and the electronic control weapon's relation to other weapons, tools, and tactics within the authorized agency's use of force policy; and
  - (f) Testing to demonstrate knowledge of protocols, use, and effects of electronic control weapons.
- (2) All authorized officers who have successfully completed the authorized training program pursuant to 501 CMR 8.06(1) must then complete an annual requalification training program of no less than four hours consisting of:
- (a) A review of the authorized agency's use of force policy and other policies and procedures related to electronic control authorized weapons;
  - (b) Updates regarding the electronic control weapon;
  - (c) Testing to demonstrate knowledge of policies, protocols, use, and effects of electronic control weapons; and
  - (d) A demonstration of proficiency with the electronic control weapon.

**8.07 : Certification Requirements for Training Instructors**

- (1) Training instructors for any approved training program for authorized agencies on the use of electronic control weapons must be certified by the MPTC. Training instructors for the MSP must be certified by the Colonel of the MSP. At a minimum, the instructor must:

- 
- (a) Attend the instructor training program provided by the manufacturer(s) of the electronic control weapon(s) to be used by the authorized agency, which must consist of no less than 16 hours of instruction covering training on the use of electronic control weapons; and
  - (b) Complete all training required by the MPTC or the Colonel of the MSP to obtain and maintain instructor certification.

### **8.08 : General Requirements for Civilian Use and Possession of Electronic Control Weapons**

- (1) Civilians are required to hold a validly issued license to carry firearms (LTC) pursuant to

M.G.L. c. 140, § 131 before using or possessing an electronic control weapon.


- (2) Prohibited persons, as defined in M.G.L. c. 140 § 131, shall not use or possess electronic control weapons.

- (3) If not in the immediate control or possession of a lawful owner or other lawfully authorized user, electronic control weapons shall be secured in a locked container in accordance with

M.G.L. c. 140, § 131L.

### **8.09 : Severability Clause**

If any article, section, subsection, sentence, clause or phrase of 501 CMR 8.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary of Public Safety and Security or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 8.00.

<b>HADLEY POLICE DEPARTMENT</b>		
<b>Policy: Use of the PepperBall Launcher System</b>		
Massachusetts Police Accreditation Standards Referenced:		<u>Issuing Authority</u>  Chief of Police Michael A. Mason
<b>Dissemination Date:</b> 04/01/21	<b>Amended:</b>	
<b>Effective Date:</b> 04/01/21	<b>Reviewed:</b>	

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## **I. Introductory Discussion**

- A. The purpose of this policy is to provide members of the Hadley Police Department with guidelines in the use of the PepperBall Launcher System.
- B. PepperBall projectiles are plastic spheres that are filled with powdered Oleoresin Capsicum (OC). A high-pressured air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder.

- C. PepperBall projectiles subdue suspects by strongly irritating their nose, lungs, and breathing. When inhaled, PepperBall products lead to coughing, shortness of breath, and in some instances, vomiting. Some individuals experience eye irritation as well.
- D. Response to inhaling the PepperBall Projectile OC powder varies greatly among individuals. In most cases the symptoms last between five and ten minutes. The PepperBall system can also deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises and or welts.

## II. Policy

- A. Only those officers who have successfully completed the Hadley Police Department PepperBall training course shall be authorized to use this system.
- B. Only the following Launchers and Pepperballs are authorized for use. [1.3.9]
  - 1. PepperBall SA200 & TX Launcher system
  - 2. PepperBall Munitions:
    - a. Red/Black or Red/White: “PAVA”
    - b. Purple or Purple/White: Inert (training)
    - c. White (Glass breaking only)

## III. Placement on the Force Continuum

- A. The PepperBall System is considered a defensive tool, normally starting at Level III on the *Use of Force Model*, as determined by the level of resistance displayed by the subject.
- B. The PepperBall System may be used when the officer reasonably believes that the subject to be taken into custody is displaying **active resistance** as determined by;
  - 1. Threat levels.
  - 2. Relative capabilities of officer and subject such as physical exhaustion, martial arts skills, multiple suspects.
  - 3. Special circumstances that may require the officer to escalate the level of response to resistance.
- C. Officers may use the PepperBall System to deliver OC powder to an area when the use of OC spray is justified, but unsafe for an officer to approach a subject within contact range.
- D. Officers may directly impact a subject with the PepperBall System when a suspect exhibits violent or potentially violent behavior that threatens the safety of others and attempts to subdue the subject by conventional means of persuasion, escort

- control, self-defense techniques and/or pain compliance measures have not been or reasonably appear unlikely to be effective, or;
1. When higher use of force options may be justified, but an opportunity exists for the use of OC powder before these other options are employed.
  2. Upon the order of a supervisor on the scene, PepperBall may be used to disperse unruly or rioting crowds threatening unlawful property damage or physical force.
  3. When a person is armed and is threatening suicide, or;
  4. To defend one's self or another from an aggressive and/or attacking animal.
- E. The use of so called "marker projectiles" are not authorized.

## IV. Escalation of Force with the PepperBall System

The objective of the following force levels is to use the physical effects of PepperBall impacts coupled with the psychological effects to make the suspect think about himself instead of injuring the officer.

### A. Officer Presence

When an officer arrives on the scene holding a PepperBall launcher, the sight of the launcher may be enough to get a suspect to comply with the officer's demands.

### B. Point Launcher at Suspect

The next level of force is to point the PepperBall launcher at the suspect(s). This again may have the psychological effect of gaining compliance.

### C. Area Saturation

PepperBall can be used to saturate an area around a suspect in an effort to gain compliance using the OC powder only. The powder coupled with the noise the launcher makes may gain compliance from a suspect.

### D. Direct Application

Direct application of a projectile onto a suspect is the next level of force. It couples the OC powder, kinetic impact and the noise to gain compliance. Although this will leave marks on the suspect it will not penetrate his skin and is non-lethal. However, impact to the head, face, neck, spine, and groin should be avoided

### E. Increase Direct Application

If the initial projectile application fails to stop and/or incapacitate the suspect, the officer can now increase the number of projectiles launched onto a suspect. This increases the number of impacts on the suspect. If the impacts are close together it can increase the psychological effects on the suspect. The officer should fire 2 – 4 projectiles then reassess the threat.

## V. Procedure

- A. Officers encountering a situation that requires the use of the PepperBall System, when feasible, shall immediately notify a Supervisor. This system can be used before the arrival of the Supervisor when the situation dictates such use.
- B. The Field Supervisor shall respond to all PepperBall deployments and will insure that proper written reports are submitted to the Officer-in-Charge (OIC).
- C. The three PepperBall system launchers will be stored in following locations: The Arms Room or assigned cruisers when a potential situation dictates.

## VI. Usage Considerations and Precautions {1.3.4}

Although classified as a less lethal device, the potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, spine and groin. Therefore, personnel deploying the PepperBall system shall avoid intentionally striking those body areas.

1. **Target the upper torso.** It is important to anticipate that suspects will lower their head and turn away from the source of impact.
2. **Evaluate the surrounding area.** Officers need to evaluate the surrounding area and use available objects to their advantage considering; wind direction, height of ceilings, softness of ground, etc.
3. **Weight of powder.** Because the OC powder is heavier than air, it will fall out of suspension within 15 to 20 seconds normally. By waiting a few seconds before entering the OC contaminated area, officers can avoid the exposure of OC powder that may still be in the air.
4. **Affect on subject.** Fourteen percent of the population is not effected, or is less affected by chemical agents; otherwise, the effects are similar to that of OC.
5. **Subject's clothing.** When suspects are wearing multiple layers of clothes, heavy jackets or soft down jackets, or loose-fitting clothing, the projectiles may not break. In such cases, target less padded areas, such as legs and arms as well as surface areas near the suspect.
6. **Justify each use of force.** Officers must be aware of the suspect's reactions and adjust the number of projectiles appropriately. Officers must justify each use of force and should always follow the department's policy on *Police Use of Force* and *Use of OC Spray*.

## VII. Decontamination

- A. After applying PepperBall OC powder to a subject, decontamination procedures should be undertaken as soon as is practicable.
  1. **Fresh Air and Cool Clean Water.** In most cases, all that will be needed is to remove the suspect into fresh air. OC powder blows off easily unlike aerosol



OC spray that contains an oil-based carrier that sticks the OC to the skin. Cool clean water can be used to wash the OC powder from the skin if necessary.

3. **Keep Calm.** Assure the subject that they will recover swiftly. Keep the subject as calm as possible. Recovery time for OC powder varies from individual to individual. The time is dependent upon location of exposure, indoor versus outdoor, wind speed, temperature and humidity. The recovery should normally be from 5 to 15 minutes.

## VIII. Unusual Reaction

If a suspect has an unusual reaction to the OC powder or they haven't begun to recover in 40 minutes, they should be medically evaluated.

## IX. Injury / Medical Aid [1.3.5]

- A. In case of injury to detainees or bystanders, officers shall be responsible to ensure that appropriate medical aid is provided to the injured person at the earliest possible opportunity.
  1. The OIC shall be notified of all injuries sustained as a direct or indirect result of the use of the PepperBall System. This shall include any welts or bruises resulting from contact from these PepperBall projectiles.
  2. This, and all other injuries sustained by detainees as a result of the use of force in an arrest situation shall be photographed and documented in the incident report as well as on Use of Force Report form. Likewise, any injuries sustained by a third party shall be documented and photographed.
  3. The OIC shall be responsible for submitting these reports to the Operations Lieutenant in accordance with *Use of Force Reporting*.

## X. Placement of Subjects in Holding Facility

- A. Individuals arrested that are subjected to OC spray or have been struck with PepperBall projectiles shall not be placed in a cell until the respiratory effects of the substance have dissipated.
- B. In cases where the subject must be incarcerated due to their violent tendencies, the officer shall monitor the subject until it is clear that the respiratory effects of the product have dissipated to the point where the individual is no longer affected.

## XI. Administrative and Reporting Procedures

Whenever the PepperBall System is used in any manner, to include pointing the launcher at a suspect, the involved officer shall, before going off-duty, submit a

completed *Use of Force Report form* to the OIC of the shift in accordance with procedures as set forth in *policy regarding Police Use of Force*.

## **XII. Care and Maintenance**

The senior department certified Pepperball System Instructor/Armorer shall be responsible for the storage, care and maintenance of the Pepperball System equipment in accordance with the specifications as set forth by the system's provider.

## **XIII. Training**

- A. Only those officers who have successfully completed the designated Hadley Police Department PepperBall Training Course shall be authorized to use this system.
- B. Prior to being authorized to utilize the PepperBall System, officers shall also be instructed in the following departmental policies:
  - 1. Police Use of Force
  - 2. Police Use of OC Spray
- C. Only the PepperBall System launchers and related equipment as authorized by the Chief of Police shall be used by department members in law enforcement responsibilities.

# PATROL RIFLE

POLICY & PROCEDURE NO. <b>1.16</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. POLICY

1. The following procedure is a formal policy regarding use of patrol rifles by Officers of the Hadley Police Department. This policy also provides guidelines for the proper use of semi-automatic rifles in the performance of police duties. The language below is subject to change.
2. The Hadley Police Department issues and approves the use of semi-automatic rifles to properly trained and qualified Officers for unconventional situations where the police may face heavily armed, ballistically protected suspects, and/or when a situation deems necessary. These rifles are tools to allow the potential resolution of these incidents by providing a tactical advantage not available with more conventional police firearms, such as duty pistols or shotguns.
3. For the purposes of this policy, the issued Hadley Police Department patrol rifle is the Colt M16; a semi-automatic/full-automatic in 5.56x45mm/.223 caliber with a 20 inch barrel and two 30 round capacity box magazines or the Yankee Hill Machine AR15; semi-automatic in 5.56x45mm/.223 caliber with a 14.5 inch barrel with suppressor and two 30 round capacity box magazines.
4. Patrol rifles are only to be deployed under guidelines established by the policy. The decision to fire the rifle shall be in accordance with the Hadley Police Department Use of Force Model.

5. Patrol rifles shall be deployed only in situations that the Officer reasonably believes that the tactical advantage afforded by the rifle may be necessary. This policy does not seek to articulate the only situations where rifle deployment is appropriate. The on-scene judgment of the Officer is the first indicator of appropriate deployment.

A. Patrol rifles may be deployed in situations:

-Where the Officer believes a suspect he/she may encounter is wearing protective body armor or is believed to be armed.

-When a suspect is believed to be armed and situated in a distant or fortified location, which affords the suspect a tactically superior position.

-Where approval for deployment of patrol rifle is authorized by a supervisor or if the Officer believes the rifle will offer a tactical advantage.

6. All patrol rifles are issued in protective cases/mounts with a minimum of 60 rounds of department approved and issued ammunition. All rifles are to be stored in cruiser rifle racks or trunk vaults during their tour of duty. Rifles shall stay in the trunk vault/mount unless they are deployed, being serviced, if the cruiser is being repaired, or during any other reasonable situation deemed necessary. If there are not enough patrol rifles for each cruiser, an Officer may remove one from an unused cruiser and secure it in their cruiser for their tour of duty. Officers are responsible for the safe and secure storage of their issued rifles at all times.

7. The rifle shall be stored in a mount/trunk vault with the magazine inserted into the rifle's magazine well. **A chamber flag will be inserted into the chamber of all rifles while they are stored and the safety will be on.** Twenty-eight (28) rounds will be inserted into each magazine, instead of the maximum amount of 30 rounds. This is to avoid feeding issues and increase reliability of the magazine. The rifle should be inspected frequently and adequately maintained by trained personnel only. An armorer's inspection of the rifle and its magazines shall occur at a minimum of one time per year. Patrol rifles shall not be clean, altered or disassembled in any way, unless under the direction of a supervisor or department armorer. Any issues/malfunctions involving the rifles or magazines shall be immediately reported to a supervisor or armorer.

8. If a rifle is deployed for the euthanasia of an animal, the Officer needs to be conscious of what is beyond the target, since rifle rounds can travel an extended distance. The only suitable backdrop should be the ground or a wooded area where it is known that there is no vehicular traffic, buildings, or people. Officers need to be conscious that there may be a limited effectiveness against a larger animal such as a moose, buffalo or bear. A 12 gauge shotgun or rifle of a larger caliber may be more effective. Small animals may be more effectively euthanized using a handgun, instead of the rifle.

9. Officers shall qualify and train with the patrol rifle annually in accordance with standards established by the department rifle instructors. During qualification, failure to fire a passing score will result in a second attempt. Failure to fire a passing score at that time will result in the Officer being offered remedial training. If an Officer cannot participate or pass remedial training, they will not be allowed to utilize a patrol rifle. Only until the Officer has fired a passing score will they have the ability to use the rifle again.

# FIREARMS CLEANLINESS & STORAGE

POLICY & PROCEDURE NO. <b>1.17</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 03/31/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

1. Firearms become dirty throughout the normal process of Police duties. Officers work in the rain, snow, and extreme heat. All of these weather conditions cause firearms to accumulate rust, dirt, dust and cause the oils and lubricants to dry out. Absent a proper cleaning process, these problems will not only increase the likelihood of a malfunction, but could cause a fatal malfunction and render the firearm useless.
2. It is not necessary that a licensed armorer field strip and disassemble every firearm for a proper cleaning. Every Officer has been instructed, at one time or another on the proper method of performing a simple cleaning and lubrication of their firearms.

## II. POLICY

1. All Officers are responsible for maintaining the cleanliness and operational ability of each firearm which is issued to them.
2. To ensure that all firearms issued by this Department are in the best possible working condition, a scheduled maintenance inspection will be conducted by the firearms instructor or certified armorer.
3. All Officers will be asked to present their pistols to the instructor/armorer for inspection. If the firearms instructor deems that your firearm is not in proper working order and the reason for this is due to the Officer's neglect in cleaning the firearm, a warning will be issued and the Officer will be directed as to how to correct the problem. If necessary, a time frame will be given for the Officer to bring the firearm back to a proper and appropriate condition and it will be

- inspected again. If the firearm is still not up to appropriate standards, the Officer will be subject to discipline and will be directed to the Chief of Police for further reprimand.
4. With regards to loading and unloading of firearms for any purpose, this shall only be done in the sally port as well.
  5. Any accidental discharge of any firearm during the cleaning process shall be immediately reported to a supervisor and the Chief of Police. An incident report in the form of a "to/from" shall be completed and forwarded to the Chief of Police immediately.

### **III. PROCEDURE**

1. Officers shall NOT clean their pistols in any place other than the sally port. The gun cleaning kit shall be left in the port for all Officers to use and all cleaning; loading and unloading shall be performed there. The firing range is also an acceptable place to clean firearms.
2. Any Officer, who encounters a fatal malfunction, damage, flaw, or any other issue with a firearm which would increase the likelihood of weapon failure, shall report the issue immediately to the firearms instructor or certified armorer. The firearm shall be removed from duty and a replacement weapon shall be provided. It is not necessary for the Officer to re-qualify with the replacement firearm, so long as it is the same make, model and caliber. The damaged weapon shall be repaired, if possible, by the certified armorer or the factory. It shall be test fired prior to being reissued.

#### **Storage of firearms**

1. While on duty, all pistols shall be stored in each Officer's personal holster unless it must be removed for arrest, interview or other reasons per department policy. All shotguns shall be stored in the shotgun cruiser lock unless it must be removed for cruiser maintenance or other reasons.
2. If the pistol is removed from the holster while on duty, it shall be placed in a loaded manner into the safe in the sally port or dispatch hallway. The safe shall be closed and locked once the weapon is placed inside. Pistols shall NOT be unloaded in the squad area prior to placing them into the safe. This will prevent any accidental discharge of said firearm.
3. Should a shotgun need to be removed from a cruiser for scheduled maintenance or any other reason, it shall be done only by Officers of the Hadley Police Department. It shall be removed, and placed into the gun safe in the arms room of the department. The safe shall be closed and locked once the weapon is

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inside and the arms room shall be locked upon leaving. The shotgun shall be left loaded with the safety ON, to prevent any accidental discharge.

4. Should any Officer witness an unauthorized person removing a shotgun from a cruiser or is, in any way, in possession of a department owned firearm, it shall be reported to the Chief of Police immediately. The firearm shall also be immediately seized and any other proper action shall be taken regarding charges or complaint.
5. The department's .22 rifle used for animal destruction shall always be stored in the locked gun safe located in the arms room. Should an Officer require this rifle, it can be removed and shall be placed in the trunk of the cruiser for transport to the scene. Once clear from the scene, the rifle shall again be placed in the trunk for transport back to the station house. The magazine shall be removed and the chamber checked for any possible remaining rounds. Once the rifle is determined to be unloaded, both the magazine and rifle shall be locked in the gun safe and the arms room shall be locked upon departure.
6. Any Officer who leaves a firearm unattended and unsecured shall be subject to immediate discipline.
7. Any accidental discharge of any firearm during the storage process shall be immediately reported to a supervisor and the Chief of Police. An incident report in the form of a "to/from" shall be completed and forwarded to the Chief of Police immediately.



# OFF-DUTY POLICE POWERS

POLICY & PROCEDURE NO. <b>1.18</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review DATE: 1/28/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty officers, and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts. In some situations, the authority of off-duty officers may be questionable, especially where they are outside the limits of this municipality. The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for exercising their police powers while off-duty, including making an off-duty arrest.

## II. POLICY

It is the policy of this police department to:

- A. Determine and regulate those situations and locations in which a sworn member is authorized to make an arrest while off duty; and
- B. Authorize officers to “self-activate” in limited circumstances, subject to the training and other restrictions set forth in this document.

## III. DEFINITIONS

- A. **Off-Duty:** When a member is not in on-duty status, such as working a department assigned shift, overtime or paid detail.
- B. **Personally Involved:** An officer is deemed personally involved where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other

person connected with the incident. This does not apply to situations where the police officer is a crime victim.

## **IV. PROCEDURES**

### **A. Liability Protection**

1. MGL c. 258 specifies requirements and limitations for civil liability protection for police officers.
2. Officers of this agency have liability protection for the on- and off-duty performance of official duties.
3. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this department.

### **B. Off-Duty Enforcement**

1. **PERMITTED OFF-DUTY ARRESTS:** When off duty and within the jurisdictional limits of this municipality, an officer may make an arrest only when all of the following occur:
  - a. There is an immediate need to prevent a crime or apprehend a suspect;
  - b. The crime would require a full custodial arrest; and
  - c. The arresting officer possesses police identification.
2. **PROHIBITED OFF-DUTY ARRESTS:** Officers shall avoid making arrests when:
  - a. The officer is personally involved in the incident underlying the arrest;
  - b. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication or by a physical ailment or injury; or
  - c. A uniformed police officer is readily available to deal with the incident.
3. **DISPUTES**
  - a. Officers shall not make an arrest or take other official actions in personal matters or those of their neighbors, friends, associates, or relatives, unless such action is warranted by the immediate threat of serious bodily harm or significant property damage.
  - b. Officers obligated to take enforcement action in such cases shall notify a supervisor or OIC as soon as possible.
4. **ENFORCEMENT ACTION: PERSONAL INVOLVEMENT**
  - a. Officers shall not take enforcement action in any off-duty situation where the officer is personally involved in the incident underlying the need for such action.
  - b. The officer shall report such an incident to a supervisor or OIC, who will take or assign another officer to take the off-duty officer's complaint.

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- c. Nothing in this policy is to be interpreted as preventing or prohibiting a member from defending himself/herself or others from assaults or threats of death or serious bodily harm regardless of the member's duty status.

### **C. Off-Duty Responsibilities**

1. While off duty, a police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities.
2. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible.
3. Where an arrest or other enforcement action is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.
4. Officers shall meet all reporting requirements including:
  - a. Incident reports; and
  - b. Use of force report, if appropriate.
5. Off-duty officers shall follow established protocols (including the use of signs and signals) for recognition of off-duty officers in plain clothes, so as to reduce the potential of misidentification of such personnel during enforcement encounters.

### **D. Identification**

1. Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation and regardless of rank or assignment during enforcement encounters and shall identify themselves as law enforcement officers.
2. Officers in under-cover assignments shall follow the policies regarding those assignments.

# USE OF CELL PHONES

POLICY & PROCEDURE NO. <b>1.19</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 1/28/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of this policy is to provide law enforcement employees with guidelines for the proper use of cell phones while on duty. We must set the proper example for citizens. Using a cell phone while operating a department vehicle is distracting and may result in a collision.

While Massachusetts does not prohibit the use of cell phones while operating a motor vehicle (with the exception of texting), there are penalties for improper operation resulting from use of a cell phone and failure to pay attention.

## II. POLICY

It is the policy of this department to:

- A. Use cell phones in the course of police operations to enhance departmental communication; and
- B. Limit cell phone use by employees to conducting official business when the use of radio communication or hard line telephones is inappropriate, unavailable, or inadequate to meet communication needs, and when the cell phone is used in accordance with this policy.

## III. POLICY GUIDELINES FOR USE OF CELL PHONES

### A. Department Owned Cell Phones

Cell phones are only authorized for official police business. Exceptions may be made for pressing family situations or personal matters that require

attention and where alternative forms of communication are not suitable or easily available (This policy shall not supersede any contractual rules/regulations as it relates to department owned cell phones).

1. Any additional financial charges incurred by cell phone use should be limited and clearly linked to the necessity to use cell phones when other alternatives are inappropriate or not available. Employees will be responsible for any additional charges incurred for personal use.

## **B. Personal Cell Phones**

### 1. LIABILITY:

- a. The department is not responsible for loss or damage to personal cell phones while off duty. The department is responsible for damage or loss of cell phone while on duty per CBA language.
- b. Use of personal cell phones is governed by the same safety restrictions as provided for departmentally-owned cell phones.

## **C. USE OF CELL PHONES WHILE ON DUTY [81.2.10]**

### 1. GENERALLY

- a. Cell phones should not be used if they may be disruptive to others.
- b. Ringer: Cell phone rings should be set to silent or vibrate in situations where a cell phone ring could be disruptive, such as meetings, court, etc.

### 2. ATTRIBUTES: NO OFFENSIVE **RING TONES** or **TEXT TONES** .

3. DISTRACTION: A cell phone shall not be used when it would unnecessarily or unreasonably divert the attention of an employee from official duties and/or cause a potentially hazardous situation.

### 4. COMMUNICATIONS

- a. Cell phones are an augmentation to the department's communication system, not a substitute for radio communication designated for transmission through the department's emergency communication center recorded lines.
- b. Approved cell phone usage includes but is not limited to the following types of communications:
  - 1) Conveyance of sensitive or restricted information;
  - 2) Lengthy communication with Supervisor or OICs or headquarters personnel;
  - 3) Undercover operations;
  - 4) Communication beyond normal radio range;
  - 5) Incidents in which direct contact with an employee and the public is critical; and,

- 
- 6) Incidents in which the use of a hard line telephone would be appropriate but where one is not available.
  - c. Employees may use cell phones for car-to-car communication.
  - d. Use of personal cell phones either in voice or data transmission while on duty should be restricted to essential communications and should be limited in length. Engagement in multiple or extended conversations unrelated to police business or similar use that interferes with the performance of duty is prohibited.
  - e. Police reports may not be taken using the cell phone unless such reporting over a land line phone would be authorized. The phone may be used to contact the victim or complainant and arrange a meeting time and place.
5. CELL PHONE NUMBERS
- a. Cell phone numbers should not normally be provided to members of the public. Exceptions may be made when immediate future contact between an employee and a victim, witness, or other person may be critical.
  - b. Personnel may not provide the cell phone number of any member of this department to a member of the public without the cell phone user's authorization.
6. IMAGES
- a. The use of photo messaging capabilities are prohibited unless they can be clearly linked to the conduct of official police business.
  - b. Any images captured during the course of an employee's duties are considered to be department documents and may only be distributed in accordance with department policy. See the department policy on **Records Management** .
7. VEHICLE OPERATION: Employees may not operate department vehicles while using cell phones unless emergency circumstances exist, and other means of communication are not available or suitable. When possible, employees should pull off the roadway in a safe location when using cell phones unless hands-free operational devices are authorized and available.
- a. Texting and driving is prohibited by law and thus not allowed by Department policy.

# USE OF MOBILE DATA TERMINALS

POLICY & PROCEDURE NO. <b>1.20</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 1/29/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The advent of computer access to CJIS and department records from police vehicles and hand-held computers has put a powerful tool into the hands of police employees. Access to CJIS and the gateway to national files is controlled by the CHSB, under an agreement with the FBI CJIS Division.

Through this agreement, CHSB is mandated with providing 24/7 access to national criminal justice information files such as missing and wanted persons, Interstate Identification Index (III), convicted sex offenders, and others.

CHSB is also charged with maintaining network and user security. Software vendors who apply to CHSB for access to CJIS files must pass rigorous reliability and security testing prior to being certified for use in Massachusetts.

All CJIS applications must maintain transaction log files. Some portions of log files of data queries and mobile-to-mobile communications are a public record and may have to be released pursuant to a public records request. (For a more in-depth explanation, see the department policy on **Records Management** ).

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of Mobile Data Terminals (MDTs) and handheld mobile computers. In order to ensure legal and proper use of this resource, all department members must have a thorough understanding of the content of this policy and the importance of it.

## II. POLICY

It is the policy of this department that:

1. Employees using mobile computers and software will be trained to the appropriate level of use;

2. Mobile computers are to be used for legitimate police business only;
3. Employees are responsible for ensuring that mobile computers are used in an effective, efficient and lawful manner; and,
4. Random and periodic audits of MDT use and log files will be made at the department's discretion.

### **III. DEFINITIONS**

- A. **MDT - Mobile Data Terminal:** A cruiser-mounted or otherwise portable computer used by trained and certified department members for purposes of accessing CJIS, CHSB, LEAPS records, police department information systems or other available information via secure access to various information bureaus.
- B. **Accounts:** All users are responsible for the proper use of the accounts, including proper password protection. Accounts will be created and assigned by the Account Administrator.
- C. **CJIS - Criminal Justice Information System:** The computerized network, services and applications that offers law enforcement agencies within the state and nationally secure access to state and interstate criminal history, driver and vehicle records, restraining orders and other important confidential data.
- D. **CHSB - Criminal History Systems Board:** The state agency responsible for maintaining the state's law enforcement data communications network and systems and for the processing and dissemination of C.O.R.I. to authorized entities and persons.
- E. **C.O.R.I.:** "Criminal offender record information": records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. For a more in-depth definition, see the department policy on **C.O.R.I.**

### **IV. PROCEDURES**

#### **A. Hardware**

1. Computers connected to mobile application software will generally be mobile (lap top) computers and handheld devices.
2. Some desktop, static computers within the police facility may also be connected to the mobile network. Such systems may include:
  - a. Dispatch workstations;
  - b. Supervisory and administrative work stations; and
  - c. Clerical work stations.



3. Computer connectivity to the mobile system may be accomplished by:
  - a. A vehicle mounted modem;
  - b. Laptop air card; or
  - c. LAN.
4. Servers which run mobile applications shall be located in a secure facility with access limited to authorized persons only.

## **B. Software**

1. AUTHORIZED SOFTWARE
  - a. Mobile software applications running on the mobile network are:
    - 1) CJIS & IMC
    - 2) Dispatch Applications
    - 3) Chat
2. PROHIBITED [41.3.7]
  - a. Only authorized software may be run on mobile computers. Unauthorized software programs or files may not be introduced into agency computers.
  - b. Authorized software may not be manipulated or altered on any agency-owned mobile, desktop or handheld computers. Modifying computer settings is prohibited.

## **C. User Access**

1. Each authorized user of the system will be issued a login name and password. Users are responsible for maintaining the security of their passwords, and should never share them with anyone, including other employees.
2. Employees authorized to query Board of Probation (BOP) checks must have a user name and password and be trained to at least the "Admin and Inquiry" level of use. A user name and password may be obtained from the CJIS Representative.

## **D. Use**

1. At the beginning of the shift, employees shall check the MDT while completing their routine vehicle checks. Damaged equipment must be reported to a supervisor immediately.
2. Employees shall log onto the assigned MDT and shall remain active on the system for their entire tour. If any problems are encountered, employees should check the equipment as explained in this policy under "trouble shooting" prior to reporting the equipment inoperative. Unresolved issues should be reported to a supervisor or OIC to be corrected.

3. All mobile computing transactions must conform to FCC guidelines regarding radio transmissions and shall not contain improper language or subject matter.
4. Car to car chat shall be limited to communication which is relevant to police activity.
5. All MV stops, field interviews, or any call which removes the officer from his/her cruiser, shall be radioed into dispatch to ensure officer safety.
6. Some MDT's programs are equipped with an audible alarm so that officers are notified of pertinent messages or announcements. The audible alarm setting on all terminals shall be left on. No officer shall mute, turn off or disable the alarm(s).
7. Officers who obtain actionable CJIS information through the MDT such as a "HIT" (warrant, revoked license or registration) must have the query run through communications to obtain a paper copy of the "HIT" and to confirm accuracy.
8. The MDT is not to be used by an officer while operating a vehicle while the vehicle is in motion, as this may divert the officer's attention from the safe operation of the vehicle. Such queries should be run through communications.
9. The MDT shall not be used to access or attempt to access the internet.
10. No food, beverage or any other substance that may inflict damage will be placed on or near the MDT.
11. Only the provided stylus pen or a clean finger may be used to operate the touch screen. Use of any other object to activate the touch screen is prohibited, as it may scratch or otherwise damage the screen display.
12. Laptop screens should be cleaned with a soft, clean cloth, such as a micro fiber cloth. Use of cleaning solvents and liquid-based products on the computer is prohibited, as they often cause hazing or damage to the screen. If further cleaning is required, notify a supervisor or OIC.
13. To ensure that officers' accounts are not accessed, officers must log off of the MDT at the end of their tours and turn off the computer.

## **E. Security**

1. Vehicle Mounted MDTs:
  - a. All cruisers equipped with MDTs shall be locked whenever unoccupied.
  - b. MDTs should be removed from any vehicle which is anticipated to be out of service for more than five days.
  - c. MDTs should be rendered non-functional when a vehicle is sent to be repaired by a non-municipal repair facility. MDTs may remain in the vehicle when the vehicle is serviced by municipal employees.
    - 1) In all cases, computers may be removed from the vehicle.

- 2) MDTs equipped with air cards may have the air cards removed.
- 3) MDTs which access the network through a modem may have the modem removed.
- d. If an MDT computer, modem or air card is discovered to be lost or stolen, this shall be reported immediately to a supervisor, who shall take the necessary steps to render access of the device to the network inaccessible.
2. Handheld devices shall be stored in secure containers when not in use.
  - a. If a handheld device is discovered to be lost or stolen, the loss or theft must be reported immediately to a supervisor, who will take the necessary steps to render access to data through the device inactive.
3. Any user who finds a potential lapse in security on any system shall be obligated to report the potential lapse to a supervisor or OIC forthwith. The system(s) shall then be taken out of service until the problem can be investigated.
4. Security incidents which violate confidentiality, integrity, or availability of data must be reported to the CHSB.<sup>1</sup>
5. No employee shall log into any computer or application using the username and password of another employee. This action is a crime under M.G.L. c. 266, §120F and a serious breach of security.<sup>2</sup>

## F. Training

1. All employees using MDTs or mobile computers shall be trained on the use of the computer and software applications they are to use.
2. CJIS users are required to be trained, tested, and certified, at the minimum, to the "Admin and Query" level of use.<sup>3</sup>

## G. Data Log Files

1. A transaction log of CJIS queries and responses must be maintained pursuant to 3.8.1 of the CJIS User Agreement. Files must be maintained for at least two years and must be available to CHSB upon their request.
2. Mobile communications, data queries, and car to car chat functions are logged by the mobile software. These communications and logs may be public records and may have to be released upon receipt of a public records request. For more information see the department policy on **Records Management**.

## H. Trouble Shooting:

1. Computer won't power on:
  - a. Check for battery light and power to the system. Lack of power may be caused by a poor connection with a cigarette lighter plug or a blown fuse.

2. Computer is on but the screen is frozen:
  - a. Check to see if the mouse or keyboard is working. If so, reboot the computer. If not, shut the computer off using the power switch, wait at least ten seconds, and then turn the computer on.
3. Computer comes on and the programs load but the user cannot log in:
  - a. Ensure that the “cap lock” key is not on and that the keyboard and mouse are working.
  - b. Check to see if the computer is connected to the network
4. The computer is not connected to the network:
  - a. Check to ensure that the data cable is properly connected and the connector screws are tight.
  - b. If the computer is equipped with a modem, check the modem to make sure that it is getting power and the data cable to make sure that is properly connected and the connector screws are tight. Check to ensure that the antenna cable connector is tight.
  - c. If the computer is equipped with an air card, check to ensure that the card is properly seated and that the antenna connection is tight.
5. The program is running but the user does not get any CJIS data back:
  - a. Check with other officers to see if they are having difficulty as well.
  - b. Multiple vehicle problems indicate a network or server issue.

### **I. Hosting Other Agencies**

1. A memorandum of understanding (MOU) is required between this department and user agencies pursuant to 3.13 of the CJIS User Agreement. The agreement must be between the agency heads and must outline:
  - a. Services to be provided; and
  - b. Responsibilities of each party involved.
2. The agreement must be forwarded to CJIS within fourteen (14) days of execution.

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<sup>1</sup> Appendix D, CJIS Users Agreement.

<sup>2</sup> M.G.L. c. 266, §120F.

<sup>3</sup> CJIS User Agreement, 3.18.

# CONSULAR NOTIFICATIONS

POLICY & PROCEDURE NO. <b>1.21</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 1/29/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

As a signatory to the Vienna Convention on Consular Relations, the United States government has agreed to ensure the rights of foreign nationals to have access to their own governments in the event that they are detained or arrested. These rights are also granted to American citizens in the foreign countries that are also signatories. This reciprocal relationship is particularly important for Americans in countries which do not provide many of the rights that Americans enjoy, to their own citizens or visiting foreigners.

The application of this treaty rests with the employees of each police agency when they arrest or detain foreign nationals. Police employees should treat foreign nationals as they would want an American citizen to be treated in a similar situation in a foreign country.

## II. POLICY

It is the policy of the department that:

- A. Foreign nationals arrested or detained by members of this agency shall be advised of their right to have their consular officials notified, or that their consular officials shall be notified if such notification is mandatory.
- B. Consular officials will be notified if requested by the foreign national or regardless of the wishes of the foreign national if such notification is mandatory.
- C. Consular officials may have access to detainees to provide consular assistance.
- D. Consular offices shall be notified of the death of a foreign national.

### III. DEFINITIONS

- A. Foreign National: Any person who is not a U.S. citizen.
- B. Consular Official (Consul): A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country.
- C. Optional Notification: A foreign national may refuse the offer to have their consular office notified of their detention.
- D. Mandatory Notification: Bilateral agreements require that the consul be notified in the event of a detention of a national, regardless of the wishes of the detainee.
- E. Detention: An arrest, protective custody, or other custodial situation. A traffic stop or threshold inquiry is not a detention for the purposes of this policy.  
<http://www.aclu.org/pizza/images/screen.swf>

### IV. PROCEDURES [1.1.4]

#### A. Arrest and Detention of Foreign Nationals

##### 1. GENERALLY

- a. Whenever a foreign national is arrested or detained, there are legal requirements to ensure that the foreign national's government can offer the detainee appropriate consular assistance.
- b. During the booking process, the booking officer shall ask the detainee their country of origin. In absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
- c. All foreign nationals are entitled to consular notification regardless of their immigration status.
- d. The reporting officer shall include that the foreign national was advised of his/her option for consular notification, or advised of mandatory notification in the incident report, and if such notification was made.

##### 2. MANDATORY NOTIFICATIONS

- a. Determine if the detainee's country of origin is one requiring mandatory notification. A list of countries requiring notification is listed in Appendix C of this policy.<sup>1</sup>
- b. Foreign nationals for whom mandatory notification must be made shall be notified during the booking process using forms provided by the U.S. Department of State under Appendix A of this policy. The forms are available in thirteen (13) languages.
- c. Mandatory consul notifications shall be made regardless of the detainee's wishes.

### 3. OPTIONAL NOTIFICATIONS

- a. Nationals of countries not listed as mandatory notification shall be considered as optional notifications.
- b. Nationals of optional notification countries shall be advised of their right of consular notification and access using forms provided by the U.S. Department of State under Appendix A of this policy.
- c. All notification forms shall be filed with the booking documents by the booking officer.

## **B. Notification of Consul**

### 1. NOTIFICATION

- a. All actual notifications of foreign consuls shall be made “without delay” and such notification noted in the incident log. The entry must contain at a minimum:
    - 1) Identity of the foreign national;
    - 2) Date and time of notification;
    - 3) Employee making notification; and
    - 4) Identity of the country notified.
  - b. After refusing notification of consul, foreign nationals may request notification be made on their behalf at any time while being held.
  - c. For foreign nationals from optional notification countries who do not wish to have their consul notified, take no further action.
  - d. For foreign nationals who request notification or are subject to mandatory notification of their consul, fax the notification using the Consul Notification Fax Sheet (MPI Form in Appendix B of this policy).
  - e. Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification requirement still must be honored. Employees are not obligated to provide any further information regarding the foreign national’s detention or circumstances.
2. Application for Asylum: Under no circumstances shall any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person’s government.

## **C. Access of Consular Officials to Detainees**

1. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance, subject to provisions of this policy. For further information about access to detainees generally, see the department policy on Detaining Prisoners.

2. Consular officials may be granted access to detainees held in custody in person or by telephone, at the discretion of the shift supervisor or OIC. Prior to granting access, the supervisor or OIC should at a minimum consider:
  - a. The reason for being detained, nature of the charges;
  - b. The detainee's demeanor (violent, intoxicated, etc.);
  - c. Bail status and anticipated length of custody;
  - d. Security considerations; and
  - e. Availability of personnel or appropriate facilities to accommodate such a visit.
3. Consular officials and diplomats will be afforded the same access and visitation privileges as attorneys and are subject to visiting rules, conditions, and procedures as set forth in the Department policy on the Detaining Prisoners.
4. Consular officials may not act on behalf of the foreign national if the national opposes their involvement.
5. Consular officials may not act as an attorney for the national.

#### **D. Deaths or Life Threatening Injuries of Foreign Nationals**

1. Notification: In the event that a foreign national becomes deceased or suffers a life threatening injury (accident, crime victim, criminal action, unattended death, etc.), the consul of that national's country must be notified. The foreign government may then notify the deceased's next of kin, cancel the party's passport, etc.
2. Notification may be made by FAX or telephone and should include at the minimum:
  - a. The national's name, address and date of birth if known;
  - b. A brief description of the circumstances surrounding the person's death (homicide, accident victim, found deceased, etc.); and
  - c. Passport number, date of issuance and place of issuance if known.

#### **E. References**

1. The U.S. State Department publication "Consular Notification and Access" is located at: [http://travel.state.gov/law/consular/consular\\_2003.html](http://travel.state.gov/law/consular/consular_2003.html).
2. Appendix A: Consular Notifications Rights Forms
3. Appendix B: Consular Notification Fax Sheet
4. Appendix C: Mandatory Notifications
5. Assistance is available at the Office of Public Affairs and Policy Coordination for Consular Affairs, CA/P, Room 6831, U.S. Department of State, Washington, DC 20520; telephone number 202-647-4415;



facsimile number 202-736-7559. Urgent telephone inquiries after regular business hours may be directed to the State Department Operations Center, 202-647-1512.

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<sup>1</sup> U.S. Department of State Consular Notification and Access, Department of State Publication 10969, Office of the Legal Advisor.

# U-VISA NON-IMMIGRANT STATUS

POLICY & PROCEDURE NO. <b>1.22</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 1/29/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of this formal department policy is to establish guidelines and procedures for Police Officers who receive requests for a Petition for U Nonimmigrant Status or U-Visa (form I-918, supplement B). The policy also describes specific procedure for, and who is ultimately authorized to sign/certify, said form. In 2000, Congress created the Petition for U Nonimmigrant Status within the Violence Against Women Act. This particular implementation is designed to encourage immigrant victims to report criminal activity, while not being fearful of seeking law enforcement assistance/protection. This policy directly supports victims of an immigrant status to report criminal activity without fear of detention or deportation.

## II. POLICY

The members of the Hadley Police Department shall recognize that a victim's safety and cooperation is essential and a top priority when investigating and prosecuting crimes. Our agency also recognizes that victims, who are fearful of law enforcement due to potential deportation, are less likely to report crimes and/or assist with any subsequent investigation. Consequently, the members of the Police Department, in their mission, agree to adhere to the applicable policy and will assist said victims in the acquisition of the U-Visa when they are found to be helpful and cooperating with the detection, investigation and/or prosecution of criminal activity.

### III. DEFINITIONS

**Petition for U Nonimmigrant Status or U-Visa:** A visa issued by the United States Citizenship and Immigration (USCIS) awarding legal status, for up to four (4) years, to an immigrant victim who meets the following requirements:

1. The non-citizen was, or is the victim of a qualifying criminal activity (noted below) which took place in the United States or its territories; and/or
  - a. Is the spouse or a child (under 21 years of age) of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or
  - b. Is the parent or unmarried sibling (under 18 years of age) of a victim under 21 years of age, who is deceased because of murder or manslaughter or who is incompetent or incapacitated.
2. The non-citizen has been, is being, or is likely to be helpful during an investigation. Helpful shall mean:
  - a. Possesses and offers credible information about qualifying criminal activity; and
  - b. Demonstrates cooperation during the detection and/or investigation of criminal activity, even if the investigation is not completed.
3. When the certification is based on a prior investigation, a criminal case which has been closed or suspended, or when the statute of limitations has passed, the certification shall be completed only after the above verification has been conducted.

**Qualifying Criminal Activity:** as applied to this policy, the following crimes qualify:

- Abduction, abusive sexual conduct, blackmail, domestic violence, false imprisonment, felonious assault, genital mutilation, incest, involuntary servitude, kidnapping, manslaughter, murder, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trading, torture, trafficking, witness tampering/obstruction; and/or solicitation to commit any of the above mentioned crimes.
- Any similar criminal activity which violates federal, state or local laws; or the conspiracy to commit any of the above mentioned crimes. The term “similar criminal activity” applies to other criminal activity which shares similarities, are substantial, and which have elements of a comparable nature to that of the above mentioned crimes.

**U-Visa Certification Requirements** : A sworn statement (UCIS form I-918, supplement B) that affirms the victim's past, current or future assistance or cooperation in the detection, investigation, and/or prosecution of applicable qualifying criminal activity.

**Designated Certifying Officials:** A law enforcement official that is authorized to issue a U-Visa certification. This certification will verify a victim's past, current, or future assistance/cooperation in the detection, investigation, and/or the prosecution of certain qualifying crimes. The Hadley Police department affirms that the Chief of Police or his designee shall be considered a certifying official for the purpose of this policy.

## IV. PROCEDURE

1. When a Hadley Police Officer encounters a victim (with immigrant status) of a crime, who has filed a police report and who is committed to assisting or cooperating with any past, current or future detection, investigation, or prosecution of said qualifying criminal activity, he/she shall be informed of the U-Visa process. The U-Visa certification may be issued at any time after the determination of qualifying criminal activity and after the officer has determined that the listed victim intends to cooperate with the investigation.
2. The Petition for U Nonimmigrant Status certification form (USCIS form I-198, supplement B) which has been completed and signed by the Chief or Police or his designee shall include the following information:
  - Specific details about the nature of the crime(s) being investigated
  - The victim's cooperation level regarding the case.
3. Investigating Officers should consider utilizing the services of Victim/Witness Advocate as a valuable resource in completing this application and in assisting with acquisition of legal representation or other applicable tasks.
4. Completed and signed forms should be submitted to the Victim & Human Trafficking Unit of the USCIS at the Vermont Service Center, 75 Lower Weldon Street, St. Albans, VT 05479.

## V. RESOURCES

<http://www.communitylegal.org/get-help/immigration>

<http://www.uscis.gov/i-918>

# REGIONAL MUTUAL- AID AGREEMENT

POLICY & PROCEDURE NO. <b>1.23</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 1/30/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The Hadley Police Department entered into the Western Massachusetts Law Enforcement Mutual Aid Agreement (WMLEMAA) in July of 2014. The WMLEMAA establishes working partnerships to address public safety, including but not limited to: providing mutual aid for the member police departments because of terrorist or enemy action; natural disaster; unusual occurrences, including but not limited to fire, flood, storm, earthquake, landslide, aircraft accident, search or rescue operations; other natural or man-caused incidents requiring exceptional police action; school or workplace violence; riot; mob action; civil disturbance; demonstration; urban insurgency; unsafe or impaired driving; police outside details; drug distribution; tactical operations; K-9; electronic & cybercrime; combating violent street gangs and associations; the pursuit and/or apprehension of suspected traffic violators; as well as any law enforcement operations that require more sophisticated investigation on a regionalized basis or any situation threatening the peace and tranquility in the party's jurisdictions.

## II. POLICY

1. It is the policy of this Department to fully cooperate with Federal, State and Local organizations whenever they are conducting legal operations, whether or not they seek our assistance or cooperation.
2. There are also some situations that require, by law or conditions, that the assistance of agencies with concurrent jurisdiction be contacted. There are others that require guidelines regarding assistance from our Department to other local police departments. In addition to the procedures outlined below, in all serious situations where a Hadley Police Officer responds to another agency at their request for assistance, or another law enforcement agency

responds to Hadley at our request; the Chief of Police or his designee shall be notified and briefed of the incident. This will be done within a reasonable period of time, depending upon the nature and severity of the incident.

### III. DEFINITIONS

**Commanding Officer:** A Party's Chief of Police, designee of the Chief of Police, or Police Officer in Charge of the shift.

**Official Request:** A request for police assistance or for the exercise of Police Powers made by one Party of one or more other Parties under the terms of the agreement.

**Party:** City, town, or other political subdivision that has executed the Agreement through its Chief of Police and/or other authorized signatory.

**Police Officer:** Sworn police officer regularly employed as such by or in any Party.

**Police Powers:** All police powers granted by municipalities/University of Massachusetts Board of Trustees to Police Officers regularly employed as such, including but not limited to power of arrest.

**Receiving Party:** A Party receiving police assistance or in which one or more Police Officers regularly employed by another Party is exercising Police Powers in accordance with the agreement.

**Self-Activation:** The exercise of Police Powers within the territorial limits of any Party by any Police Officer regularly employed as such by any other signatory Party in the agreement.

**Sending Party:** A Party that provides police assistance or who's Police Officers exercise Police Powers within the territorial limits of any other Party under terms of the agreement.

### IV. PROCEDURE

In order to address these public safety concerns, the member agencies to the WMLEMAA have agreed to have sworn police officers from each department empowered to operate with full police powers, including the power of arrest, in each participating Party's jurisdiction. The WMLEMAA is intended to supplement but not **contradict the provisions of MGL Ch. 41 §99, as well as all other statutes and common law** that authorize police officers of one Party to exercise police powers in another Party's jurisdiction. The WMLEMAA is attached to this written policy and will be read by all police officers. Information below offers a brief description for some provisions within the WMLEMAA:

- 1. AUTHORITY:** The police powers, rights, privileges and immunities of any Police Officer employed by the member agencies shall extend within the territorial or jurisdictional limits of each other agency to the WMLEMAA which such Police Officer operates in accordance with the WMLEMAA, either pursuant to an Official Request for aid or Self-Activation. Self-Activation is the exercise of Police Powers within the territorial limits of any Party by any Police

- Officer regularly employed as such by any other Party under the terms of this Agreement in the absence of an Official Request. In addition, without in any way limiting the foregoing, Police Officers who are on-duty and operating a police vehicle equipped with emergency warning lights and audible sirens or other similar devices may enforce the motor vehicle laws of the Commonwealth of Massachusetts while in the jurisdiction of another participating Party.
2. **REPORTING:** When an Officer of the Hadley Police Department exercises police powers in the jurisdictional territory of any other party of the WMLEMAA, the officer shall notify the Shift Supervisor/OIC forthwith. Additionally, the incident shall be documented per existing Hadley Police Department procedure, including, but not limited to, a CAD report, incident report, arrest report, citation report, crash report or use of force report. Additionally, the involved officer will, as soon as practically possible, make notification to the police department in the jurisdiction of which the officer is exercising police powers (or if the involved officer is unable, will cause the Shift Supervisor, OIC or Dispatch to make notification). Additionally, when a Hadley Police Officer makes a custodial arrest under the authority of WMLEMAA, the detainee should be transported to the appropriate police headquarters, or other lock-up and/or booking facility, to undergo the required administrative booking process in the jurisdiction where the arrest occurred, or so that other appropriate administrative action may be taken. In these instances a Hadley Police arrest report will still be generated.
  3. **SIGNATORIES:** The Chief of Police reserves the right to cancel this agreement at any time. Set forth in Appendix A of this policy, are the agencies that have signed on to this Agreement and are covered under this Mutual Aid Agreement and, as a result, may act within the Town of Hadley. Hadley Officers are also authorized to act within any of the jurisdictions noted in Appendix A.

#### **A. OUTSIDE AGENCY OFFICERS IN HADLEY:**

When we (the Hadley Police Department) are making an Official Request to another Party for Mutual Aid, as much pertinent information as possible shall be given to the other agency. This should include the location and nature of the incident, as well as where responding Police Officers should report to and to who they should report.

In the case of an outside Police Officer activating themselves in our community, the Officer(s) from this Police Department shall be dispatched to the location of the incident and, if available, a Supervisor/OIC should also respond to the scene. As in the case when a Hadley Officer leaves our jurisdiction, outside officers shall be under the command of our Supervisor/OIC who will be the final authority on any action taken in our jurisdiction.

**B. ASSISTANCE FROM LOCAL DEPARTMENT S AND MSP:**

It shall be the responsibility of the Shift Supervisor/OIC to make the initial decision regarding the need for outside assistance from other local departments and/or the Massachusetts State Police during some emergency situations. However, within a reasonable period of time for serious incidents, the Chief of Police and/or his designee will be contacted for the purpose of advising that the action was taken and to be briefed on the circumstances. The nature and severity of the incident will dictate the timeliness of the notification. Examples of situations that might require this action include, but are not limited to: disbursement of large crowds or gatherings; collision scenes; searches for a suspect or suspects following a crime; and, searches for missing or wanted persons. Shift Supervisors/OICs shall assume overall command of those situations in which they have obtained outside assistance. At minimum, a CAD entry for requested mutual aid shall always be generated in these instances.

**C. AID TO SURROUNDING COMMUNITIES:**

Whenever any local police department requests our assistance for problems or situations within their community, the Supervisor/OIC on duty can authorize the assistance, but with serious incidents and within a reasonable amount of time the Chief of Police and/or his designee will be notified/briefed. It is the responsibility of the Shift Supervisor/OIC to obtain the full details regarding said request/incident, and to apprise the Chief of Police and/or his designee of this information. The Hadley Police Department is a member agency of the Western Massachusetts Law Enforcement Mutual Aid Agreement (WMLEMAA), which includes numerous agencies in Hampshire, Franklin and Hampden Counties. Officers shall abide by the specific mutual aid agreement(s) that are in full force and effect to determine the proper procedures to be followed when responding to, or requesting mutual aid assistance. At minimum, a CAD entry for assisting another department shall always be generated in these instances.

**D. RADIO COMMUNICATIONS:**

When this agency requests the assistance of another agency, we will whenever possible provide the outside personnel with a portable radio to maintain communication. Otherwise, the Shift Supervisor/OIC may establish some other adequate means of communications.

**E. FEDERAL AGENCY NOTIFICATION:**

Requests for assistance from a federal law enforcement agency, whether it be the Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), Department of Homeland Security (HSI) or other federal law enforcement agency it must be approved by a



Supervisor/OIC. It is expected that a sworn officer, not dispatch center personnel, will contact federal agencies during critical incidents. All requests for assistance, whether it is for a critical incident or on-going investigation, shall be documented by the officer in the investigative report.

**F. FBI NOTIFICATION :**

It is not feasible to list all incidents which might be appropriate for notification of the Federal Bureau of Investigation. It is required, however, that whenever a bank robbery occurs in the community, the FBI shall be contacted and advised of the situation. The telephone number of the closest office shall be maintained in the Dispatch area and the Briefing area, and it shall be the responsibility of the Supervisor/OIC to contact them.

**G. FEDERAL AVIATION ADMINISTRATION:**

The FAA must be contacted whenever there is an airplane crash which occurs within our community.

All officers assigned to the area of an airplane crash shall fully protect the site and allow no unauthorized person to approach or touch the craft, its parts, or anything else in the immediate area. Upon the arrival of investigators from the FAA, they will assume full command of the crash site and aircraft.

# COMMUNITY DRUG BOX

POLICY & PROCEDURE NO. <b>1.24</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 1/30/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy shall govern the proper procedure for emptying the community drug box so that the contents may be picked up by the Hampshire County Sheriff's Office.

The purpose of the medication drop box is to provide a service to the community where prescription medication can be properly disposed of. Anyone bringing prescription medication into the station for disposal shall be directed to the drop box located in the police station lobby. Dispatch will not inquire as to the identity of anyone bringing medications in for disposal.

## II. POLICY

- A. Two keys shall be maintained for the drug box. One will be controlled by the Chief of Police and the other, his/her designee.
- B. The lobby drop box should be checked and emptied as necessary when full or upon pickup.
- C. When emptied, it shall be done with the Chief of Police, or his designee (supervisor or OIC), and the evidence/property room officer or another witness.
- D. The officers tasked with emptying the box shall remove the interior box and place the contents into a cardboard box and seal it immediately with evidence or other form of tape. Signatures or initials shall be written across the seal by both individuals present and the date will also be written on the box top.

Hadley Police Department  
Medication Drop Box Collection Policy

E. The box shall be placed in a secure room (Arms, Evidence) until the Sheriff's Department arrives to pick up all drug collections. At this time, all of the stored prescriptions collected from the drug box will be transferred to the Sheriff's Department for processing and disposal.

F. After a criminal case has been closed and any prescription drugs are no longer evidence and/or the property is no longer needed by the court and it has no owner (i.e. prescription type drugs), it may also be disposed of by the evidence officer in the drug collection box. It shall be noted in the property/evidence section of the CAD system.

# BABY SAFE HAVEN

POLICY & PROCEDURE NO. <b>1.25</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 2/5/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

In 2004 the Massachusetts Legislature passed Chapter 227, An Act Relative to the Placement of Newborn Infants, a temporary law which provided a mechanism for parents to voluntarily abandon newborn infants, within seven days of birth, without the abandonment itself constituting criminal neglect. The law was made permanent with passage of Chapter 86 of the Acts of 2007.

The purpose of this policy is to provide guidance to officers faced with a voluntary abandonment. This policy does not in any way prohibit police from accepting an infant or child believed to be older than seven days.

## II. POLICY

It is the policy of this department to ensure that infants voluntarily abandoned are received, cared for, and transferred to the appropriate social services agency.

## III. DEFINITIONS

- A. Newborn Infant: a baby seven (7) days old or younger.
- B. Voluntary Abandonment: Voluntarily leaving the newborn infant with an appropriate person at a designated facility.
- C. Designated Facility: A hospital, police department or manned fire station (the locations stipulated by the Safe Haven Law).
- D. Appropriate Person: A person at a designated facility who is able to ensure that the newborn infant is safe (i.e., the triage person in a hospital emergency department or duty officer in a police station).

- E. Notification: An immediate notice to be filed with the Department of Social Services (DSS) on the voluntary surrender of the newborn infant.

## **IV. PROCEDURES**

### **A. Caretaker Exemptions**

1. The act of abandonment in and of itself shall not constitute abuse or neglect provided that the newborn infant is:<sup>1</sup>
  - a. Seven (7) days of age or less;
  - b. Delivered to an appropriate person;
  - c. Delivered to a designated facility, defined as:
    - 1) A hospital;
    - 2) A police department; or
    - 3) A manned fire station.
2. Other acts of abuse or neglect are not exempted under this statute.
3. If an infant or child is obviously more than seven days old, this procedure shall be followed, and in addition:
  - a. The officer shall attempt to identify the abandoning parent;
  - b. A investigation shall be conducted and a report prepared; and
  - c. The District Attorney's Office should be consulted before any criminal charges are sought.

### **B. Responding to a Voluntary Abandonment**

1. IMMEDIATE RESPONSE
  - a. Any department member may accept a child for voluntary abandonment. It is preferred that a police officer receive the infant from the caretaker.
  - b. Upon receiving a request for voluntary abandonment, the dispatcher shall immediately:
    - 1) Notify a supervisor or OIC, who will in turn notify the Chief.
    - 2) Dispatch an officer to meet the parent(s) and take custody of the infant (even if a non-sworn employee takes custody of the infant).
    - 3) Request EMS to respond to:
      - a) Check the medical condition of the infant; and
      - b) Transport the infant to an acute care hospital emergency department, if available.

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## 2. ADDRESSING THE CARETAKER

- a. If there are obvious signs of physical abuse or neglect, the officer shall initiate a preliminary investigation and submit a report of Neglect and Abuse to DSS.<sup>2</sup>
- b. If one or more of the parents is available:
  - 1) Thank them for bringing the infant to a safe place.
  - 2) Ask if they would be willing to provide any information that would assist in planning for the future care of the child. Inform them that situations often arise, or children have questions as they grow older, that only they as parents can address.
  - 3) Encourage the parent to provide the information, but the parent shall not be required to provide such information. Make every effort to solicit the following information:
    - a) The name of the newborn infant;
    - b) The name and address of the parent placing the newborn infant;
    - c) The location of the newborn infant's birthplace;
    - d) Information relative to the newborn infant's medical history;
    - e) His or her biological family's medical history;
    - f) Any other information that might reasonably assist the department in determining the best interest of the child; and
    - g) Whether the parent plans on returning to seek future custody of the child.
- c. Employees should collect the information on the department's Baby Safe Haven form to ensure that this information is requested.
- d. Take custody of any food, clothing, blankets, or other items turned over by the parent.
- e. Officer(s) should inquire as to the parent(s)' needs for intervention services, including domestic violence assistance, and provide the following number: Baby Safe Haven Hotline: 1-866-814-SAFE (7233).

## 3. CARING FOR THE INFANT

- a. An employee with an infant or very young child may be very helpful in immediately caring for the infant until additional assistance arrives.
- b. An employee or other appropriate person shall be assigned to care for the infant until such time as custody is transferred to another appropriate person.
- c. The infant shall be kept in a safe and comfortable place with the temporary caretaker and never left unattended.

- d. The infant shall be turned over to EMS personnel upon their arrival, along with any food, clothing, or other items.
  - e. A copy of the information volunteered by the parent should accompany the infant.
4. DEPARTMENT OF SOCIAL SERVICES
- a. DSS shall be notified and advised of the voluntary abandonment.
  - b. The caller shall also advise DSS of what information is available about the infant, including:
    - 1) The infant's name and any other information volunteered by the parent;
    - 2) Any items left with the infant (food, clothing, blankets, etc.); and
    - 3) The location where the social worker can take custody of the infant (police station, hospital, etc.).
5. REPORTS
- a. Officers or employees taking custody of a voluntarily abandoned infant shall submit an incident report prior to the end of their tour of duty.
  - b. If neglect or abuse is suspected, the officer shall submit an Abuse or Neglect Report to DSS.<sup>3</sup>
  - c. A copy of the Baby Safe Haven form and of the officer's incident report shall be provided to DSS as soon as they are available.

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<sup>1</sup> M.G.L. c. 119, §39 1/2.

<sup>2</sup> M.G.L. c. 119, §51A.

<sup>3</sup> M.G.L. c. 119, §51A.

# CANINE UNIT OPERATIONS

POLICY & PROCEDURE NO. <b>1.26</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Because of their superior senses of smell and hearing, physical stamina and agility, the trained law enforcement canine is a valuable supplement to police manpower. However, utilization of canines requires adherence to procedures that properly control their use of force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities.

Police dogs are not infallible. Their effectiveness depends largely upon the intelligent application of their capabilities. Police dogs react as trained to situations. Anyone making a sudden or threatening move toward the dog or handler risks the chance of the dog engaging and causing injury.

The purpose of this policy is to establish a set of guidelines for the proper management and control of the departments' canine team(s), as well as the use of police canine team(s) from other police agencies during daily and specialized operations.

This policy will familiarize department personnel with canine operating procedure and policy to ensure the best use of canine team(s) as well as educate department supervisors on the appropriate uses of canine team(s) to ensure effective utilization and management in deployment situations.



## II. POLICY

It is the policy of the Hadley Police Department to staff, train, deploy and maintain a canine unit within the department to serve as a support unit in the field to enhance basic patrol and investigative functions.

This department shall utilize its own, or another police agency's canine team(s) when it is felt that their use will aid in the apprehension of wanted or escaped person, tracking, search and rescue operations, seizure of contraband, discovery of explosives, crowd control, locating articles, arson investigation, public relations demonstrations, and other needs of the department.

The Hadley Police Department shall utilize its own canine team(s) if one is available (being off duty does not make them unavailable), before requesting a mutual aid canine team, unless no Hadley Police canine team is available with the specialty required at that time (narcotics detection, explosives detection, etc.). A Hadley Police canine team can be called in off duty to assist another town upon a mutual aid request, with the approval of a supervisor if available.

## III. DEFINITIONS

A. Canine Team: A police officer / handler and a specially trained working dog working as a team.

B: Passive Alert Dog: A canine which, when alerting to the presence of controlled substances or other material for which it is trained to search, sits, stands or lays down passively.

C: Active Alert Dog: A canine which, when alerting to the presence of controlled substances or other material for which it is trained to search, will dig at, bark at, jump at, or any other action not referred to as a "passive alert."

## IV. PROCEDURE

A: Canine Team Utilization

- Canine teams are available on a 24-hour, on-call basis to perform the duties for which they are trained and certified.
- Canine handlers are responsible for determining whether a situation justifies canine use and the appropriate tactical measures that should be taken.

- Where the on-scene supervisor disagrees with the handlers tactical assessment to deploy the canine, he may instruct the handler not to deploy the canine. Where the handler disagrees with an on-scene supervisors tactical deployment assessment to deploy a canine, the canine will not be deployed. In the event that the OIC and canine handler disagree, a supervisor should be consulted immediately.

#### B: Mutual Aid Requests

- When another agency requests the use of our canine team, the dispatcher shall:
  - Notify the shift supervisor of the request and a brief description of the nature of the incident.
  - If the request is approved by the shift supervisor, an on-duty canine team will be assigned to respond to the requesting agency. If the team is involved in another incident the requesting agency will be notified that the canine is unavailable.

#### C: Responsibilities of Requesting Officers

- Generally
  - Minimize noise at the scene to avoid distracting or exciting the dog.
  - Do not follow or get too close to a dog that is working, unless instructed to do so by the handler.
  - In the event that a resident has a pet at the scene, request that the owner remove said pet completely away from the area.
- Building Search
  - a. Attempt to determine if anyone may be lawfully in the building.
  - b. Secure the building to prevent entry by others and to prevent escape.
- Tracking / Area Search
  - a. Determine the last known location of the suspect. Secure the area from any further scent contamination.
  - b. Set up a perimeter to prevent the escape of the suspect. Secure the area from any further scent contamination.
- Article Searches
  - a. Secure the area where the articles are to be searched for to avoid any further scent contamination.

- b. If possible, leave all items, even those in plain view undisturbed and in place, but point them out to the handler.
- c. If articles must be recovered (ex. visible firearm), advise the handler of what was recovered and where it was.
- Approaching Canines
  - a. Personnel shall not provoke, tease or abuse the canine (unless such an act is directed by the handler for the purpose of training or a demonstration).
  - b. Employees shall not approach the canine without the consent of the handler.
  - c. Employees shall not feed the canine without consent of the handler
- Employees shall not provide any commands to the canine (unless directed by the handler).
- Employees shall not show the canine to any person(s) without the consent of the handler.
- Employees shall refrain from making any threatening gestures, engage in horse play, or make any motions toward the handler while in the presence of the canine. Such actions may trigger a protective response from the canine even if you are familiar to him/her.
- The handler shall share in the responsibility of keeping personnel aware of these rules and shall report any violations.

#### D. Canine Operations

- Crowd Control - Canine team(s) may be deployed under the following guideline;
  - a. Canine teams shall not be used for crowd control at peaceful demonstrations.
  - b. The canine team shall allow open avenues of escape to the crowd.
  - c. Canines shall be restrained on a leash no longer than six-feet, attached to a collar or a harness.
  - d. Canines shall not be unleashed and sent into a crowd.
- Drug Detection Canines
  - a. Sniffing in Public Places
    - 1. Exploratory sniffing in public facilities shall be confined solely to those areas open to the general public and, whenever possible, with advance knowledge and consent of the appropriate facility manager.
    - 2. Exploratory sniffing shall be conducted without interference or annoyance to the public or interruption of facility operations.

b. Sniffing in Areas Restricted to the Public

1. Canine sniffs conducted in areas restricted to the public, such as the Post Office, are considered searches and may be conducted only with reasonable suspicion or probable cause to believe that specific items contain illegal narcotics.

c. Sniffing at Shipping Facilities

1. Exploratory sniffing may be conducted on the premises of private shipping companies at the request of the facility manager and with the consent of a supervisor.

d. Sniffing of Persons

1. Sniffing of an individual's person is permitted in all circumstances only when there is reasonable suspicion to believe that the individual is in possession of illegal narcotic.

e. Use of Drug Detection Canines in Schools

1. Use of a drug detection canine in a school is permitted only when:

i) The school's principal or designee requests or approves the use of the canine

ii) There is reasonable suspicion to believe that illegal narcotics are being possessed, distributed and/or consumed on the premises such that the interests of the school are being unacceptably compromised; and

iii) The search is limited to inanimate objects in public areas and the exterior of student lockers unless reasonable suspicion exists to gain admission to lockers and related areas where there is a reasonable expectation of privacy.

f. Sniffs of the exterior of residences, either individual dwellings or the common areas of multiple unit dwellings, are not permitted without a search warrant or written consent.

g. Drug-sniffing canines may be used to sniff motor vehicles when:

1. Reasonable suspicion exists to believe the operator or passengers are in possession of illegal narcotics.

2. During a valid vehicle stop, the use of a canine to sniff the vehicles exterior in an exploratory manner is not a search. Unless the canine alerts to the vehicle, the operator may not be detained longer than necessary to conclude the business associated with the initial stop.

3. Consent searches.

4. Assists in execution of search warrants.

- Building Searches

a. When the responding officer believes an unauthorized person is in a building, no preliminary building search should be conducted. The officers responsibility is

to secure the building, permitting no one to enter, and call a canine team, which will enter and search the building.

- b. Evacuate all tenants, workers and others from the facility.
- c. Request that all AC/heating vents be shut off if possible.
- d. Upon entrance to the building, all exits should be kept secured and communications limited to those of a tactical nature.
- e. It will be the responsibility of the handler to determine whether or not the canine should be unleashed during a building search.
- f. Prior to the building search, the handler will verbally announce no less than two warnings to anyone inside the building that a canine will be released, and they may be bit. The warning shall be repeated on each individual level of a multilevel structure.
- g. If, in the opinion of the handler, it is tactically unsafe to announce the presence of the canine team, and with the approval of the on scene supervisor, the canine team may enter the building unannounced.
- h. When apprehending suspects, canines shall be commanded to disengage as soon as it is safe to do so.

- Tracking / Area Search

- a. If officers are pursuing or searching for a suspect and contact with the suspect is lost, prior to summoning a canine team the officers should try to pinpoint the location where the suspect was last seen and avoid vehicle or foot movement in that area.
- b. Back-up officers should not respond to the scene, but instead position themselves around the perimeter of the incident to contain the suspect in the search area.
- c. It is important for responding officers to make certain that no person enters the area where the suspect was last seen. This will cause the person walking through the area to become the predominant scent, and could lead to the canine tracking the wrong scent. Canines are capable of detecting a scent hours after the suspect has left the area, minimal contamination helps them.
- d. Canines used for tracking persons should remain on leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canines tracking abilities. The handler may decide to track 'off-lead' where the threat level to police officers is high.

- Role of Back-Up Officers Responsibilities

- a. Remain close to the handler in a position determined by the handler.

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- b. Back-up should be responsible for all communication between the canine team, on-scene supervisor and the perimeter officers while the canine is deployed.
  - c. Back-up should not get ahead of the canine team unless directed to do so by the handler.
  - d. The back-up officer(s) shall respond to the handlers requests and instructions while involved in the operation. The handler is in charge of the canine team(s) use during the operation.
  - e. Once instructed to do so, it shall be the responsibility of the back-up officer to search the suspect and remove the suspect from the scene.
- Canine Warning
    - a. A “canine warning” should be given prior to releasing the dog unless, in the opinion of the handler, doing so would cause undue risk to the canine team, its presence or intention.
    - b. The canine warning should consist of the following, or similar announcement, “HADLEY POLICE DEPARTMENT WITH A K-9, ANNOUNCE YOURSELF NOW OR I’M SENDING IN THE DOG, YOU WILL BE BIT.”  
More than one warning should be given to ensure that the suspect has received ample warning that the canine will be used to apprehend him/her  
A warning is given to allow the suspect time to surrender, and also alerts an innocent party to make their presence known.  
At no time shall the canine team use the canine to affect the arrest of a person who cannot escape or resist the officer, nor to intimidate, coerce or frighten the suspect(s).
  - Canine Bites
    - a. Should a canine bite an individual (outside of intended training), whether or not the canine was acting in the line of duty the handler shall: 1) examine the injury, 2) obtain medical treatment, 3) notify the shift supervisor, 4) ensure that color photographs are taken of the injured person showing the injury, affected body areas and for (for identification purposes), 5) reports shall be made for all canine bites, regardless of the severity or circumstances surrounding the bite(s), 6) the handler is responsible for completing a supplementary report to the original incident report.
    - b. In the event of a canine bite, a bite review shall be conducted, similar to that of a review of an officer involved shooting. The facts surrounding the situation shall be reviewed by this board, with documentation from all officers involved

(including officers from another agency if this occurred on a mutual aid call). This board should include at least two department supervisors, and if possible another canine handler, a canine trainer or a canine master trainer. All bites will be classified as either “Justified,” “Not-justified,” or “Accidental.” The handler or any officers involved in the incident may have the opportunity to speak in front of the review board if they feel it is necessary. The handler may also appeal a “Not-justified” finding within 24 hours of being notified of this finding, and within one week will be heard by the review board.

The canine can remain in service during the time of the review. The review should be completed within two weeks of the incident, and the findings are to be reported to both the handler and the Chief of Police. The findings will be included in the handlers reports binder. NOTE: Any bite that occurs during a training exercise does not require review. If a decoy was wearing appropriate bite equipment, or was holding a toy for the canine, and was bit either outside of the equipment or in an area of the body away from the toy, it is considered “Accidental,” as the desired outcome was a bite.

- After Incident Report
  - a. Following the completion of each incident where a canine is deployed (mutual aid included), the handler will complete a utilization report detailing the significant events of the deployment as it relates to the use of the canine.
  
- Requirements for Canine Handler
  - a. Minimum of three years of law enforcement experience with satisfactory work performance and disciplinary records.
  - b. Be physically capable of performing the rigorous duties of a canine handler.
  - c. Be able to work with a minimum of supervision and be willing to take on the responsibilities and risks that the position entails.
  - d. Ability to be on call when a canine team is needed. Be available to assist, support and cooperate with other departments and personnel.
  - e. Family support to have a police working dog with a secure outdoor area for the canine that conforms to accepted canine requirements at the home.
  - f. Make a commitment to remain the handler of the canine for at least five years, preferably for the remainder of the canines working life.
  - g. Possess a strong desire to work with canines and a willingness to care for and train the animal.

- Training

At this time all training shall be conducted by a NAPWDA (North American Police Work Dog Association) master trainer, and will certify under their regulations.

a. Canine teams shall attend and successfully complete a prescribed training program. The canine team must be properly trained and certified prior to being officially assigned to patrol duty and made available for deployments. The canine team must maintain its certification to remain on duty.

b. Canine teams shall attend no less than 16 hours of maintenance training in a 1 month period, run by a NAPWDA master trainer.

c. In order to maintain the canine's proficiency and certification in detector dogs, it shall be necessary that the handlers have access to appropriate training aids (controlled substance, explosives, etc.). Canine handlers shall be permitted to possess the types of substances the canine are trained to detect in the performance of their duties. A log book shall be maintained for the purposes of logging in and out controlled substances.

d. The Chief or his designee may conduct unannounced inspections of the controlled substances stored by the canine handler for training purposes at any time.

e. In the event that a controlled substance training aid is lost or destroyed during training or while in the possession of the handler, the handler shall notify a supervisor as soon as possible. A formal report shall then be completed, and shall be submitted to the Chief.

f. Training aids shall not be destroyed or disposed of by the handler. It shall be returned to the agency, and hopefully at this time replaced.

- Records and Reports

a. A canine handler is responsible for keeping track of all training records. All records are to be retained from the initial training academy until the canine is retired from duty. Training records shall include (if applicable) drawn copies of all tracks along with any notes the handler feels are important, article searches, area searches, building searches, narcotics finds, and explosive finds. Anything more than that the handler feels should be documented can be documented. Also to be documented will be any certifications a canine team does on an annual basis. All records should be documented on a department specific form. Maintenance training attendance records should also be tracked, to include what training was conducted that day.

b. Reports shall be generated for all canine deployments. The handler can opt to keep a copy of each report in a binder similar to the training binder, or a list of all report numbers with the training records. A canine can be entered into the IMC



system and listed on each report that he/she is involved in for administrative tracking and documentation.

- Use of Decoys
  - a. No person shall act as a decoy for training patrol canines unless that person is approved by the Chief or his designee. This shall not apply to the decoys provided by outside training vendors or agencies, to include maintenance training days.
  - b. Decoys shall wear the appropriate safety equipment for the training task at hand, as determined by the handler.
  - c. Person may be used to assist in training tracking dogs at the discretion of the handler.
  
- Canine Care / Ownership
  - a. All dogs accepted for training and use by the Canine Unit are the sole property of the Hadley Police Department. Department owned dogs are not available for breeding purposes without the approval of the Chief of Police. These dogs are to be considered a valuable tool, issued by the Department. Proper care and maintenance of the dog is the responsibility of the Canine Handler(s). These responsibilities are assumed by the Handler(s) when they are assigned to the Canine Division. An active dog may only be transferred to another handler in the event that the assigned handler is discharged by the department or resigns/retires from the department. Also, an active dog may be transferred to another handler if the current handler is deemed to be unable to properly carry on as a department Canine Handler (excluding extended injuries or illnesses to an officer or his family). Retired police dogs may be placed with their handlers at the discretion of the Chief of Police. It should be predetermined before the end of the dog's career (preferably before the start of the dog's career) if the dog will become a "pet" of the Handler at the end of the dog's career. If the retired police dog is placed in the care of the Handler, the Handler shall assume financial responsibilities for the dog unless the Town agrees to assist, or an injury/illness occurs that is directly related to its time as a service dog. In the event that a Handler sustains a career ending injury/line of duty death, (to include injuries that occur outside of work) the Handler, or his immediate family, shall be granted the opportunity to maintain ownership of the service dog, and the service dog will be retired from duty forthwith if they opt to take ownership of the service dog.
  - b. If the handler is unable to perform canine care duties due to illness, injury or

leave, another canine handler (including one from another agency), a family member who resides with the handler, or a departmentally approved kennel may be assigned to temporarily care for the dog.

c. Handlers shall not permit anyone to pet, hug or otherwise touch their canine without their prior permission and immediate supervision. Should a civilian express a desire to do so they should be informed that police canines are serious working dogs, and could potentially be dangerous if improperly approached.

- Equipment

- a. Specialized canine equipment shall be furnished by the Hadley Police Department. The following list includes, but is not limited to equipment needed by the canine team(s):

- 1) Canine cruiser - this cruiser shall be converted internally for the safe transport of the department canine, and shall be used to transport the canine to report for duty, while on duty, and to return home. Other appropriate uses of the cruiser (not limited to) shall be for all trainings, court and/or outside details, and transport to veterinary appointments. This cruiser shall not be used to pick up a stray animal at any point.

- b. Department equipment list: 1) 6 foot leash, 2) 15 foot leash, 3) 30 foot leash, 4) Waist Lead, 5) Training collar, 6) Pinch collar, 7) E-collar (optional), 8) Tracking harness, 9) Hair brushes and combs, 10) nail clippers, 11) multiple food/water dishes, 12) food, 13) medications if applicable, 14) canine first aid kit. The handler shall be responsible for the maintenance and inspection of this equipment. If something is damaged and requires replacement, a supervisor shall be notified as soon as possible.

- Uniform

- a. Because of increased wear and tear on a handlers uniform, the following tactical uniform shall be worn based upon the seasonal uniform the department is in at the time. With both uniforms black BDU pants shall be worn with black tactical boots. A baseball cap or knit cap may be worn depending on the weather. The cap will read either "POLICE," "K-9 UNIT," or will have a department hat patch on it.

- b. Summer: Short sleeved black BDU shirt (or long sleeved with rolled sleeves). Hadley Police patch on left arm, Hadley Police K-9 patch on right arm. Last name embroidered over right breast, badge patch over left breast. Embroidered collar pins.

- c. Winter: Long sleeved black BDU shirt. Hadley Police patch on left arm,

Hadley Police K-9 patch on right arm. Last name embroidered over right breast, badge patch over left breast. Embroidered collar pins. A mock turtleneck shall be worn under the winter uniform, and embroidery on the turtleneck will be the officers identification number.

d. During a deployment the handler may wear a tactical vest that has the ability to hold the equipment generally carried on the officer's duty belt. Also, an external vest carrier may be worn, in accordance with the department uniform policy.

- Compensation

a. In accordance with federal standards, all canine handlers shall be compensated no less than one half hour per day at their overtime rate. This can be given to the handler as comp time (45 minutes) or as overtime- at the Chief's discretion. This is for off duty caring for the dog, such as feeding, playing, grooming, care of the kennel, etc.

The Chief reserves the right to compensate more than one half hour per day.

- Injury to Canine

a. Should a canine be injured, the handler shall provide and arrange for the appropriate emergency medical care for the canine.

b. Notify shift supervisor.

c. Complete a report to the Chief or his designee providing the details of the event and injury.

- Injury to Handler

In the event that the handler is injured, incapacitated or killed, the following procedure will be followed:

a. Do not, under any circumstance, approach the dog that is protecting the injured handler or attempt to assist the officer unless it is apparent that the failure to respond to the officer would result in death or serious bodily injury.

b. Allow the handler to secure the dog if possible. Follow instructions of the handler regarding ways to render aid.

c. The dog may be able to be lured into the canine vehicle or secured using snare and safety equipment.

d. If feasible make contact with another handler to remove the dog or control its actions.

e. In the unlikely event that all other efforts to respond to the emergency needs

of the officer fail, if time permits, contact the departments approved vet, and attempt to tranquilize the dog. If those efforts are unsuccessful and the officer is in imminent danger of losing his life or compounding an existing injury, the canine should be neutralized. If it becomes necessary to shoot the dog, place the shot carefully in order to reduce the animals suffering. The dog is dutifully protecting his handler. Although this action may seem heartless, human life comes first.

# STATION CLEANLINESS

POLICY & PROCEDURE NO. <b>1.27</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 2/7/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The nature of a 24 hour/365 day facility lends itself to the creation of a well-worn and sometimes dirty environment. Even though there are custodial services available, it is also the responsibility of all Police Department personnel to keep their work areas in a clean state whenever possible.

## II. POLICY

It is the policy of the Hadley Police Department that all employees are responsible for picking up after themselves. This includes the proper disposal of food and drink containers after consumption, the gathering and proper filing of case related paperwork (BOP's, listings, case notes, etc.) and the proper disposal of any trash that has accumulated. The weekly emptying of the trash, cleaning of the bathrooms and general custodial services are handled by the custodian, however spot cleaning of areas that need immediate attention will be handled by officers at the direction of the Chief of Police or his designee.

### A. Squad Room

The Squad Room is the primary work area for the majority of Police personnel. The heavy traffic, as well as this room being the primary location

for eating, causes this area to become dirty on a daily basis. It is the responsibility of each officer to keep this room as clean as possible between custodial services performed by the cleaning service.

This will include:

1. Keeping the computer work station area clean and free of debris. Investigatory paperwork such as BOP's, case notes, etc.
2. Cleaning up any food/drink containers brought into the station upon completion of your meal. Food/napkins/condiments/menus/etc. are not to be left on the Squad Room table.
3. Ensuring that all trash makes it into the available trash receptacles and not the on the floor surrounding the receptacles.
4. Removal to the dumpster of any overflow garbage or full bags of garbage in the receptacles if janitorial services are not available for a substantial period of time.
5. Food menus are to be stored in the restaurant folder located in the mailbox area. Menus are not to be left out after ordering.

## **B. Kitchen**

1. The kitchen area is to be kept clean at all times.
2. Dirty utensils, dishes, glasses are not to be left in the sink or the counter top area. If items are left in this area, they will be discarded.
3. The refrigerator is to be utilized for personnel that are working their shift and need a place to keep their food stuff cold. Due to space constraints, items will not be allowed to be left in the refrigerator. Items stored in the refrigerator should be clearly marked with a date that they were left there. All items that have been left in the refrigerator after 5 days from the marked date will be discarded (containers included) Any container that does not have a clearly marked date written on them will be discarded as they will be assumed that they are past the 5 day mark.
4. After using the microwave, it is to be wiped clean of any food or liquid splatter.

## **C. Locker Rooms**

1. Personnel items are to be secured inside of officer's lockers and not left on benches, countertops or on floors. The exception to this will be the leaving of boots. Each officer is allowed a maximum of 2 pairs of boots left outside of lockers.
2. Lockers are to be secured at all times with a padlock. Outsides of lockers shall be free of any offensive or obscene writing, decals, etc.

3. The past practice of leaving of old uniforms/equipment in the shower area for use of other personnel will be allowed to continue as long as the items left are usable and in working order and all left in an orderly manner. Items that are not usable are to be discarded in the dumpster.

#### **D. Sally Ports**

1. No items are to be left in the sally port area without the expressed approval of the Chief of Police or his designee.
2. If using the hose, it is to be properly stored in the reel and the water shut off at the wall. Any cleaning supplies used will be returned to their original location.

# TESTIFYING IN COURT

POLICY & PROCEDURE NO. <b>1.29</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 2/7/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The presentation of evidence in court is the final step taken by the police in a criminal case. All of the police efforts that precede the court appearance can be nullified by an inadequate, incomplete or unsatisfactory presentation of the facts by the testifying officer.

The court will consider not only the quality and quantity of the evidence itself, but also the manner in which it is presented. The officer's personal appearance, demeanor, attitude and ability to express himself/herself in a convincing manner can greatly affect the weight given to his/her testimony and have a significant influence on the outcome of the case.

The legal technicalities involved in bringing a criminal investigation and subsequent prosecution to a successful conclusion require a team approach. By working together, the prosecutor relies on the investigative skills of the police, and the police rely on the skills of the prosecutor in handling the legal aspects of presenting the case to the judge or jury.

After a court proceeding has concluded, particularly if the case has been lost, an officer should review his/her testimony with the prosecutor to determine where improvements can be made to strengthen similar cases in the future.

## II. POLICY

It is the policy of this department that:

- A. Officers shall cooperate with prosecutors and other court personnel to ensure the thorough and impartial prosecution of all offenders; and
- B. Officers shall testify truthfully and impartially in all judicial proceedings.



Note: Being able to testify credibly in court is an essential function of every police officer's job. The prosecution is required - without motion - to inform the defense of any history of bias or untruthfulness in an officer's past. This means that officers that are untruthful, especially during internal investigations, become "damaged goods" and can no longer perform an essential job function. Even if the department has shown some lenience in discipline in such cases in the past, it is now clear that a recommendation of termination is the appropriate course the chief should follow in the future.

### **III. PROCEDURES**

#### **A. Prior to Trial**

1. Review all aspects of the case, including reports, notes, witness statements, and review or obtain all physical evidence needed.
2. Refrain from discussing the case with the defendant in the absence of his/her attorney, if [s]he has one, or from making any agreement with the defendant's attorney for recommendations as to the disposition of the case without the knowledge of and the presence of the prosecutor and/or the department prosecuting officer.
3. In pretrial conferences with the prosecutor, provide all available information even though it may be beneficial to the defendant. No detail concerning the particular case should be considered too trivial to discuss. This will decrease the likelihood of any surprise developments during the trial.
4. To become skilled and effective in the task of testifying in court, a police officer should be familiar with the basic rules of evidence. See Appendix A for an overview of some of the rules of evidence in Massachusetts.

#### **B. At the Courthouse**

1. Officers shall be punctual in reporting at the time and place set for the hearing, trial or other proceeding. Officers' physical appearance, personal conduct and professional manner should be aimed at making the best possible impression.
2. If there is a sequestration order applicable to the police and other witnesses, officers shall remain outside the courtroom until called to testify.
  - a. Officers shall not discuss their testimony or the testimony of any other witness until the completion of the trial or other proceeding.
  - b. A sequestration order generally requires that each witness testify separately and without having discussed his/her testimony with other witnesses and without having overheard the testimony of any other witness.
  - c. Violation of a sequestration order could result in the judge's declaring a mistrial or even dismissing the case.

3. While waiting to be called to the stand, or after having provided testimony, officers shall refrain from any unnecessary discussion with other officers in the courtroom.

### **C. Courtroom Attire**

1. JUDGE TRIALS: In trial before a judge without a jury, patrol officers may wear their uniforms, but it is preferred that officers comply with the procedure below, applicable to attire in jury trials.
2. JURY TRIALS: In jury trials, the following attire requirements apply:
  - a. A male officer shall dress neatly in a suit or sports coat and tie.
  - b. A female officer shall dress in a conservative dress or suit.
  - c. Exposed firearms shall not be worn (covering with coat is acceptable).
3. Exceptions may be made, but only with the approval of the assistant district attorney and/or police prosecutor.
4. For more information, see the department policy on **Uniforms and Equipment**.

### **D. Conduct as a Witness**

1. As soon as [s]he is called, the testifying officer should go directly to the witness stand in a dignified and alert manner, as it is at this point that the jury gains its first impression of the officer.
  - a. During the reading of the oath, the officer should maintain an attitude that reflects the seriousness of the proceedings.
  - b. On the witness stand the officer should take a comfortable position that gives him/her a full view of the jury and the attorneys and should always maintain good posture and an alert appearance.
  - c. [S]he should avoid any movements or sounds that could be distracting to the judge or jury and which may divert their attention from his/her testimony.
2. While on the stand, the officer shall:
  - a. Testify to what [s]he knows or believes to be the truth.
  - b. Speak naturally and calmly in a distinct and clearly audible tone of voice, describing in a forthright manner the events of the case in the order in which they took place.
  - c. Use plain, clearly understandable conversational language, avoiding slang and unnecessary technical terms.
  - d. Display a courteous attitude, maintaining self-control and personal composure at all times, avoiding any impression of being contentious, biased or prejudiced, even if defense counsel attempts to berate, belittle or embarrass the officer or his/her efforts.

- e. Listen carefully to each question and respond accordingly.
    - 1) If asked to state facts, state the facts known or believed to be true.
    - 2) If asked to state an opinion or conclusion, do so if the officer has formed an opinion or conclusion which [s]he can articulate and support. Do not give a personal opinion unless asked to do so.
    - 3) If an answer is unknown, state that it is unknown.
  - f. Answer only the questions which are asked.
  - g. Make every effort to avoid errors in his/her testimony or inconsistent statements which could undermine the confidence of the judge or jury in his/her credibility.
3. When a question is asked, the testifying officer should:
- a. Look directly at the person asking the question and then give a deliberate, courteous, well-considered answer. If [s]he does not hear or clearly understand the question, [s]he should request that the question be clarified or repeated.
  - b. Pause briefly and consider every question before responding in order to:
    - 1) Ensure that the question is complete to prevent misinterpreting or misunderstanding the question;
    - 2) Give the officer an opportunity to analyze the question and to form a complete and accurate answer; and
    - 3) Give the other attorney the opportunity to make an appropriate objection to the question, if necessary.
  - c. Avoid being too deliberate in responding to questions, as any conspicuous wavering or hesitancy on his/her part may be interpreted as indecision or uncertainty.
  - d. Be as specific as possible in his/her responses, but in testifying as to times or distances [s]he should state that they are approximations unless [s]he has the exact information readily available.
4. When an objection has been made, an officer should immediately cease testifying, look at the judge and await his/her decision.
5. **REFER TO NOTES:** At the request of the prosecutor or defense attorney, and with the permission of the judge, an officer may refer to his/her notes or a police report to refresh his/her memory on a given point. This is called “present recollection refreshed”. If the officer has no current recollection on a given point but did make a report or record at an earlier time, the prosecutor or defense attorney may request that report or record to be admitted into evidence. This is called “past recollection recorded”. Continual reliance on notes can detract from the officer's testimony and raise doubts as to the officer's knowledge of the facts.

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## E. Inaccurate or Omitted Testimony

1. If during or at the conclusion of his/her direct testimony and before cross-examination, an officer realizes that an important point has not been brought out or fully developed by the prosecutor's questions, the officer, while still on the witness stand, may utilize a discreet signal to gain the prosecutor's attention. This will allow the prosecutor to ask the judge for permission to confer with the officer. If that method is unavailable or unsuccessful, the officer may address the judge directly and request permission for a very brief conference with the prosecutor.
  - a. The officer should not wait until [s]he has been excused from the witness stand to inform the prosecutor of important matters not brought out in his/her testimony. At that point, it may be difficult for the prosecutor to get the officer back on the stand or, even if [s]he does so, to ask questions about matters not raised on direct examination. Naturally, these problems should be avoided by close cooperation in the preparation of a case between the officer and the prosecutor.
  - b. If an omission is realized after the officer has left the witness stand, [s]he shall inform the prosecutor as soon as possible in a manner that is not distracting to the court. Writing a note and passing it to the prosecutor is an acceptable method to accomplish this purpose.
2. If a mistake in testimony has been made, the officer shall voluntarily correct any error as soon as possible.

NOTE: Officers that intentionally lie as witnesses in court or other official hearing or investigation are subject to termination.

## F. Defense Attorney Tactics

1. A defense attorney may resort to a variety of tactics in an effort to confuse or upset the testifying police officer or to discredit his/her testimony.
  - a. This must be expected, and it is permissible within ethical limits.
  - b. An officer's ability to cope with these tactics improves with experience.
  - c. As the judge and jury will be closely observing the officer, [s]he should never become argumentative or display anger or animosity towards the defense counsel. [S]he should remain calm and courteous at all times, despite any badgering tactics by the defense, and take sufficient time to permit the prosecutor to make appropriate objections.
2. The following are some of the most common tactics used by a defense attorney in cross-examination:
  - a. Asking questions in a rapid-fire manner to confuse the witness;
  - b. Intentionally mispronouncing the officer's name or calling him/her by the wrong rank or title in order to affect his/her concentration;
  - c. Being overly friendly to give the witness a false sense of security before attempting to lead him/her into inconsistent or conflicting answers;

- d. Being condescending to the point of ridicule to give the impression that the officer lacks experience or expertise;
  - e. Asking repetitious questions or rephrasing previous questions in order to obtain inconsistent answers or answers which conflict with previous testimony by the witness;
  - f. Asking questions which suggest a particular answer in order to lead the witness into responding;
  - g. Continuing to stare directly at the witness after [s]he has responded in order to provoke the witness into elaborating on his/her answer and providing more information than the question called for;
  - h. Demanding a "yes" or "no" answer to questions that obviously require more explanation;
  - i. Suggesting or indicating that conflicting answers were given in earlier testimony; and
  - j. Belligerent questioning to anger and disconcert the witness.
3. All officers must acquire the ability to remain calm, deliberate and objective, despite such provocation, and understand that it is the purpose of the defense attorney to diminish or discredit the effect of the officer's testimony on the judge and jury.
- G. **Testifying in Civil Suits or as a Defense Witness** : Officers shall refer to the department's rules and regulations regarding testifying in civil suits or appearing as a defense witness in a criminal case.

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## APPENDIX A: OVERVIEW OF MASSACHUSETTS RULES OF EVIDENCE

Evidence may be defined as the legal means by which any alleged matter of fact is established or disproved when submitted to a judicial inquiry. It includes the testimony of witnesses or the introduction of records, documents, exhibits or other objects which are relevant and material to the particular case.

The three primary tests for the admissibility of evidence, as determined by the court, are as follows:

1. It must be **relevant** in that it is legally as well as logically related to the issue in question;
2. It must be **material** to the issue before the court in that it establishes the facts in the case and contains sufficient measurable weight to aid the jury in reaching a conclusion; and
3. It must be **competent** in that it meets all required legal standards for admissibility in order to ensure that only information of a reliable nature is presented to the jury for consideration.

Some of the more common classifications of evidence are as follows:

**Direct Evidence** : As opposed to circumstantial evidence, direct evidence includes testimony from a witness as to what the witness personally observed or personally knows to be a fact; it also includes any physical object or presentation which in itself indicates or proves a given fact or conclusion. For example, if the witness testifies that [s]he saw the defendant operating the motor vehicle in question, that is direct evidence pertaining to that fact. On the other hand, if the witness testifies that [s]he saw the defendant's car being operated, that the defendant had the only set of keys and that the defendant had said [s]he would be using the car that day, that is circumstantial evidence that the defendant was the operator.

Direct evidence is often broken down into four forms:

1. **Oral Evidence** : Testimony by a competent witness under oath and subject to cross examination.
2. **Real Evidence** : Objects and items that are physically present at court and admitted into evidence for examination and consideration by the judge and jury.
3. **Documentary Evidence** : Any instruments containing written or otherwise recorded entries (e.g., a book, ledger, receipt, report, letter, deed, contract, and diary).
4. **Demonstrative Evidence** : This includes any display or visual presentation, such as a map, photograph or film, sketch or other depiction.

**Circumstantial Evidence** : In contrast to direct evidence, circumstantial evidence includes testimony or physical objects or items from which the existence of a fact can be inferred or a certain conclusion drawn, but the testimony or physical objects or items do not in and of themselves directly establish that fact or conclusion. For example, if the defendant is found with very recently stolen property in his/her possession, the

circumstances could warrant a judge or jury in concluding that the defendant must have known the property was stolen.

**Best Evidence Rule** : Whenever possible, the original of a written document must be produced at court. If the original is not offered, a copy or other secondary evidence of the contents of that document will be accepted only if the absence of the original is adequately explained to the satisfaction of the court. The best evidence rule applies only to written documents and not to photographs, tape recordings, visual displays, etc.<sup>1</sup>

**Corroborative Evidence** : Evidence which confirms or strengthens other evidence.

**Cumulative Evidence** : Evidence of the same kind, to the same point or effect which further establishes what has already been indicated or suggested by other evidence.

**Prima Facie Evidence** : Evidence which is sufficient on its own to establish a given point or conclusion and is legally binding unless it is effectively rebutted or discredited. For example, a properly executed certificate of a chemist of the Department of Public Health is **prima facie** evidence of (a) the composition, (b) the quality, and (c) the weight of the drug or other chemical analyzed. Once such a certificate is admitted into evidence, the judge or jury must accept what the certificate states pertaining to composition, quality and net weight.<sup>2</sup>

**Present Recollection Refreshed** : If a witness has some memory or recall of an event or information, but his/her present recollection is incomplete, vague or unsure, [s]he may, with the permission of the court, "refresh" his/her recollection by consulting any report, record, document or other reference. However, the report or document used to refresh the witness' recollection may be examined by opposing counsel.

**Past Recollection Recorded** : If a witness has no memory or recollection whatsoever of an event or information, but [s]he did make reliable notes or records of that event or information at some point in the past, those notes or records may be admitted into evidence (unless they contain hearsay or other objectionable material).

**Expert Evidence** : Evidence presented by a person who is accepted by the court as having special knowledge of a subject not usually possessed by the average person and derived from his/her training, education and experience in that field. The testimony of an expert, as to facts or opinions, is not binding on the judge or jury; they may give expert testimony whatever weight or credibility they decide that it deserves.

**Opinion Evidence** : As a general rule, neither expert witnesses nor lay people (non-experts) may testify as to their opinion on any matter. They must restrict themselves to testifying to facts and observations. However, courts recognize that the opinions of certain experts within the scope of their specialty are admissible and may aid the judge or jury in its deliberations and decision. Lay witnesses (the average person) may testify to an opinion on such common place matters as:

1. The apparent age of a person;
2. The apparent physical condition of a person;
3. The obvious emotional state of a person;
4. Identity and likeness of appearance, voice or handwriting;

5. Whether a person appeared to be under the influence of alcohol or drugs;
6. Sense recognition, such as whether an object was heavy, red or bulky;
7. The direction from which a sound emanated;
8. The estimated speed of a vehicle or other moving object;
9. The value of an item (if the witness was the owner or has had sufficient dealings with such objects to be able to render a credible opinion as to its value).

**Hearsay.** Hearsay evidence consists of oral or written statements:

1. Made by one other than the witness;
2. Made out of court;
3. Not under oath;
4. Not subject to cross-examination;
5. If offered to prove the truth of the matter asserted therein.

Hearsay statements are unreliable for several reasons. They were made out of court by the person originating the statement. They were not made under oath or while the originator of the statement was subject to cross-examination. And, the person repeating those statements in court may not have recalled them completely or accurately. In addition, if witnesses in a criminal trial are allowed to testify to what someone else said was true and that other person is not available, then the defendant would be deprived of his/her Sixth Amendment right to confront all the witnesses against him/her.

Although hearsay statements are generally objectionable, there are many exceptions to the general rule. Some are listed below:

1. **Dying Declarations** : In a prosecution for homicide, statements made by a dying person regarding the cause and circumstances relating to his/her imminent death are admissible if the dying person believed death to be imminent and [s]he did, in fact, die shortly after the statements were uttered.
2. **Confessions** : Admissions and declarations against penal interest (all defined below) are admissible if legally and voluntarily made.
3. **Spontaneous Exclamations** (also called excited utterances): If a person makes a statement during or very shortly after the occurrence of a startling event and while under the excitement or stress of that startling event, another person may testify to those statements.
4. **Public records** and reports: Maintained by legal requirement or duty, if properly authenticated.
5. **Business records** : These include any entry, record or memorandum if it was made in good faith, in the regular course of business, before the beginning of the litigation in question, and if it was a regular business practice to make such entries, records or memoranda. Although this is commonly referred to as the "business records" exception to the hearsay rule, it also applies to records of non-profit organizations and to records maintained by government agencies, including police departments.



6. **Unavailable witness** : This refers to testimony given previously by a witness who was then under oath and subject to cross examination where the parties and issues are sufficiently similar to the present proceedings, if the witness is presently unavailable through no fault or collusion of the party seeking to admit the former testimony.
7. **"Fresh Complaint "** (in rape and sexual assault cases): If the victim of a rape or other sexual assault reports the incident to another person within a reasonable time after the incident, the person to whom the victim complained of the rape or assault may testify as to what the victim said had occurred.

**Confession** : A statement made by a competent person voluntarily acknowledging that [s]he committed a given offense. A confession, by itself, is sufficient for a conviction, provided there is some evidence that the crime was committed.<sup>3</sup>

**Admission** : A statement or declaration in which the accused acknowledges the truthfulness of a fact which may or may not, along with other evidence, prove his/her guilt.

**Declaration Against Penal Interest** : A statement which would tend to expose the maker of the statement to criminal penalty.

**Joint Venture - Joint Acts and Declarations** : If two or more persons join efforts to perpetrate or accomplish a crime, generally, the acts and declarations of each can be used against all in court. Also, an individual is criminally responsible for the actions of his/her joint venturer if [s]he harbored the same criminal intent and was present at the scene of the crime. There need not be an overt agreement to prove a joint venture. It is enough if two or more persons act together or assist one another in the crime. To prove conspiracy, however, there must be evidence of an overt agreement to commit the crime.<sup>4</sup>

**Bruton Rule** : The U.S. Supreme Court ruled that it is a violation of a defendant's Sixth Amendment right to confront adverse witnesses to try a defendant jointly with a co-defendant where the co-defendant has made admissions or confessions that implicate the defendant, but the co-defendant chooses not to testify (and, therefore, is not subject to cross-examination by the defendant). Thus, where there are two or more persons charged with the same offense, severance (separate trials) sometimes occurs.<sup>5</sup> This rule was reinforced by the Massachusetts Supreme Judicial Court<sup>6</sup> which held that the admission in a joint trial of a co-defendant's statement implicating the defendant was reversible error, even though the Commonwealth alleged that the co-defendant's statement was offered only to show consciousness of guilt and argued during trial that the statement should be disbelieved.

**Privileges** : Under certain limited circumstances, the law protects important rights and special relationships by granting persons a privilege against being compelled to testify, even in criminal prosecutions. The more common are:

1. Lawyer - client
2. Psychotherapist - patient<sup>7</sup>
3. Husband - wife<sup>8</sup>

4. Clergy - penitent<sup>9</sup>
5. Government privilege to withhold identity of informer<sup>10</sup>
6. Social worker - client<sup>11</sup>
7. Sexual assault counselor - rape victim<sup>12</sup>
8. Parent - child<sup>13</sup>

Note: There is no physician - patient privilege presently recognized under Massachusetts law.

**Exclusionary Rule** : Generally, if it is shown that evidence was obtained by police in a manner which contravened the rights of the defendant, that evidence will, upon motion of the defendant, be excluded at court. The most common areas involving motions to suppress allegedly unlawfully obtained evidence are interrogation and searches and seizures. See departmental policies on **Search and Seizure** , **Interrogating Suspects and Arrestees** and **Arrest**. However, the police should be aware of several exceptions to the exclusionary rule and should discuss utilizing any of these exceptions with the prosecutor in appropriate cases.

1. **Attenuation** : If the unlawful police action was so far removed from or so remotely connected to the incriminatory evidence obtained, the court may rule that any taint due to the initial illegality was "attenuated," and the exclusionary rule should not apply.<sup>14</sup>
2. **Independent source** : If the police can establish that they obtained the evidence in question from a source or in a manner completely independent of the unlawful procedure, the exclusionary rule may not apply.<sup>15</sup>
3. **Inevitable discovery** : If police can establish that they would have obtained the evidence in question anyway and in a lawful manner, the exclusionary rule may not apply.<sup>16</sup>

NOTE: The Supreme Judicial Court has held that this exception cannot be applied to cure an illegal warrantless search on the basis that it was inevitable that a warrant would be obtained.<sup>17</sup> In another Massachusetts case the Court indicated that the inevitable discovery rule may apply to cure or to apply in a situation not requiring a warrant (e.g., protective custody).<sup>18</sup> In implementing the rule, the Court focused on two issues:

- a. The issue of inevitability; and
  - b. The character of the police misconduct.
4. **Procedural uses of otherwise excludable evidence** : If the defendant failed to file it in a timely manner, the prosecutor may be able to defeat a motion to suppress. Also, otherwise excludable evidence can be used to impeach the defendant if [s]he takes the witness stand and denies any knowledge of or connection to the evidence unlawfully seized.
  5. **"Good Faith" exception** : For example, where police reasonably rely on what appears to be a valid search warrant, the exclusionary rule may not be applied

even though a court subsequently determines that the search warrant was defective.

NOTE: Massachusetts has yet to decide whether it will follow the good faith exception.<sup>19</sup>

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<sup>1</sup> M.G.L. c.233, §79K.

<sup>2</sup> M.G.L. c.111, §13.

<sup>3</sup> Com. v. Forde, 392 Mass. 453, 466 N.E.2d 510 (1984).

<sup>4</sup> Com. v. Clarke, 418 Mass. 207, 635 N.E.2d 1197 (1994); Com. v. Bianco, 388 Mass. 358, 446 N.E.2d 1041 (1983).

<sup>5</sup> U.S. v. Bruton, 391 U.S. 123, 88 S. Ct. 1620 (1968).

<sup>6</sup> Com. v. Hawkesworth, 405 Mass. 664, 543 N.E.2d 691 (1989).

<sup>7</sup> M.G.L. c. 233, § 20B.

<sup>8</sup> M.G.L. c. 233, § 20.

<sup>9</sup> M.G.L. c. 233, §20A.

<sup>10</sup> Com. v. Abdelnour, 11 Mass. App. Ct. 531, 417 N.E.2d 463.

<sup>11</sup> M.G.L. c. 112, §135, 135A and 135B.

<sup>12</sup> M.G.L. c. 233, §20J.

<sup>13</sup> M.G.L. c. 233, § 20.

<sup>14</sup> Com. v. Crowe, 21 Mass. App. 456, 488 N.E.2d 780 (1986), rev. den'd 397 Mass. 1101, 409 N.E.2d 806 (1986).

<sup>15</sup> Murray v. U.S., 487 U.S. 533 (1988).

<sup>16</sup> Nix v. Williams, 467 U.S. 431 (1984).

<sup>17</sup> Com. v. Benoit, 382 Mass. 210, 415 N.E.2d 818 (1981).

<sup>18</sup> Com. v. O'Connor, 406 Mass. 112, 546 N.E.2d 336 (1989).

<sup>19</sup> Com. v. Pellegrini, 405 Mass. 86, 539 N.E.2d 514 (1989), cert. den'd in 110 S.Ct. 497.

# HANDLING THE MENTALLY ILL

POLICY & PROCEDURE NO. <b>1.30</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 2/7/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Reaction to the mentally ill covers a wide range of human response. Sometimes people afflicted with mental illness are ignored, laughed at, feared, pitied and often mistreated. Unlike the general public, however, a police officer cannot permit personal feelings to dictate his/her reaction to the mentally ill. An employee's conduct must reflect a professional attitude and be guided by the fact that mental illness, standing alone, does not permit or require any particular police activity. Individual rights are not lost or diminished merely by virtue of a person's mental condition. These principles, as well as the following procedures, must guide an officer when his/her duties bring the employee in contact with a mentally ill person.

## II. POLICY

It is the policy of this department that:

- A. Officers shall accord all persons, including those with mental illness, all the individual rights to which they are entitled.
- B. Officers shall attempt to protect mentally ill persons from harm and shall refer them to agencies or persons able to provide services where appropriate.

## III. DEFINITIONS

- A. Bipolar: Also known as "manic-depressive illness," the disorder causes extreme swings in a person's moods, emotions and behaviors. In the "manic" state, these strong moods may include intense elation or irritability. In the "depression" state, a deep sadness or hopelessness is prevalent. Both are manifested in the "mixed state."

- B. **Schizophrenia:** A serious disorder which affects how a person thinks, feels and acts. The illness is characterized by dramatic changes in behavior and thinking. Someone with schizophrenia may have difficulty distinguishing between what is real and what is imaginary; may be unresponsive or withdrawn; and may have difficulty expressing normal emotions in social situations.
- C. **Pink Slip or “Section 12”:** Refers to an involuntary commitment to an emergency mental health facility pursuant to M.G.L c. 123 s. 12.
- D. **Hallucinations:** Perceptual experiences that are not actually occurring, such as hearing voices telling one to harm oneself.
- E. **Delusions:** Fixed false beliefs about the self, such as: “Everyone is out to get me.”

## **IV. PROCEDURES**

### **A. Recognizing Mental Illness**

1. An employee must be able to recognize a mentally ill individual if [s]he is to handle a situation properly.
2. Factors that may aid in determining if a person is disturbed are: [41.2.7]
  - a. Severe changes in behavioral patterns and attitudes;
  - b. Unusual or bizarre mannerisms and/or appearance;
  - c. Distorted memory or loss of memory;
  - d. Hallucinations or delusions;
  - e. Irrational explanation of events;
  - f. Hostility to and distrust of others;
  - g. Fear of others, such as paranoia;
  - h. Marked increase or decrease in efficiency;
  - i. Lack of cooperation and tendency to argue;
  - j. One-sided conversations; and
  - k. Lack of insight regarding his/her mental illness.
3. These factors are not necessarily, and should not be treated as, conclusive. They are intended only as a framework for proper police response. It should be noted that a person exhibiting signs of an excessive intake of alcohol or drugs may also be mentally ill.

4. Medications: Some medications commonly prescribed for mental illnesses are:

Trade Name	Generic	Trade Name	Generic
ATIVAN	LORAZEPAM	LITHOBID/ LITHIUM	LITHIUM CARBONATE
CALAN	VERAPAMIL	NEUROTIN	GABAPENTIN
CLOZARIL	CLOZAPINE	PROZAC	FLUOXETINE
DEPAKENE	VALPROIC ACID	RISPERDAL	RISPERIDONE
DEPAKOTE	DIVALPROEX	SEROQUEL	QUETIZPINE
GEODON	ZIPRASIDONE	TEGRETOL	CARBAMAZEPINE
HALDOL	HALOPERIDOL	TOPAMAX	TOPIRAMATE
KLONOPIN	CLONAZEPAM	WELLBUTRIN	BUPROPION
LAMICTAL	LAMOTRIGINE	ZYPREXA	OLANZAPINE

**B. Common Mental Disorders**

1. **Bipolar Disorder** : This is typically a lifelong illness that most often begins in the later teenage years or early adulthood. It commonly runs in families, but not always, and affects more than two million Americans. It is a treatable illness.
  - a. Warning Signs: These signs, outlined in the chart below, are often painful, last a long time and are serious. They usually interfere with a person’s ability to conduct a normal family, work and personal life.

Signs of Mania	Signs of Depression
Excitability or feeling “high”	Feeling sad, depressed or guilty
Increased talkativeness	Slowed or sluggish behavior
Fast speech	Hopelessness
Decreased need for sleep	Thoughts or plans of suicide
Excessive energy	Change in sleep, appetite, energy
Risky behaviors	Problems concentrating

- b. Some people will self-medicate with alcohol or illegal drugs.

2. **Schizophrenia** : Persons in a psychotic state may have high anxiety, faulty reality testing, poor judgment, or diminished impulse control.
  - a. They may be at risk of harming themselves or others.
  - b. Warning Signs include:
    - 1) Delusions (false or unreal beliefs);
    - 2) Hallucinations (hearing, smelling, tasting or feeling something that is not really there);
    - 3) Disorganized speech and/or speaking less;
    - 4) Bizarre behavior;
    - 5) Blunted or dulled emotions;
    - 6) Withdrawing emotionally from people;
    - 7) A loss of interest in school or work;
    - 8) Difficulty paying attention;
    - 9) Lack of energy and motivation;
    - 10) Thoughts of death or suicide, or suicide attempts;
    - 11) Outbursts of anger; and
    - 12) Poor hygiene and grooming.
3. **Depression** : This is more than just feeling sad or a little under the weather.
  - a. Depression is a mental illness that can seriously affect a person's feelings, thought patterns, behavior and quality of life.
  - b. Warning Signs include:
    - 1) Ongoing sad, anxious or empty feelings;
    - 2) A loss of interest in activities that normally are pleasurable, including sex;
    - 3) Appetite and weight changes (either loss or gain);
    - 4) Sleep problems (insomnia, early morning waking or oversleeping);
    - 5) Irritability;
    - 6) A loss of energy and a sense of fatigue, or being "slowed down";
    - 7) Feelings of guilt, worthlessness and helplessness;
    - 8) Feelings of hopelessness and pessimism;
    - 9) Difficulty in concentrating, remembering and making decisions;
    - 10) Thoughts of death or suicide, or suicide attempts; and

- 11) Ongoing body aches and pains or problems with digestion that are not caused by physical disease.

### **C. Accessing Community Mental Health Resources**

1. The supervisor or OIC of Communications (Dispatch) shall maintain a current directory of mental health resources including:
2. Contacts for hospitalization for psychiatric emergencies;
3. Massachusetts Department of Mental Health: Phone: 617-626-8000, <http://www.mass.gov>; and
4. National Alliance on Mental Illness (NAMI): 1-800-950-NAMI (6264), <http://www.nami.org/>.

### **D. Dealing with the Mentally Ill in Administrative Settings**

1. Non-sworn employees may interact with mentally ill persons in an administrative capacity, such as dispatching, records request, animal control issues, etc.
2. If an employee believes [s]he is interacting with a mentally ill person, [s]he should proceed patiently and act in a calm manner.
3. Although the person is mentally ill, his or her requests or inquiries should normally be treated as if the person making the request or inquiry were not mentally ill.
4. Understand that due to the person's illness, the person could make bizarre claims or requests.
5. At all times, employees should act with respect towards the mentally ill person. A person with mental illness may be both highly intelligent and acting irrationally.
6. If the person's behavior makes the employee feel unsafe, a police officer should be summoned. The police officer need not deal with the person directly, but be present during the interaction to react if the person becomes disruptive or violent.
7. If the person is disruptive, violent, or acts in such a manner as to cause the employee to believe that the person may be harmful to him/herself or others, a police officer should be summoned to address the situation in accordance with this policy.

### **E. Interactions with the Mentally Ill in the Field [41.2.7(c)]**

1. If an employee believes [s]he is faced with a situation involving a mentally ill person, [s]he should not proceed in haste unless circumstances require otherwise.
  - a. The employee should be deliberate and take the time required for an overall look at the situation.



- b. The employee should ask questions of persons available to learn as much as possible about the individual. It is especially important to learn whether any person, agency or institution presently has lawful custody of the individual, and whether the individual has a history of criminal, violent or self-destructive behavior.
  - c. The employee should call for and await assistance. It is advisable to seek the assistance of professionals such as doctors, psychologists, psychiatric nurses and clergy, if available. The communications center should have telephone numbers and locations of crisis centers.
  - d. It is not necessarily true that mentally ill persons will be armed or resort to violence. However, this possibility should not be ruled out and, because of the potential dangers, the employee should take all precautions to protect everyone involved.
2. It is not unusual for such persons to employ abusive language against others. An employee must ignore verbal abuse when handling such a situation.
  3. Avoid excitement. Crowds may excite or frighten the mentally ill person. Groups of people should not be permitted to form or should be dispersed as quickly as possible.
  4. Reassurance is essential. The employee should attempt to keep the person calm and quiet. [S]he should attempt to show that [s]he is a friend and that [s]he will protect and help. It is best to avoid lies and not resort to trickery.
  5. Employee s should at all times act with respect towards the mentally ill person. Do not "talk down" to such person or treat such a person as "child-like." A person with mental illness may be both highly intelligent and acting irrationally. Mental illness, because of human attitudes, carries with it a serious stigma. An officer's response should not increase the likelihood that a disturbed person will be subjected to offensive or improper treatment.

#### **F. Responding to Requests for Assistance**

1. If an officer receives a complaint from a family member of an allegedly mentally ill person, the officer must assess the person's state. The officer must make a good faith determination as to whether or not there is reason to believe that failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness, and as to whether the person is a threat to himself or others.
2. If a person is not an immediate threat or is not likely to cause harm to himself or others, officers should advise such family member of that determination. The family member may:
  - a. Consult a physician or mental health professional in an attempt to obtain a commitment from that person pursuant to M.G.L. c. 123 s. 12(a); or
  - b. Make application to the district or juvenile court to obtain a warrant of apprehension pursuant to M.G.L. c. 123 s. 12(e).

## G. Warrants of Apprehension

1. A warrant of apprehension issued pursuant to M.G.L. c. 123 s. 12(e) is a judicially authorized arrest warrant, and police may take actions normally accorded an arrest warrant. See the department policies on **Arrests**.
2. Upon receipt of a warrant of apprehension, police should make a good faith effort to locate and serve the warrant.
3. Upon arrest of the subject of the warrant, the individual should be processed according to the department policy on **Processing Detainees** unless, due to the dangerousness of the subject or other factors, doing so would pose an excessive risk of physical harm to the officers or the subject of the warrant. In such a case, the subject should be taken directly to court.

## H. Involuntary Examinations

1. The authority for an application for Involuntary Examination is described in M.G.L. c. 123 s. 12.
  - a. Medical Personnel: Any physician, qualified psychiatric nurse, mental health clinical specialist, or qualified psychologist, after examining a person and having reason to believe that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness, may restrain the person and apply for hospitalization for a three (3) day period.<sup>1</sup>
  - b. Police Officers: In an emergency situation, if a physician or qualified psychologist is not available, a police officer who reasonably believes under the circumstances that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person and apply for the hospitalization of such person for a three (3) day period at a public facility or a private facility authorized for such purpose by the Massachusetts Department of Mental Health.<sup>2</sup>
  - c. Any Person (including a police officer) may petition a district court to commit a mentally ill person to a facility for a three (3) day period if failure to confine that person would cause a likelihood of serious harm.<sup>3</sup>
2. Police Application of M.G.L. c. 123 s. 12
  - a. Absent an order of a physician or psychologist for involuntary hospitalization, a police officer may convince a person who [s]he believes needs such services to agree to a voluntary admission for a mental health evaluation.
  - b. If feasible, a police officer should seek the involuntary commitment of an individual by an authorized mental health professional or the court.
  - c. Commitment proceedings under section 12(a) of Chapter 123 should be initiated by a police officer only if all of the following procedures have been observed:
    - 1) Determination has been made that there are no outstanding commitment orders pertaining to the individual.

- 2) Every reasonable effort has been made to enlist an appropriate physician, psychiatrist, psychologist, social worker or family member to initiate the commitment proceedings.
  - 3) The officer has received approval from **Supervisor , other OIC or Chief .**
- d. Officers may effect a warrantless entry into the home of a subject for whom a section 12 application for temporary hospitalization (pink slip) has been issued, provided:<sup>4</sup>
- 1) They have actual knowledge of the issuance of the pink slip.
  - 2) The entry is of the residence of the subject of the pink slip.
  - 3) The pink paper was issued by a qualified physician, psychologist, or psychiatric nurse in an emergency situation and where the subject refused to consent to an examination.
  - 4) The warrantless entry is made within a reasonable amount of time after the pink slip has been issued.

**NOTE :** If any of the above criteria are not met, and unless exigent circumstances are present, a warrant shall be obtained prior to any entry of a residence to execute a pink slip.

- e. Whenever practical, prior to transporting, the emergency mental health facility that police plan to take the person to should be contacted. This may be done by the police, a dispatcher, emergency medical personnel, or staff from the facility from which the mentally ill person is being transported. The facility should be informed of the circumstances and any known clinical history, determine if it is the proper facility, and be given notice of any restraints to be used and whether such restraint is necessary.<sup>5</sup>
- 1) If an officer makes application to a hospital or facility and is refused, or if [s]he transports a person with a commitment paper (pink slip) signed by a physician, and that person is refused admission, the officer should ask to see the administrative officer on duty to have him/her evaluate the patient.
  - 2) If refusal to accept the mentally ill person continues, the officer shall not abandon the individual, but shall take measures in the best interests of that person and, if necessary, take the mentally ill person to the police station.
  - 3) Notification of such action shall immediately be given to the officer-in-charge or the Chief, who can notify the Department of Mental Health.

**NOTE :** Whenever possible, the officers involved should contact emergency medical services (i.e. fire department, paramedic, ambulance personnel) to perform the actual transportation of the mentally ill person. If none available, officers may transport in a cruiser.

## **I. Taking a Mentally Ill Person into Custody**

1. A mentally ill person may be taken into custody if:
  - a. [S]he has committed a crime (an arrest).
  - b. The officer has a reasonable belief, under the circumstances, that [s]he poses a substantial danger of physical harm to himself/herself or other persons.<sup>6</sup> Threats or attempts at suicide should never be treated lightly.
  - c. [S]he has escaped or eluded the custody of those lawfully required to care for him/her.<sup>7</sup>
2. At all times, an officer should attempt to gain voluntary cooperation from the individual.
3. Officers shall be bound by use of force requirements consistent with the department policy on **Use of Force** .

## **J. Transporting Mentally Ill Persons to Treatment**

1. Normally, a person who is to be transported to a hospital for a mental health evaluation pursuant to M.G.L. c. 123 s. 12 will be transported by ambulance.
2. A police officer may transport such person in a police transportation vehicle equipped with a protective barrier if, in the opinion of a police officer, the person poses a threat due to violence, resisting, or other factors. Authorization from a supervisor or OIC should be sought prior to transport.

## **K. Escapes from Mental Health Facilities**

1. If a patient or resident of a facility of the Massachusetts Department of Mental Health is absent without authorization, the superintendent of the facility is required to notify the state and local police, the local district attorney and the next of kin of such patient or resident.<sup>8</sup>
2. Such persons who are absent for less than six months may be returned by the police.
3. Persons who have been found not guilty of a criminal charge by reason of insanity or persons who have been found incompetent to stand trial on a criminal charge may be returned regardless of the length of absence.<sup>9</sup>
4. Taking a subject into custody for return to a mental health facility shall not be considered an arrest. The subject may be turned over directly to employees of the facility.

## **L. Indemnification**

1. Police officers are immune from civil suits for damages for restraining, transporting, applying for the admission of or admitting any person to a facility.
2. Immunity applies to officers acting pursuant to the provisions of Chapter 123 (Mental Health).<sup>10</sup>

### **M. Interrogating Mentally Ill Suspects [41.2.7(c)]**

1. Whenever a mentally ill or mentally deficient person is a suspect and is taken into custody for questioning, police officers must be particularly careful in advising the subject of his/her Miranda rights and eliciting any decision as to whether [s]he will exercise or waive those rights. It may or may not be obvious that the person understands his/her rights. The department policy on **Interrogating Suspects and Arrestees** should be consulted.
2. In addition, it may be very useful to incorporate the procedures established for interrogating juveniles when an officer seeks to interrogate a suspect who is mentally ill or mentally deficient. Those procedures are set out in the department policy **Handling Juveniles** .
3. Before interrogating a suspect who has a known or apparent mental condition or disability, police should make every effort to determine the nature and severity of that condition or disability; the extent to which it impairs the subject's capacity to understand basic rights and legal concepts, such as those contained in the Miranda warnings; and whether there is an appropriate "interested adult," such as a legal guardian or legal custodian of the subject, who could act on behalf of the subject and assist the subject in understanding his/her Miranda rights and in deciding whether or not to waive any of those rights in a knowing, intelligent and voluntary manner.
4. CONFIDENTIALITY: Any officer having contact with a mentally ill person shall keep such matter confidential except to the extent that revelation is necessary for conformance with department procedures regarding reports or is necessary during the course of official proceedings.

### **N. Lost or Missing**

1. If a mentally ill or deficient person is reported lost or missing, police should follow protocols described in the department policy on **Missing Persons** .
2. Officers may additionally refer the family of the missing person to the National Alliance for the Mentally Ill (NAMI)/Homeless or Missing Persons Service which operates an emergency hotline to assist all families and friends who have a missing relative or friend. The Information Helpline telephone number is **1-800-950-NAMI (6264)**, and the web site is <http://www.nami.org/> .

### **O. Training**

1. Department personnel shall be directed to review this policy upon initial employment. [41.2.7(d)]

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<sup>1</sup> M.G.L. c. 123, §12 (a).

<sup>2</sup>M.G.L. c. 123, §12(a); *Ahern v. O'Donnell*, 109 F.3d 809 (1st Cir. 1997).

<sup>3</sup>M.G.L. c. 123, §12(e).

<sup>4</sup>*McCabe v. Life-Line Ambulance Service, Inc.*, 77 F.3d 540 (1st Cir. 1996).

<sup>5</sup>M.G.L. c. 123, §12(a).

<sup>6</sup>M.G.L. c. 123, §12(a); *Ahern v. O'Donnell*, 109 F.3d 809 (1st Cir. 1997).

<sup>7</sup> M.G.L. c. 123, §30.

<sup>8</sup>M.G.L. c. 123, §30.

<sup>9</sup>M.G.L. c. 123, §30.

<sup>10</sup>M.G.L. c. 123, §22.

<b>HADLEY POLICE DEPARTMENT</b>		<b>Department Manual:</b> <b>Policy No. 1.31</b>
<b>Subject: HANDLING JUVENILES</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b> <b>REFERENCED: 1.2.6; 44.1.1; 44.2.1; 44.2.2; 44.2.3; 44.2.4; 44.2.5;</b> <b>82.1.1 a; 82.1.1 b</b> <a href="#"><b>Juvenile Lockup Flowchart</b></a> <b>See: Wallace W. v Commonwealth (2019)</b>		<b>GENERAL ORDER</b>
<b>Effective Date:</b> <b>July 1, 2021</b>  Amended 11/9/21	<b>Issuing Authority</b> <b>Michael A.</b> <b>Mason</b> <b>Michael A. Mason</b> <b>CHIEF OF POLICE</b>	

**I. GENERAL CONSIDERATIONS AND GUIDELINES**

It is generally recognized that juveniles (>=12 and <18 years of age) who engage in anti-social conduct present different problems to society than do adults who engage in similar types of activities. There is, therefore, a modification of police procedures in handling juvenile offenders who come in contact with the police. This special procedure is based on the concept that the juvenile offender is often not yet hardened and may be more easily influenced to conduct himself/herself within the confines of the law. There is no question that the attitude and actions of the police can have considerable impact upon the first offender who is often times a frightened youngster at the time of their initial arrest which may their first contact with law enforcement. How [s]he is treated at that specific time by the police can absolutely have a lasting impression as it pertains to the police and the criminal justice system in general. At the same time, it must always be remembered that the so-called “hardened” juvenile arrestee can be just as dangerous as any adult.

Although the police are not expected to be social workers, they must have an understanding of the social and psychological factors which contribute to juvenile misbehavior and crime. By the nature of their duties and responsibilities, the police should be familiar with any undesirable conditions in the community which tend to have the capacity to breed juvenile delinquency. The prevention of juvenile crime has a high

priority and any success in this regard can pay large dividends to the community as a whole and to its young people. **44.1.1**

As a preventive measure, officers should frequently check those areas, places and buildings that have been particularly prone to juvenile delinquent behavior and conduct field encounters of all juveniles found in suspicious situations. Energetic and proactive patrol, impressing the fact of a consistent police presence, can be a most effective deterrent to juvenile delinquency. The members of the Hadley Police Department, both sworn and non-sworn, should also cooperate and collaborate actively with all other agencies, public or private, that can be of assistance in deterring and controlling juvenile delinquency.

Police officers play a very important part in the Juvenile Justice System. Patience, understanding, compassion and when necessary firmness, together with close cooperation with court officials in the processing of juvenile cases, are necessary for the system to operate most effectively and efficiently.

Police officers should be aware that one's constitutional rights are never lost by virtue of one's age. Indeed, juveniles merit greater protection, especially in the areas of custodial questioning and the initiation of a waiver of their rights.

The State Legislature has rescinded the law formerly referred to as CHINS (Children in Need of Services) and replaced with numerous provisions concerning Children Requiring Assistance. Rather than arresting certain young persons, the Police may place them in "custodial protection", but not handcuff, shackle or even bring them to the Police Station. Until the legislature or a court clarifies certain provisions of the new law, the Department will do its best to interpret and comply with the spirit of the legislation, which is clearly aimed at further separating certain so-called "status offenders" from the stigmatizing effects of certain aspects of the criminal justice system.

## **II. POLICY**

- A. It shall be the policy of the Hadley Police Department that:
1. Juveniles shall be afforded their constitutional and statutory rights when being questioned, searched, detained or arrested; **44.2.2 c**
  2. Juvenile offenders shall not be detained at the Hadley Police Headquarters for any longer than reasonably necessary;
  3. Children Requiring Assistance shall be provided custodial protection and other required services where this can be done safely.
  4. Officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive change in juvenile offenders



that are consistent with Massachusetts law and the safety and security interests of the community;

5. The Department shall be committed to the development and perpetuation of programs to prevent and control juvenile delinquency. **44.1.1**
6. The Department shall implement all the suggested guidelines as promulgated by the Massachusetts Peace Officer Standards and Training Commission on June 30, 2021 titled "*Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children*" and incorporated in this policy in Sections C-F.  
[Amended 6/30/21]

### III. DEFINITIONS

A. ***Child Requiring Assistance (CRA)*** Any child between the ages of 6 and 18 who:

1. Repeatedly **runs away** from the home of the child's parent, legal guardian or custodian;
2. Repeatedly **fails to obey** the **lawful and reasonable commands of the child's parent**, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child;
3. Repeatedly fails to obey the lawful and reasonable regulations of the child's school; or
4. Is habitually truant. **44.2.2**

B. "***Delinquent child***", a child between 12 and 18 years of age who commits **any offense against a law of the commonwealth; provided, however, that such offense shall not include:**

- a **civil infraction,**
- a **violation of any municipal ordinance or town by-law**
- or a **first offense of a misdemeanor**
  - **for which the punishment is a fine, imprisonment in a jail or house of correction for not more than 6 months or both such fine and imprisonment.**<sup>1</sup>

- **Important Note:**

- The previous definition of a "*Delinquent child*" was much broader. Previously it was defined as a child between the ages of seven (7) and

eighteen (18) who violates any city ordinance or town by-law or who commits any offense against a law of the commonwealth.

- The *New **Age of Criminal Responsibility*** has been increased from 7 to **12 years of age.**
- In addition the new statute states in pertinent part that juveniles shall not be found delinquent in juvenile court for any misdemeanor for which the first offense is punishable by less than 6 months in the House of Correction.
- With that in mind, there is nothing in this newly modified definition of a "*Delinquent Child*" under Chapter 119 Section 52 that specifically precludes police officers from making an arrest under certain circumstances such as:
  1. when specifically authorized by statute based on "probable cause";
  2. when specifically authorized by statute when the violation occurs in the presence of a police officer; or
  3. when the violation takes place in the presence of a police officer in which said violation amounts to an ongoing or prospective breach of the peace.
- Therefore, arrests of juveniles for certain types of misdemeanors which carry a penalty for less than six months such as the following:
  - Indecent Exposure,
  - Disorderly Conduct,
  - Disturbing the Peace,
  - Minor Transporting Alcohol,
  - Operating with a Suspended License,
  - Shoplifting,
  - Threats,
  - Driving without a license
  - Breaking and Entry to Commit a Misdemeanor, or
  - Making Annoying/Harassing Phone Calls
- Until such time as the state legislature provides additional clarity and guidance on this complicated issue, beyond that outlined in the 2019 Wallace W Decision, the **preferred response** whenever possible for a violation of these listed enumerated offenses is to **avoid making an arrest whenever possible.** However, when circumstances warrant, such as to quell an ongoing breach of the peace and an arrest becomes the only viable option and there is no reasonable alternative available, officers of this department shall continue to be authorized to make such an arrest if any of the 3 conditions above exist.

- Recently, in the case of Commonwealth v Wallace (2019), the SJC concluded that the amendment to § 52 of Chapter 119 was plainly designed to give juveniles a so-called “*second chance*” with regard to a “first offense of a misdemeanor” that carries a maximum punishment of six months' imprisonment or a fine. In other words, the Legislature intended to excuse a juvenile's first isolated instance of such misconduct. **This means that the Juvenile Court may not exercise jurisdiction where the juvenile's first-offense is one such misdemeanor.** However, once a juvenile has committed his/her “first offense,” the Juvenile Court may exercise jurisdiction over all other offenses not otherwise excluded under § 52, including subsequent six months or less misdemeanors. The SJC further concluded that, consistent with the purpose of the statute and the rule of lenity, the term “first offense” under § 52 means a **first adjudication of delinquency** and not just one where a complaint was issued and the case was resolved short of adjudication (e.g., dismissed, diverted, continued without a finding, etc.).
  - Further, by way of logistical implication in procedure outlined by the SJC for determining the “first-offense” misdemeanor in the Wallace W. decision, Police Officers **shall retain the Right of Arrest** for any “*first offense misdemeanor*” specifically allowable by existing statutes – whether in presence or on probable cause - in furtherance with this procedure as outlined by the SJC.
  - If an arrest is made a Clerk Magistrate and/or District Court Judge shall continue to make such a determination in the juvenile session of the district court prior to arraignment as to whether or not a complaint shall issue.
  - Note: Individual police departments are advised to consult with their local city/town counsel for additional guidance on this particular issue in consultation with the local District Attorney and the local Juvenile Court Justice.
- C. **Youthful Offender**: A person who is subject to an adult or juvenile sentence for having committed, while between the ages of fourteen (14) and eighteen (18), an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison, and (a) has previously been committed to the department of youth services, or (b) has committed an offense which involves the infliction or threat of serious bodily harm in violation of law, or (c) has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine; provided that, nothing in this clause shall allow for less than the imposition of the mandatory commitment periods provided in section fifty-eight of chapter one hundred and nineteen.<sup>2</sup>

- D. **Non-Offenses:*** Children held in protective custody because they were found present where controlled substances are kept pursuant to G.L. c. 94C, s. 36, or are incapacitated due to intoxication pursuant to G.L. c. 111B, s. 8.
- E. **Non-Secure Custody:*** A condition under which a juvenile's freedom of movement is controlled by members of the Hadley Police Department and, during such time, the juvenile: **44.2.2 a**
1. Status offenders are held in an unlocked, multi-purpose room that is in no way designed for residential use; Rooms #'s 103, (Officer Report Room) & 108 (OIC Office) Monitored and under the supervision of the arresting officer, prisoner (detainee) control officer or the officer-in-charge
  2. Is not handcuffed to any stationary object;
  3. Is held only long enough to complete identification, investigation and processing and then released to a parent or guardian or transferred to a juvenile facility or the court; and
  4. Is under continuous supervision until released.
- F. **Secure Custody:*** A condition under which a juvenile's freedom of movement is controlled by being placed in a cell or locked room (or set of rooms) or being handcuffed to a stationary object.<sup>3</sup>
- G. **Custodial Protection:*** A term used but not defined in several parts of MGL c. 119, referring to actions resembling Non-Secure Custody, above, but without handcuffing, restraining or even transporting the young person to a police facility.
- H. **Age of Criminal Responsibility:*** The age of Criminal Responsibility shall now be **12 years of age**.<sup>4</sup>
- I **"Restraints"***: a device that limits voluntary physical movement of an individual, **including leg irons and shackles, which have been approved by the trial court department.**<sup>5</sup>

## IV. PROCEDURE / *POST COMMISSION* GUIDANCE

### A. Administration

1. The responsibility for participating in and supporting the department's juvenile operations is shared by all department components and personnel.  
**44.1.1**

**B. Enforcement Alternatives 1.2.6 44.2.1, 1.2.6**

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative, consistent with preserving public safety, order and individual liberty. **44.2.1 a**
2. Whenever reasonable and possible, an officer will request a summons for a juvenile rather than taking him/her into custody. **44.2.1 b**
3. Alternatives available include the following:
  - a. Release with no further action or following informal counseling when no arrest has been made. Officers may also turn the juvenile over to his/her parent or guardian when appropriate; **44.2.1 a**
  - b. Informal referral to an appropriate community social service agency;
  - c. Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian;
  - d. Issue a citation or applying for a summons or complaint; and
  - e. Arrest when appropriate and authorized.
4. Criteria When Choosing an Alternative
  - a. In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim.
  - b. **Note:** No arrests are authorized in cases involving *Children Requiring Assistance*.

**Note:** Sections (C.) through (F.) that immediately follow come directly from the Official Guidance offered from the Massachusetts Peace Officer Standards and Training Commission "Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children."

## **C. DE-ESCALATION & DISENGAGEMENT<sup>1</sup>**

1. When appropriate, safe, and feasible in determining how to respond to minor children, Law Enforcement Officers should use de-escalation strategies in an attempt to problem solve and provide alternatives to arrest.
  
2. Law Enforcement Officers should consider all approved diversion options and select the alternative which least restricts the minor child's freedom and provides an alternative compatible with the best interests of the minor child and the community. When interacting with minor children, Law Enforcement Officers should make every reasonable effort to prevent an incident from escalating.

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<sup>1</sup> The Municipal Police Training Committee (MPTC) in their current lesson plan, *Police Response to Mental Illness and Emotional Disturbances*, defines de-escalation as an “interactive process where the goal is to guide an individual to a calmer state of mind and to get to solution-based thinking. De-escalation refers to establishing and maintaining control of a situation in order to increase the safety of all and to build rapport with a person in order to increase cooperation.” This concept of de-escalation is embedded in the MPTC’s current Use of Force and Integrating Communications, Assessment and Tactics (ICAT)<sup>i</sup> curricula. It is generally understood that de-escalation techniques require Law Enforcement Officers to make a shift away from transactional, “quick resolution” tactics and slow down their interactions to build rapport and provide support to an emotionally dysregulated individual.

3. Any Law Enforcement Officer involved in a situation with a minor child should remain calm, engage the minor child in dialogue, and attempt to gain cooperation and trust from the minor child whenever safe and feasible.
4. When appropriate and feasible, Law Enforcement Officers should approach a minor child in a manner that is slower and more deliberate than a Law Enforcement Officer would approach an adult, in order to begin a process of de-escalation and to encourage and promote mutual cooperation and trust.
5. Law Enforcement Officers should attempt to engage the minor child in conversation, explain their role as peacekeeper, and encourage the minor child to partner with the officer in keeping the peace and managing the situation by using the timing, language, and physical bearing that is least likely to escalate the minor child's response.
6. Law Enforcement Officers' attempts to keep the peace should provide the minor child with the opportunity to understand and comply with their instructions, encourage questions and provide answers, and minimize the likelihood for confrontation by engaging in and facilitating non-threatening dialogue.
7. When it is safe and feasible, Law Enforcement Officers should adopt a calm, collaborative, respectful, and firm demeanor with minors to prevent a fight, flight or freeze response, slow down the interaction, and de-escalation the situation.
8. When interacting with a minor child, Law Enforcement Officers should explain the interaction in an age or developmentally appropriate manner, use developmentally appropriate language, maintain a non-threatening demeanor, and treat the minor child with courtesy, professionalism, dignity, respect, and equality.
9. When interacting with a minor child, officers should avoid tactics that are demeaning or likely to humiliate the minor child.

**D. EDUCATION & TRAINING**

1. Training of Law Enforcement Officers should address child and adolescent development, brain development, and trauma informed, age-appropriate, and culturally relevant tactics to prevent escalation of Law Enforcement Officer-minor child interactions. Training should include, but is not limited to:
  - a. Implicit and explicit bias training to address racial, age-based, gender, cultural, linguistic, and economic bias and the disproportionate impact of such biases on minor children of color;
  - b. Trauma training that includes strategies for effective, trauma-informed responses to minor child behavior. Training should provide a basic understanding of emotional and/or traumatic stress presentation in minor children;



- c. Scenario based training involving interactions with minor children;
  
- d. Training should include special considerations that officers should take when encountering special populations including minor children suffering from cognitive/and or mental health issues, minor children under the influence of substances, minor children with disabilities, and minor children for whom English is not a first language; and
  
- e. Training in communication, stabilization, and crisis intervention strategies and techniques. Strategies/techniques should encompass:
  - active, reflective, and empathic listening;
  
  - rapport building;

- affect management; and
  
  
  - crisis negotiation and response.
2. Law Enforcement Agencies should develop a specific academy training on how to interact and engage with minor children. Academy training should include the following as it relates to minor children:
- Conflict resolution and problem solving;
  - Alternatives to arrest; and
  - Impact of child development and trauma on minor children's ability to process, take directives, and respond to Law Enforcement Officers.

## **E. TRAUMA**

1. Law Enforcement Officers should be encouraged to access support and debriefing following critical incidents involving minor children.
  
  
  
  
  
  
  
  
  
  
2. Partnerships between Law Enforcement Officers and behavioral health professionals should be encouraged and Law Enforcement Officers should have access to accurate information about community resources for minor children and their families.

## **F. COMMUNITY**

1. Law Enforcement Agencies should encourage and provide resources for Law Enforcement Officers of all ranks to establish community relationships through non-enforcement interactions among Law Enforcement Officers, minor children, and other community members.
  
2. Law Enforcement Agencies should make identified community resources for minor children available and accessible to Law Enforcement Officers.
  
3. Law Enforcement Agencies should periodically review and update procedures for effective Law Enforcement Officer-minor child interactions that include effective communication strategies for children.

4. Law Enforcement Agencies should support initiatives that increase positive Law Enforcement Officer-minor child interactions and engagement in communities that increase community trust in Law Enforcement Officers.

**G. Referral to Juvenile Court (or Juvenile Session of the District Court) 44.2.1 c**

1. While an officer should recognize the unique and often sensitive nature of juvenile contact, [s]he should not be deterred from properly enforcing the law when required and authorized to do so. A decision to arrest should be based on the same legal considerations as the arrest of an adult.
5. Officers may arrest juveniles for acts of delinquency but not for traditional “status offenses”. 44.2.2 a
6. Arrested juveniles are subject to the same security and other transportation requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing. See departmental policy on **Transporting Prisoners**.  
**Note:** Children Requiring Assistance may not be handcuffed, shackled or transported to the police station. 44.2.2 a
7. When an arrest is made, the juvenile shall be brought to the booking room without significant delay. 44.2.2 d
8. Pursuant to Chapter 119 Section 67(a), **Whenever a child between 12 and 18 years of age is arrested with or without a warrant, as provided by law, and the court or courts having jurisdiction over the offense are not in session, the officer in charge shall immediately notify at least 1 of the child's parents, or, if there is no parent, the guardian or custodian with whom the child resides or if the child is in the custody and care of the department, the department of children and families.** Pending such notice, such child shall be detained pursuant to subsection (c) of Chapter 119 Section 67 [section 7 below].<sup>6</sup> 44.2.2(e)
9. Pursuant to Chapter 119 Section 67(b), Upon the acceptance by the officer in charge of the police station or town lockup of the written promise of the parent, guardian, custodian or representative of the department of children and families to be responsible for the presence of the child in court at the

time and place when the child is ordered to appear, the child shall be released to the person giving such promise; provided, however, that if the **supervisor of the arresting officer** requests in writing that a child between 14 and 18 years of age be detained, and if the court issuing a warrant for the arrest of a child between 14 and 18 years of age directs in the warrant that the child shall be held in safekeeping pending the child's appearance in court, the child shall be detained in a police station, town lockup, a place of temporary custody commonly referred to as a detention home of the department of youth services or any other home approved by the department of youth services pending the child's appearance in court; provided further, that in the event any child is so detained, the officer in charge of the police station or town lockup shall notify the parents, guardian, custodian or representative of the department of children and families of the detention of the child. Nothing contained in this section shall prevent the admitting of such child to bail in accordance with law. <sup>7</sup>

**44.2.2(c)**

Printed on <b>06/05/2018</b>	<b>Chelsea Police Department</b> <b>Arrest Number: 18-384-AR</b> <b>Alyhaa A Mendez    Arrested on: 04/25/2018    Time: 2324</b>	Page Number <b>1 of 1</b>
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**Your Rights**

I hereby certify that I have been advised and understand my rights under the constitution and Massachusetts Law which were given to me as follows:

- \* You have the right to remain silent.
- \* Anything you say can and will be used against you in a court of law.
- \* You have the right to talk to a lawyer and have him present with you while you are being questioned.
- \* If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
- \* You have the right to use a telephone to contact a lawyer at any time.
- \* You can decide at any time to exercise these rights and not answer any questions or make any statements.

1. Do you understand these rights explained to you? \_\_\_\_\_

2. Having these rights in mind, do you wish to talk now? \_\_\_\_\_

SIGN: Juvenile \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

Witness

**Juvenile**

- \* I have been informed of the arrest of Juvenile a juvenile under the age of 18.
- \* Under the provisions of Ch. 119, S. 67 of GENERAL LAWS (Ter.ed) I accept custody of him/her.
- \* I hereby promise to have said juvenile present at specified court on the proper date and time.
- \* CHELSEA DISTRICT COURT, 120 BROADWAY, CHELSEA, MA, AT 0630 ON 04/26/2018.

SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

Signature of parent, guardian or person with whom child resides.

SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

Witness

10. Pursuant to Chapter 119 Section 67(c), no child between 14 and 18 years of age shall be detained in a police station or town lockup pursuant to subsections (a) or (b) [5 and 6 above] unless the detention facilities for children at the police station or town lockup have received the approval in writing of the commissioner of youth services. The department of youth services shall make inspection at least annually of police stations and town lockups where children are detained. If no approved detention facility exists in a city or town, the city or town may contract with an adjacent city or town for the use of approved detention facilities to prevent children who are detained from coming in contact with adult prisoners. A separate and distinct place shall be provided in police stations, town lockups or places of detention for such children. Nothing in this section shall permit a child between 14 and 18 years of age to be detained in a jail or house of correction.<sup>8</sup>
11. Pursuant to Chapter 119 Section 67(d), **When a child is arrested who is in the care and custody of the department of children and families, the officer in charge of the police station or town lockup where the child has been taken shall immediately contact the department's emergency hotline and notify the on-call worker of the child's arrest.** The on-call worker shall notify the social worker assigned to the child's case who shall make arrangement for the child's release as soon as practicable if it has been determined that the child will not be detained.<sup>9</sup>
9. Juveniles arrested for criminal type offenses are subject to the same booking procedures as adults. Juveniles taken into custody for status offenses or for non-criminal offenses as well as Children Requiring Assistance that are placed in custodial protection shall not be fingerprinted or photographed.<sup>10</sup> **44.2.2 c, 82.1.2 b**
10. The arresting officer and the prosecutor should cooperate in the preparation and presentation of the case if court action is necessary.
11. Any police proceeding involving juveniles or Children Requiring Assistance shall be treated in a confidential manner.

## H. Holding Juveniles

1. **Delinquent Offenders**
  - a. Juveniles between ages fourteen and eighteen accused of delinquent offenses may be held in secure custody for no longer than six (6) hours for the purpose of identifying and processing the juvenile and, if appropriate, transportation to a juvenile facility or court.<sup>11</sup>
    - i. Records shall be kept that specify:

- [a] The time the juvenile entered secure detention and the duration of each period of secure detention;
- [b] The name of the police officer or custodial officer responsible for visual supervision and the schedule of visual supervision; and
- [c] A statement of the need for secure detention.

NOTE: Juveniles accused of first or second degree murder or who will be tried in adult court as a youthful offender are not subject to the six hour detention limit as they are automatically tried in adult court.<sup>12</sup>

- b. No child between the ages of fourteen and eighteen shall be detained in a police department unless the detention facilities for children have received the written approval of the Commissioner of Youth Services.<sup>13</sup>
- c. Lockup and other detention facilities shall be such as prevent juveniles who are detained from coming in sight and sound contact with adult prisoners.<sup>14</sup>
- d. No child under age fourteen shall be placed in a cell or otherwise securely detained for any reason. Such child may be held in a safe environment pending suitable disposition. **44.2.2 d**

2. **Protective Custody** {Where Drugs are found}

- a. Status offenders and juveniles held for protective custody shall not be held in secure custody.
- b. A child under the age of eighteen may be taken into protective custody, for a period not exceeding four (4) hours, if an officer:
  - i. Finds the child at a place where the officer reasonably believes there is a controlled substance of Class A, B or C;
  - ii. Reasonably believes the child to be under age eighteen; and
  - iii. Reasonably believes the child knew of the presence of the controlled substance.<sup>15</sup>

Note: The Officer in Charge of the police station shall make every reasonable effort to notify the juvenile's parent or guardian



or other person having lawful custody. Under these circumstances, the juvenile shall NOT be placed in a secure cell or restrained in any way.

3. **Children Requiring Assistance**

- a. Children Requiring Assistance shall not be held in secure custody.
- b. A child may be taken into custodial protection for engaging in behavior described in the definition of “Child Requiring Assistance” in Section 21, only if such child has failed to obey a summons issued pursuant to MGL c 119 § 39E or if the law enforcement officer initiating such custodial protection has probable cause to believe that such child has run away from the home of his parents or guardian and will not respond to a summons.
- c. A parent, legal guardian or custodian of a child having custody of such child, may initiate an application for assistance in one of said courts stating that said child repeatedly runs away from home of said parent or guardian or repeatedly refused to obey the lawful and reasonable commands of said parent or guardian resulting in said parent’s or guardian’s inability to adequately care for and protect said child.
- d. A school district may initiate an application for assistance in said court stating that said child is not excused from attendance in accordance with the lawful and reasonable regulations of such child’s school, has willfully failed to attend school for more than 8 school days in a quarter or repeatedly fails to obey the lawful and reasonable regulations of the child’s school. The application for assistance shall also state whether or not the child and the child’s family have participated in the truancy prevention program, if one is available, and a statement of the specific steps taken under the truancy prevention program to prevent the child’s truancy; and if the application of assistance states that a child has repeatedly failed to obey the lawful and reasonable regulations of the school, a statement of the specific steps taken by the school to improve the child’s conduct.
- e. Upon the filing of an application for assistance, the court may issue a summons, to which a copy of the application for assistance shall be attached, requiring the child named in such application to appear before said court at the time set forth in the summons. If such child fails to obey the summons, said Court may issue a warrant reciting the substance of the petition and requiring the officer to whom it is directed forthwith to take and bring such child

before said Court. Notice of the hearing shall be given to the Department of Children and Families and the Department of Youth Services.

- f. Where the Court summons such child, the court shall in addition issue a summons to both parents of the child, if both parents are known to reside in the Commonwealth, or to one parent if only one is known to reside within the Commonwealth, or, if there is no parent residing in the Commonwealth, then to the parent having custody or to the lawful guardian of such child. Said summons shall require the person served to appear at a time and place stated therein at a hearing to determine whether or not such child is in need of assistance.
- g. Unless service of the summons required by this section is waived in writing, such summons shall be served by the constable or police officer, either by delivering it personally to the person to whom addressed or by leaving it with a person of proper age to receive the same, at the place of residence or business of such person, and said constable or police officer shall immediately make return to the court of the time and manner of service.
- h. A child who is the subject of an application for assistance may not be confined in shackles or similar restraints or in a court lockup facility in connection with any proceeding under Sections 39E to 39I, inclusive. A child who is the subject of an application for assistance shall not be placed in a locked facility or any facility designated or operated for juveniles who are alleged to be delinquent or who have adjudicated delinquent. Such child may, however, be placed in a facility which operates as a group home to provide therapeutic care for juveniles, regardless of whether juveniles adjudicated delinquent are also provided care in such facility.
- i. A child may not be arrested for engaging in behavior which constitutes being a Child Requiring Assistance.
- j. A child may be taken into custodial protection for engaging in the behavior described in the definition of "Child Requiring Assistance" in Section 21 only if such child has failed to obey a summons issued pursuant to Section 39E or if the law enforcement officer initiating such custodial protection has probable cause to believe that such child has run away from home of his parents or guardian and will not respond to a summons.
- k. After a law enforcement officer has taken a child into custodial protection, the officer shall immediately notify the parent, other

person legally responsible for the child's care or the person with whom the child is domiciled, that such child is under the custodial protection of the officer and a representative of the Department of Children and Families, if the saw enforcement officer has reason to believe that the child is or has been in the care of custody of such department and shall inquire into the case.

- I. The law enforcement officer, in consultation with the probation officer, shall then immediately make all reasonable diversion efforts so that such child is delivered to the following types of placements and in the following order:
  - (i) To one of the child's parents or to the child's guardian or other responsible person known to the child or to the child's legal custodian including the Department of Children and Families or the child's foster home upon written promise, without surety, of the person to whose custody the child is released that such parent, guardian, person or custodian will bring the child to the Court on the next court date
  - (ii) Forthwith and with all reasonable speed take the child directly and without first being taken to the police station house, to a temporary shelter facility licensed or approved by the Department of Early Education and Care, a shelter home approved by a temporary shelter facility licensed or approved by said Department of Early Education and Care or a family foster care home approved by a placement agency licensed or approved by said Department of Early Education and Care: or
  - (iii) Take the child directly to the juvenile court in which the act providing the reason to take the child into custodial protection occurred if the officer affirms on the record that the officer attempted to exercise the options identified in clauses (i) and (ii), was unable to exercise these options and the reasons for such inability.

Notwithstanding the foregoing requirement for placement, any such child who is taken into custodial protection shall, if necessary, be taken to a medical facility for treatment or observation.

4. When juveniles are detained by the Hadley Police Department the juvenile, parent or guardian shall be informed by the Prisoner Control Officer about the department's juvenile procedures regarding custody and release to a parent or guardian. The officer will also inform the juvenile/parent/guardian about juvenile justice system procedures

regarding transportation to another facility, or court procedures as applicable. **44.2.3 a**

## I. Custodial Interrogation of Minors

1. For a general review of the standards and procedures to be followed when conducting custodial interrogation see the departmental policy and procedure on [Interrogating Suspects and Arrestees](#). It should be remembered that the Miranda Rules apply to juveniles.
2. In addition, the police must also follow the special rules that apply to the interrogation of juveniles. **44.2.2 c**
  - a. **“INTERESTED ADULT RULE”**: In order to obtain a knowing and intelligent waiver by a juvenile, in most cases a parent or interested adult must be present, understand the warnings and have a meaningful opportunity to consult with the juvenile. Before initiating an interrogation, the juvenile’s parent, legal guardian, or other interested adult (including an attorney) should be present.<sup>16</sup>  
**44.2.3 b**
    - i. **UNDER AGE FOURTEEN**: No waiver of rights by a juvenile who is **12 years of age or older and under age fourteen** will be valid if an interested adult is not present, understands the warnings and has a meaningful opportunity to consult with the juvenile.<sup>17</sup>
    - ii. **FOURTEEN YEARS OR OLDER**: For juveniles who are **at least fourteen but under age eighteen**, there should ordinarily be a meaningful opportunity to consult with a parent or interested adult. If there are valid, substantial reasons why an interested adult is not present, officers should ensure, before interrogating the juvenile, that [s]he understands the Miranda warnings and the consequences of waiving them and that any waiver of his/her rights is made intelligently, knowingly and voluntarily. A valid waiver will not occur unless the circumstance "demonstrates a high degree of intelligence, experience, knowledge or sophistication on the part of the juvenile".<sup>18</sup>
  - b. **INTERESTED ADULT EXPLAINED**: An interested adult is, most often, a parent of the juvenile. When the parent is unavailable, another interested adult may be called upon, such as, depending on the circumstances, a legal guardian, an adult brother or sister, grandparent, or other adult relative or an attorney.

- i. A person would not qualify as an interested adult if the adult:
  - [a] Lacks the capacity to appreciate the juvenile's situation (e.g., is intoxicated);
  - [b] Appears to be actually antagonistic to the juvenile; or
  - [c] Is required to report the juvenile's offenses to authorities (e.g., an employee of the Department of Youth Services, or a school official in the case of a weapons violation on school grounds).<sup>19</sup>
- c. **OPPORTUNITY TO CONSULT:** The interrogating officer should explain to the adult that the two of them will be left alone to provide them an opportunity to discuss the juvenile's rights. Then the adult and juvenile must be provided an actual opportunity to discuss the juvenile's rights and the consequences of the waiver.

### 3. Interrogation 44.2.3

- a. Prior to conducting a **custodial interrogation of a juvenile**, the interrogating officer shall be particularly careful to read each Miranda right distinctly, clearly and in a manner designed to ensure that the juvenile (and any adult present on his/her behalf) follows the words being spoken and comprehends their meaning.
- b. Preferably, a written card containing the Miranda warnings should be used. This card should be handed to the juvenile (and any adult present on his/her behalf) so that the juvenile can read it slowly and re-read it if necessary.
- c. When an adult acting on behalf of the juvenile is present, the officer shall read the Miranda warnings to the adult.
- d. Some inquiries shall be made of the juvenile (and any adult present on his/her behalf) as to the juvenile's age, most recent level of schooling and education, whether [s]he has any reading disabilities or mental or emotional conditions and whether [s]he understands the words contained in each Miranda warning.
- e. **UNDER FOURTEEN:** If the juvenile being interrogated is twelve years of age or older and under the age of fourteen, he/she must be given an opportunity to have an actual consultation with an interested adult to discuss the Miranda warnings.<sup>20</sup>

- f. AGE 14 TO 18: If the juvenile is over the age of fourteen and an interested adult is present, the adult shall be given an opportunity to have a meaningful consultation with the juvenile.<sup>21</sup>
4. Officers shall ensure that the interrogation is not unduly coercive, particularly when an interested adult is not present. **44.2.3 b**
  - a. The duration of each interrogation session should be limited and frequent breaks taken.
  - b. Absent extraordinary circumstances, only two officers shall be present at the interrogation.  
NOTE: Massachusetts courts have not ruled on how long the interrogation session of a juvenile may continue before it becomes unduly coercive. Whether an interrogation is unduly coercive such that a valid waiver of rights cannot be made, is a facts and circumstances inquiry and will be dependent on the age, intelligence and sophistication of the juvenile, as well as the circumstances of the interrogation.<sup>22</sup>
5. REPORTS: Included in the arrest record will be the time in which each period of interrogation was commenced and completed, the officers present and the names of parents or responsible adults on hand.

## J. Abused or Neglected Children **44.2.2 b**

1. A police officer who, in his/her professional capacity, has reasonable cause to believe a child under age 18 is suffering serious physical or emotional injury or death from abuse or neglect, including sexual abuse or malnutrition, shall **immediately report** such condition to the Department of Children and Family Services (DCF) by **oral communication**, followed by a **written report within 48 hours** of the oral communication.<sup>23</sup> (51A, 111B, 94C). Said report shall contain the following information:
  - a. The names and addresses of the child and parents or other person responsible for the child's care, if known;
  - b. The child's age;
  - c. The child's sex;
  - d. The nature and extent of the child's injuries, abuse, maltreatment or neglect;
  - e. The circumstances under which the officer first became aware of the child's condition;

- f. The action taken, if any, to treat, shelter or otherwise assist the child;
  - g. The name of the officer making the report;
  - h. Any other information which the officer believes may be helpful in establishing the cause of the injuries; and
  - i. The identity, if known, of the person or persons responsible for such injuries.
2. Juveniles may be taken into custody in situations where the officer believes that the life or health of the child is in immediate danger. In such cases, the Department of Children and Family Services (DCF) shall be immediately contacted and requested to respond to the scene to take custody of the juvenile.<sup>24</sup> If DCF does not respond to the scene in a reasonable amount of time, the juvenile may be transported to the station to await DCF.
  3. In serious cases of child neglect or abuse, the officer may apply to an appropriate juvenile court to have custody of a child under eighteen taken away from the parents or other neglectful or abusing custodian and have custody transferred, on an emergency basis, to DCF or a licensed child care agency or individual.<sup>25</sup>

## **K. School Liaison and Youth Programs**

1. The Chief of Police may establish and/or maintain a school liaison program and appoint one or more officers to do the following: (see School Resource Officer Policy # 1.17) **44.2.4**
  - a. Act as a resource with respect to delinquency prevention; **41.1.1**
  - b. Provide guidance on ethical issues in a classroom setting, as requested;
  - c. Provide individual counseling and/or mentoring to students; and
  - d. Explain to students the role of law enforcement in society.
2. The Department encourages all departmental personnel, as good citizens, to participate on their off-duty time, in any community recreational programs for youth i.e. (P.A.L., G.R.E.A.T programs and community organized youth basketball, little league and football programs). Where a

recreational program is needed but does not exist, officers should encourage citizens and community leaders to organize one. **42.2.5**

## **L. Record Keeping**

1. Officers who select noncustodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate incident reports as required by this agency. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the officer's disposition.
3. Juveniles taken into custody for criminal-type offenses shall be subject to the same reporting requirements as adults. Such records, including photographs and fingerprints, shall be clearly marked "Juvenile" and will be physically separated from adult arrest records and copies sent to the Central Records Bureau. Central Records Bureau will scan all pertinent files into the computer system and shred all data once scanned. All juvenile records are password protected in the IMC System. Dissemination of juvenile records shall be consistent with existing MGL and Public Records Dissemination Guide 14-81. **82.1.2 a, b**

## **M. New State Statutes of Interest pertaining to Juveniles:**

### **Chapter 138 Section 1:**

"*Alcohol-related incapacitation*", the condition of an intoxicated person who, by reason of the consumption of intoxicating liquor, is: (a) unconscious; (b) in need of medical attention; or (c) likely to suffer or cause physical harm or damage property.

### **Chapter 138 Section 34E.**

(a) A person under 21 years of age who, in good faith, seeks medical assistance for someone experiencing alcohol-related incapacitation shall not be charged or prosecuted under sections 34, 34A or 34C if the evidence for the charge of purchase or possession of alcohol was gained as a result of seeking medical assistance.

(b) A person under 21 years of age who experiences alcohol-related incapacitation and is in need of medical assistance and, in good faith, seeks such medical assistance or is the subject of such a good faith request for medical assistance shall not be charged or prosecuted under sections 34, 34A or 34C if the evidence for the charge of purchase or possession of alcohol was gained as a result of seeking medical assistance.

### **Chapter 272 Section 40:**



Whoever willfully interrupts or disturbs an assembly of people meeting for a lawful purpose shall be punished by imprisonment for not more than 1 month or by a fine of not more than \$50; provided, however, that an elementary or secondary student shall not be adjudged a delinquent child for an alleged violation of this section for such conduct within school buildings or on school grounds or in the course of school-related events.

### **Chapter 272 Section 53:**

(b) Disorderly persons and disturbers of the peace shall, for a first offense, be punished by a fine of not more than \$150. For a second or subsequent offense, disorderly persons and disturbers of the peace shall be punished by imprisonment in a jail or house of correction for not more than 6 months or by a fine of not more than \$200 or by both such fine and imprisonment; provided, however, that an elementary or secondary school student shall not be adjudged a delinquent child for a violation of this subsection for such conduct within school buildings or on school grounds or in the course of school-related events.

### **Endnotes:**

<sup>1</sup> M.G.L. c. 119, s. 52

<sup>2</sup> M.G.L. c. 119, s. 52

<sup>3</sup> 28 CFR Part 31.303 (i)

<sup>4</sup> M.G.L. c. 119, s. 54

<sup>5</sup> M.G.L. c. 119, s. 86

<sup>6</sup> M.G.L. c. 119, s. 67(a)

<sup>7</sup> M.G.L. c. 119, s. 67(b)

<sup>8</sup> M.G.L. c. 119, s. 67(c)

<sup>9</sup> M.G.L. c. 119, s. 67(d)

<sup>10</sup> M.G.L. c. 263, s. 1A; *Com. v. Shipps*, 399 Mass. 820, 507 N.E.2d 671 (1987)

<sup>11</sup> Executive Order Number 339, Commonwealth of Massachusetts, Aug. 14, 1992; 28 CFR Part 31.303(f)(5)(iv)(H)

<sup>12</sup> M.G.L. c. 119, s. 68

<sup>13</sup> M.G.L. c. 119, s. 67

<sup>14</sup> M.G.L. c. 119, s. 67

<sup>15</sup> M.G.L. c. 94C, s. 36

<sup>16</sup> *Com. v. A Juvenile*, 389 Mass. 128, 449 N.E.2d 654 (1983)

<sup>17</sup> *Com. v. Berry*, 410 Mass. 31, 570 N.E.2d 1004 (1991)

<sup>18</sup> *Com. v. King*, 17 Mass. App. Ct. 602, 460 N.E.2d 1299, rev. den. 391 Mass. 1105, 464 N.E.2d 73 (1984)

<sup>19</sup> *Com. v. A Juvenile*, 389 Mass. 128, 449 N.E.2d 654 (1983); *Com. v. Berry*, 410 Mass. 31, 570 N.E.2d 1004 (1991)

<sup>20</sup> *Com. v. Berry*, 410 Mass. 31, 570 N.E.2d 1004 (1991)

<sup>21</sup> *Id.*

<sup>22</sup> See *Com. v. Harris*, 364 Mass. 236, 303 N.E.2d 115 (1973)

<sup>23</sup> M.G.L. c. 119, s. 51A

<sup>24</sup> M.G.L. c. 119, s. 51B

<sup>25</sup> M.G.L. c. 119, s. 24

## Appendix A

### *Peace Officer Standards and Training Commission* **Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children**

#### Introduction

In Section 119 of the Chapter 253 of the Acts of 2020, the Legislature instructed the Massachusetts Peace Officer Standards and Training Commission (“Commission”) to: “issue guidance as to developmentally appropriate de-escalation and disengagement tactics, techniques, and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person’s age, disability status, developmental status, mental health, linguistic limitations or other mental or other mental or physical condition.”

The purpose of this guidance is provide Massachusetts Law Enforcement Officers and Law Enforcement Agencies<sup>25</sup> with guidelines for the use of developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to use of force with minor children (i.e. children under the age of 18). This guidance does not have the force of a statute or regulation, and does not express requirements with which Law Enforcement Officers or Agencies must comply.

The Commission recognizes that in issuing such guidance, it must balance the goals of improving the safety of children, the needs of the community, and the well-being of Law Enforcement Officers,<sup>25</sup> while increasing trust between Law Enforcement Officers and the communities they serve. The Commission expects that this guidance will be modified and refined as new knowledge, facts, and scientific evidence inform the understanding of factors that influence the outcomes of Law Enforcement Officer-minor child interactions. Moreover, the Commission believes that these Law Enforcement Officer-minor child interactions are best understood in a broader context that acknowledges the convergence of multiple factors, primarily minor child factors, community factors, and Law Enforcement Officer factors, in determining the outcome of these interactions.

#### Context of the Interaction between Minor Children and Law Enforcement Officers

### Minor Children

Minor children are uniquely vulnerable to violence and trauma. Interactions between Law Enforcement Officers and minor children often represent a minor child's earliest experiences with the legal or law enforcement system and may impact a minor child's development, sense of security and regard for authority. Law Enforcement Officers who are well trained and supported to embrace and understand developmentally appropriate interventions with minor children are likely to engage in positive and culturally-competent interactions with minor children that increase their well-being and promote successful outcomes.

It is well documented that minor children are developmentally distinct from adults. These developmental differences are related to the biological immaturity of children, including their lack of life experience relative to adults. According to the National Academy of Sciences' *Reforming Juvenile Justice* report (2013), children are developmentally distinct from adults in at least three ways: (1) they demonstrate less emotional self-regulation in emotionally charged situations; (2) they have increased susceptibility to external influences such as peer pressure and immediate incentives; and (3) they are less able to make judgments and decisions that require future orientation. Minor children have a propensity for "rash, impulsive and poorly considered actions" especially when faced with "emotionally-charged situations where the time for deliberation is limited, and they lack access to an adult or other person who can help them consider options and consequences - often when with peers." (Kinscherff, 2021). Due to their developmental immaturity, they are less likely than adults to respond favorably to transactional policing approaches, accurately appraise officer behavior and experience police stops as a deterrent to criminal behavior (Thurau and Fine, 2021).

### Community

It is also well-established that factors associated with the community environment such as crime level, police patrol presence, socioeconomic level and neighborhood disorganization affect police behavior and arrest rates. (Sanborn and Salerno, 2005). Research on race and policing indicates that Black Americans experience a greater frequency of police contacts, discretionary stops, and police harassment when these stops occur (Maynard and Haider-Markel, 2014; Fagan et al., 2010; Fagan and Tyler, 2005; Meares, 2014). Discretionary stops by police that are interpreted as harassing, unfair, or discriminatory undermine the public trust in police, encourage avoidance of police and negatively impact community and individual mental health (Geller et al., 2014; Sewell, Jefferson and Lee, 2016). Research has found that community factors and perceptions of procedural justice also impact the attitudes that minor children have toward police (Office of Juvenile Justice and Delinquency Prevention, 2018). When Law Enforcement Officer-minor child interactions are unbiased, respectful and built on a foundation of positive community experiences, they are more likely to elicit cooperation, foster trust and decrease a minor child's experience of fear and trauma during contacts with Law Enforcement Officers.

### Law Enforcement Officers

Factors associated with individual officer characteristics such as an officer's years of experience on the job and the overall culture of a police department also influence Law Enforcement Officer-minor child interactions. (Office of Juvenile Justice and Delinquency Prevention, 2018). Law Enforcement Officers who are well trained, properly supported in their job, and emotionally regulated are more likely to communicate effectively with children, make sound assessments of risk and options for intervention, and slow down when necessary to de-escalate a crisis incident.

The increased exposure to violence and threats to the personal safety of self and the safety of others on the job creates high levels of occupational stress for Law Enforcement Officers. On the job exposure to the serious injury or death of a child has been recognized as one of the most stressful critical incidents Law Enforcement Officers may encounter in the course of their careers. Law Enforcement Officers should have access to support and post-encounter crisis debriefing of critical incidents involving minor children to prevent stress reactions.

During interactions with minor children, Law Enforcement Officers should be particularly aware of minor children's normal developmental tendencies to react anxiously and distrustfully to police presence. When feasible, they should approach minor children in a non-confrontational manner to diffuse tension while maintaining safety. Law Enforcement Officers should be trained in developmentally appropriate, trauma-informed and racially equitable tactics to de-escalate minor children, including

communication strategies which avoid threats and intimidation and promote calm age-appropriate language, provide choices and allow ample time for compliance. It is also critical that Law Enforcement Officers are aware of their own stress level and the impact of their presence and behavior on the outcome of interactions with minor children.

**GUIDANCE:**

**DE-ESCALATION & DISENGAGEMENT**<sup>25</sup>

10. When appropriate, safe, and feasible in determining how to respond to minor children, Law Enforcement Officers should use de-escalation strategies in an attempt to problem solve and provide alternatives to arrest.
  
11. Law Enforcement Officers should consider all approved diversion options and select the alternative which least restricts the minor child's freedom and provides an alternative compatible with the best interests of the minor child and the community. When interacting with minor children, Law Enforcement Officers should make every reasonable effort to prevent an incident from escalating.
  
12. Any Law Enforcement Officer involved in a situation with a minor child should remain calm, engage the minor child in dialogue, and attempt to gain cooperation and trust from the minor child whenever safe and feasible.

13. When appropriate and feasible, Law Enforcement Officers should approach a minor child in a manner that is slower and more deliberate than a Law Enforcement Officer would approach an adult, in order to begin a process of de-escalation and to encourage and promote mutual cooperation and trust.
14. Law Enforcement Officers should attempt to engage the minor child in conversation, explain their role as peace-keeper, and encourage the minor child to partner with the officer in keeping the peace and managing the situation by using the timing, language, and physical bearing that is least likely to escalate the minor child's response.
15. Law Enforcement Officers' attempts to keep the peace should provide the minor child with the opportunity to understand and comply with their instructions, encourage questions and provide answers, and minimize the likelihood for confrontation by engaging in and facilitating non-threatening dialogue.
16. When it is safe and feasible, Law Enforcement Officers should adopt a calm, collaborative, respectful, and firm demeanor with minors to prevent a fight, flight or freeze response, slow down the interaction, and de-escalation the situation.
17. When interacting with a minor child, Law Enforcement Officers should explain the interaction in an age or developmentally appropriate manner, use developmentally appropriate language, maintain a non-threatening demeanor, and treat the minor child with courtesy, professionalism, dignity, respect, and equality.
18. When interacting with a minor child, officers should avoid tactics that are demeaning or likely to humiliate the minor child.

### **EDUCATION & TRAINING**

19. Training of Law Enforcement Officers should address child and adolescent development, brain development, and trauma informed, age-appropriate, and culturally relevant tactics to prevent escalation of Law Enforcement Officer-minor child interactions. Training should include, but is not limited to:
  - a. Implicit and explicit bias training to address racial, age-based, gender, cultural, linguistic, and economic bias and the disproportionate impact of such biases on minor children of color;

- b. Trauma training that includes strategies for effective, trauma-informed responses to minor child behavior. Training should provide a basic understanding of emotional and/or traumatic stress presentation in minor children;
  
- c. Scenario based training involving interactions with minor children;
  
- d. Training should include special considerations that officers should take when encountering special populations including minor children suffering from cognitive/and or mental health issues, minor children under the influence of substances, minor children with disabilities, and minor children for whom English is not a first language; and
  
- e. Training in communication, stabilization, and crisis intervention strategies and techniques. Strategies/techniques should encompass:
  - active, reflective, and empathic listening;
  
  - rapport building;
  
  - affect management; and



- crisis negotiation and response.

20. Law Enforcement Agencies should develop a specific academy training on how to interact and engage with minor children. Academy training should include the following as it relates to minor children:

- a. Conflict resolution and problem solving;
- b. Alternatives to arrest; and
- c. Impact of child development and trauma on minor children's ability to process, take directives, and respond to Law Enforcement Officers.

## **TRAUMA**

21. Law Enforcement Officers should be encouraged to access support and debriefing following critical incidents involving minor children.

22. Partnerships between Law Enforcement Officers and behavioral health professionals should be encouraged and Law Enforcement Officers should have access to accurate information about community resources for minor children and their families.

## **COMMUNITY**

23. Law Enforcement Agencies should encourage and provide resources for Law Enforcement Officers of all ranks to establish community relationships through non-enforcement interactions among Law Enforcement Officers, minor children, and other community members.

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24. Law Enforcement Agencies should make identified community resources for minor children available and accessible to Law Enforcement Officers.
  
  25. Law Enforcement Agencies should periodically review and update procedures for effective Law Enforcement Officer-minor child interactions that include effective communication strategies for children.
  
  26. Law Enforcement Agencies should support initiatives that increase positive Law Enforcement Officer-minor child interactions and engagement in communities that increase community trust in Law Enforcement Officers.

# DEALING WITH HEARING IMPAIRED PERSONS

POLICY & PROCEDURE NO.  <b>1.32</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
<b>HADLEY POLICE DEPARTMENT</b>	Last Review: 2/14/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Employees dealing with persons that are suspected of having hearing loss or being deaf should never assume that that the person understands the officer; the officer should make sure that [s]he understands. This caution applies to all forms of communication, whether sign language, speech, writing, or reading.

Communication problems in police-public encounters provide the basis for misunderstandings and potential problems, frustration, and embarrassment. Therefore, it is important that employees are able to recognize persons with hearing and communication handicaps, differentiate their actions and symptoms from other causes, and take measures to facilitate communication.

Some persons with hearing difficulties also suffer from inner ear impairments that can affect their balance, and their speech may be slurred or otherwise difficult to understand.

## II. POLICY

It is the policy of this police department that:

- A. Persons who are deaf or hearing impaired (hard of hearing) - whether they be victims, witnesses, or suspects - shall be treated with respect, and in any encounters with such individuals, an officer's conduct shall conform to applicable provisions of federal and state law and this policy.
- B. This department shall make available access to speech language interpreters as coordinated by the Office of Deafness. <sup>1</sup>

- C. All calls from persons who are deaf or have hearing loss or speech impairments must be accepted through the department's enhanced 9-1-1 communication center.

### **III. DEFINITIONS**

- A. **Auxiliary aids and services:** Communication aids that assist people who are deaf or who have hearing loss. They include, for example, hearing aids; cochlear implants; the exchange of written notes; telecommunications devices for the deaf (TDDs), also called text telephones (TTs) or teletype - writers (TTYs); telephone handset amplifiers; assistive listening systems; videotext displays; and hearing assistance dogs.
- B. **Lip-reading:** (also referred to as speech reading): The ability to use information gained from movements of the lips, face, and body to increase understanding.
- C. **Qualified Interpreter:** A person skilled in sign language or oral interpretation and transliteration, has the ability to communicate accurately with a deaf or hearing-impaired person and is able to translate information to and from such hearing-impaired person. An interpreter shall be deemed qualified or intermediary as determined by the Office of Deafness.<sup>2</sup>
- D. **Sign language:** Communication through the use of standardized hand or finger signs or gestures. American Sign Language (ASL) is the form of sign language most often used in the United States. Signs convey concepts or ideas, even though a sign may stand for a separate English word. Signing individual letters by finger spelling can supplement sign language. Just as there are regional variations (dialects) in spoken English, there are regional differences in sign language.

### **IV. PROCEDURES**

#### **A. Emergency Call Takers and Dispatchers**

1. The dispatch center is equipped to receive E9-1-1 calls and text messages from TDD and computer modem users. All certified E9-1-1 call takers are trained to communicate with callers using the systems TTY and TDD equipment and are also trained to respond via text message.
2. Upon receiving an E9-1-1 or TTY call, dispatchers shall communicate using TTY communications procedures.
3. Dispatchers shall place a high priority on response to emergency calls for service from persons who are deaf or who have hearing impairment.
4. The deaf and hearing impaired shall be provided with direct, equal access to all emergency services provided by this department.

## **B. Communicating Encounters with Deaf or Hearing - Impaired**

### 1. ENCOUNTERING DEAF OR HEARING-IMPAIRED PERSONS

- a. Deaf persons may attempt to gain the attention of an employee by touching the officer when the officer is not facing them.
- b. This is how a hearing impaired person commonly gains the attention of others, so that [s]he can see the other person's face and attempt to communicate.
- c. Employees should not interpret this touching as offensive or possibly threatening behavior.

### 2. COMMUNICATING GENERALLY

- a. Employees shall never assume that the person understands verbal communications until this can be confirmed by appropriate responses to questions or directives.
- b. Once someone is identified as a deaf or hearing-impaired person, employees shall attempt to determine (by written or other forms of communication) the person's preferred means of communication (e.g., sign language, lip-reading, reading and note writing, or speech).
- c. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions, and questions. Employees must be alert to indications that a person may be deaf or have a hearing impairment. Such indications include, but are not limited to the following:
  - 1) The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability;
  - 2) Failure of persons to respond to spoken commands or signals;
  - 3) Use of signs, hand signals, or gestures in an attempt to communicate;
  - 4) Display of cards by the person noting his or her hearing disability;
  - 5) Inability or difficulty of a person to follow verbal instruction or requests for information;
  - 6) A need to see the officer's face directly, suggesting that the person is attempting to lip-read;
  - 7) Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols; and
  - 8) Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium.

### 3. LIP READING

- a. Employees attempting to communicate with a person who can lip-read should:

- 1) Select a location that minimizes interference and distractions;
  - 2) Face the person so that eyes and mouth are clearly visible;
  - 3) Stand about three to six feet from the person;
  - 4) Avoid excessive body movement;
  - 5) Speak only after getting the person's full attention;
  - 6) Make questions and instructions short and simple;
  - 7) Speak clearly and slightly slower than usual; and
  - 8) Be prepared to repeat oneself using different words to rephrase any question.
- b. The deaf who lip-read are visually oriented. Their interacting with and understanding of another person are determined primarily by their ability to see the officer.
4. SIGN LANGUAGE
- a. A companion may interpret under emergency conditions or in minor situations, when an interpreter is not available or required by law.
  - b. In all other situations, officers shall not rely on family members or friends for sign language interpretation, due to their potential emotional involvement, conflict of interest, and legal requirements.<sup>3</sup>
  - c. Employees shall address all questions and directives to persons who lip-read by facing them directly and speaking in a moderately-paced conversational tone.
    - 1) Shouting or using exaggerated mouth movements interferes with the ability to lip-read.
    - 2) Understanding can be further degraded by the presence of facial hair, chewing gum, cigarettes, and so on.
5. HEARING AIDS
- a. Employees cannot assume that persons who wear hearing aids can hear and fully understand what is being said.
    - 1) Some people use hearing aids to provide sound awareness rather than to increase speech understanding.
    - 2) Highly stressful situations, background noise, multiple speakers, and complex information and instructions can compromise the limited effectiveness of hearing aids.
  - b. Employees can test comprehension by seeking appropriate responses to simple questions or directives.

## C. Interpreter Requirements

### 1. STATUTORY REQUIREMENTS

- a. General Law Ch. 221 §92A requires police to procure and pay for the services of a qualified interpreter for a deaf or hearing-impaired person whenever such person is arrested for an allegation of criminal law, including a local ordinance.
- b. The arresting officer is statutorily responsible to make such arrangements.
- c. No answer, statement, or admission, written or oral, made by a deaf or hearing-impaired person in response to any question by a law enforcement officer (or prosecutor), operating in an official capacity, in any criminal proceeding may be used unless such a statement was made or elicited through a qualified interpreter.
- d. Officers should be certain that when any deaf or hearing-impaired person executes a waiver, such person does so knowingly, intelligently and voluntarily. In fact, in the case of a waiver of an interpreter, the court must make a special finding that any statement made by such deaf or hearing-impaired person was made knowingly, voluntarily and intelligently.

### 2. COMMUNICATING WITHOUT AN INTERPRETER

- a. The need for use of a sign language interpreter is governed generally by the length, importance, and complexity of the communication.
- b. In simple enforcement situations, such as traffic stops, driver's license checks, or consensual police-public encounters, a notepad and pencil may provide effective communication.
- c. During questioning or interrogation, a sign language interpreter is almost always required.<sup>4</sup>

## D. Arrest Situations

### 1. ARREST

- a. Deaf and hearing-impaired persons may be arrested in situations where an officer has the right to make an arrest. See the department policy on **Arrest**.
- b. A sign language interpreter need not be available in order for an officer to make an arrest of a subject where probable cause is established independent of interrogating the deaf or hearing-impaired suspect.<sup>5</sup>
- c. If probable cause to make an arrest must be established through questioning or interrogation of a deaf or severely hearing-impaired person, a sign language interpreter is almost always required.<sup>6</sup>

### 2. COMMUNICATION

- a. Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and



admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible.

- b. All essential communication with the suspect should be completed prior to the application of handcuffs, if possible.
  - c. If communication is necessary, officers may consider temporarily removing the handcuffs from a suspect, unless doing so would unnecessarily endanger the officer, the suspect or others.
3. FIELD SOBRIETY TESTING
- a. Some deaf or hearing-impaired persons have reduced verbal communication skills, speech that may be incoherent or otherwise resemble intoxication, or may have difficulty with equilibrium.
  - b. Officers should be aware when administering the standardized field sobriety tests to such persons.
    - 1) Avoid using balance tests when equilibrium is an issue.
    - 2) Factor in speech impediments when evaluating a suspect's speech.
    - 3) Use the horizontal gaze Nystagmus test.
    - 4) Breathalyzer and/or blood alcohol measurements (PBTs) should be employed as alternative tests when available.
  - c. Officers must avoid any evidentiary questions during field sobriety testing, as such questions require an interpreter.<sup>7</sup>
4. BOOKING
- a. When booking a deaf or hearing-impaired person, officers may communicate with the person being booked through:
    - 1) Written communications;
    - 2) Verbal communications (if possible);
    - 3) A companion of the suspect acting as an interpreter;
    - 4) A non-certified interpreter; or
    - 5) A certified interpreter.
  - b. Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions.
5. RIGHTS: An officer must advise a deaf or hearing-impaired person of his or her rights through a qualified interpreter in order for a waiver of such rights to be valid.<sup>8</sup>
6. QUESTIONING: Officers must be aware that any statements made by a deaf or hearing-impaired person, which are elicited without the use of a qualified

interpreter, may not be admissible as evidence against the defendant. See **Statutory Requirements** in this policy.<sup>9</sup>

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<sup>1</sup> M.G.L. c. 221, §92A.

<sup>2</sup> M.G.L. c. 221, §92A.

<sup>3</sup> M.G.L. c. 221, §92A.

<sup>4</sup> Com. v. Kelley, 404 Mass. 459, 535 N.E.2d 1251 (1989): Defendant was entitled to an interpreter despite the diligent and good faith efforts of the Saugus Police Department.

<sup>5</sup> M.G.L. c. 221, §92A.

<sup>6</sup> M.G.L. c. 221, §92A.

<sup>7</sup> M.G.L. c. 221, § 92A.

<sup>8</sup> Com. v. Kelley, 404 Mass. 459, 535 N.E.2d 1251 (1989).

<sup>9</sup> M.G.L. c. 221, §92A.

# OFFICER BUSINESS CARDS

POLICY & PROCEDURE NO. <b>1.33</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 2/14/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

As service providers, the public expects a high level of professionalism from the police officers that they encounter. Often time's people that we deal with will ask for a business card for various reasons. The purpose of this policy is to outline required and appropriate information to be displayed on an officer's business card.

## II. POLICY

It is the policy of the department that:

1. Officers can distribute business cards for official reasons, and for the purpose of identifying themselves so they may be contacted later.

## III. PROCEDURES

### A. Required information

1. Identifying Information: The officer's rank and first and last name shall be displayed on the business card. It is the option of the officer to include their middle initial or a suffix. The officers ID number should appear on their business card.
2. Police Department Information: The words "Hadley Police Department" shall be displayed on the business card. Also required will be the full address, including city, state and postal code. One department phone number, as well as the department fax number shall also appear on the business card. If an officer has a government email, that email address shall also appear on the business card. If an officer does not have a government email address, another email address may be printed on their business card with the approval of the Chief of Police or his designee.

### B. Optional Information

1. Badge: A badge may be printed on the business card. If it is on the card, above required information may be printed on the badge, including rank and ID number (meeting the above listed requirement).
2. Department Patch: The approved department patch may appear, in color, on the business card.
3. Report Number Line: An area marked "Report: \_\_\_\_\_", may appear on the bottom of the business card. This can be done to handwrite information regarding the incident/accident you had a dealing with the public. It is also acceptable to write this same information on the back of the card if you do not put this on the front.
4. Specialized Certification: It is acceptable to list a specialized certification on the front of your business card. This certification must be on file with the Chief of Police in your personnel file, and it must be approved by the Chief or his designee to have a certification listed on your business card. No more than two specialized certifications may be listed on a business card. NOTE: Certifications you would earn at the full time police academy are not applicable. (Example: Being certified to conduct SFST's is not a specialized certification, being a Drug Recognition Expert is. Being certified in the use of firearms is not a specialized certification, being an MPTC Certified Firearm's Instructor is). A logo/emblem appropriate to your specialized certification may be displayed on your business card, so long as the certification is listed on the card, and the Chief or his designee approves the use of the logo/emblem.

# RADIO TRANSMISSION POLICY

POLICY & PROCEDURE NO. <b>1.34</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 2/14/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The Hadley Police Department considers the method and quality for which radio transmissions are relayed to be of great importance and vital to the overall success of the agency's communication responsibilities. It is important to remember that good communication in this profession could literally mean the difference between life and death. All employees of the Hadley Police Department who have any roll in the transmission of any information via two-way radio (dispatch, department vehicles, portable and/or any other department relay device) shall have an obligation to ensure proper transmission etiquette at all times. This is to include, but is not limited to, the use of appropriate language and clear, coherent transmissions. It is also important to remember that the Hadley Police Department uses a repeater device and requires that each person sending a transmission shall key said device for a moment before speaking. If this is not conducted properly, transmissions will be incomplete and confusing to the receivers.

In regards to "calls for service" transmissions, all will be made via two-way radio and shall not be conducted in such a manner in which other employees area left unaware of said call. This shall include, but is not limited to, the following method of communication; cell phone, mobile data terminal (MDT), telephone or in-person. Note: any "calls for service" relayed to any officer using the above mentioned methods shall also be transmitted over the radio so that all on-duty employees are aware of each others activity. This is essential to proper communication and appropriate response at all times. In the event that you are faced with a call regarding a sensitive/extreme nature (e.g. murder, rape, child crimes etc.) you can and are encouraged to communicate information via cell phone or MDT when practical. You should still attempt to alert everyone on duty of the situation.

As any employee prepares to send a radio transmission of any type, it is important to remember that you are to use the following method:

1. Start by sending a preemptive transmission so that you gain the attention of the receiver for whom the transmission is being sent (e.g. if you are advising dispatch that you have a motor vehicle stopped, the preemptive transmission would be: "ID#--- to station". This allows the dispatcher to prepare and receive what you are about to transmit.
2. The second step would be to allow dispatch to respond to you, acknowledging that they have prepared for what you are about to transmit.
3. The third step would be to transmit what you need to communicate.
4. Your transmission shall be clear, coherent and concise so as to not prevent other urgent information from being relayed in a timely manner.

Employees who fail to utilize a preemptive transmission place themselves at risk of not being received, which obviously creates a much larger issue. If your message is not received, communication has failed and you and/or your fellow employees are at a much greater risk of failure.

Dispatcher radio transmissions shall only exceed 15 seconds if all pertinent information for officer safety has not been relayed yet (past history, knowledge or weapons, etc.).

Because there is a delay between a signal being transmitted and received through the repeater system, each dispatcher shall press to transmit and wait for 2 seconds before beginning to speak. "Clicks" will not be tolerated under any circumstances.

# DEATH OR INJURY NOTIFICATION

POLICY & PROCEDURE NO. <b>1.35</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	Last Review: 2/28/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy applies to notifications made to non-police department employees of a death, serious injury, or serious illness.

One of the most unpleasant duties for a police officer is making a notification that a loved one has been killed or seriously injured. The presence of a police officer arriving in the middle of the night to make a notification is every parent's nightmare.

Upon hearing such terrible news, people react in many different ways. Often, the persons receiving the news are in disbelief and have trouble comprehending what they are being told. Reactions include denial, anger, hysteria, and silence.

Police officers may provide comfort and help the recipients obtain the support of other friends, family and clergy. Persons with medical conditions may need the support of family members or paramedics.

Death notifications involving young children or teenagers can be particularly traumatic, not only for the parents, but for the officers as well. Police officers may be haunted for years with the memories of delivering such terrible news. A debriefing with a counselor may be appropriate in some cases and should be sought, if needed.

## II. POLICY

It is the policy of this department that the next-of-kin of deceased, seriously injured, or seriously ill persons shall be promptly and considerately notified.

### **III. PROCEDURE [55.2.6]**

#### **A. Preparing for Notification**

##### **1. RECEIVING THE REQUEST**

- a. These procedures should be followed whenever possible.
  - 1) Positive identification of the victim must be confirmed prior to making a notification.
  - 2) If the request is made by an outside agency or person unknown to the department, the legitimacy of the request must be confirmed.
  - 3) The employee taking the request should obtain the name of the agency, as well as the name of the person making the request.
  - 4) The following information should be recorded:
    - a) The identity and address or location of the person(s) to be notified;
    - b) The identity of the deceased, injured or sick person;
    - c) Any other information or instructions from the requesting agency; and
    - d) The nature of the notification:
      - i. Instruction to call a hospital or police department;
      - ii. Death;
      - iii. Injury; or
      - iv. Sickness.

##### **2. OTHER CONSIDERATIONS**

- a. Should the media obtain the deceased or injured person's name prematurely, the Supervisor or OIC may request that the information be withheld until proper notification of survivors can be made.
- b. If members of the family are in poor health and may require medical attention, a paramedic should be alerted to stand by in case of an emergency.
- c. If time permits, a family friend, family member or clergy member may be asked to accompany the notification party.

#### **B. Making a Notification**

##### **1. GENERALLY**

- a. The immediate family must be contacted before the name is released to the media.
- b. Death or serious injury notifications should never be given over the telephone. Notification should be made in person whenever possible.



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2. LOCATING THE PERSONS TO BE NOTIFIED
    - a. The address of the family should be identified.
    - b. If the family is not immediately available, an attempt should be made to identify where they are located.
      - 1) If the family is out of the area, the local police with jurisdiction in the family's area should be contacted and requested to make the notification.
      - 2) If the request was made by another police agency and the family is not presently in this department's jurisdiction, the requesting agency should be advised of the family's location, if known, so that arrangements for notification can be made with another department.
  3. MAKING A NOTIFICATION TO CALL OR GO TO A HOSPITAL
    - a. A request of the immediate family to call or to go to a hospital should be made as soon as possible.
    - b. If the person is deceased, the officer should advise the persons being notified that their loved one was in an accident, or is sick or injured, as appropriate, but offer no more information.
    - c. If the person is still alive, the family should be told the extent of injuries as known.
    - d. The family should be advised as to which hospital their loved one was taken.
    - e. The name of the hospital should be written down and given to the persons being notified, along with the telephone number for the hospital and police station.
    - f. Transportation may be offered with the authorization of a Supervisor or OIC, if the hospital is close by.
  4. MAKING A DEATH NOTIFICATION
    - a. Notification of a death should be made to the immediate family as soon as possible.
    - b. The actual notification should be made by at least two officers where feasible.
    - c. Notification should never be made on the doorstep. The notifying officers should attempt to gain admission to the home, gather the appropriate persons together, and inform them slowly and clearly of the situation.
    - d. In giving notification, officers should be as straightforward as possible about the condition of the loved one and not make statements or use language that is ambiguous or gives false hope.
    - e. The survivors should be told that the person is dead rather than using euphemistic expressions such as "passed on" or "passed away."

- f. While notifying officers should attempt to maintain composure in order to better provide assistance to members of the surviving family, they should recognize that a show of emotion on their part is simply a natural expression of anguish and empathy and is not a sign of weakness.
- g. Notifying officers should be aware of and prepared for a range of possible reactions from surviving family members. Hysteria, shock, physical violence, anger and rage, silence or stoicism, fainting or screaming are some of the more common reactions.
- h. Notifying officers should be prepared to give whatever solace and comfort seems appropriate, **but should avoid trite phrases or clichés that**, although intended to provide comfort, may be counterproductive.
- i. In many cases, the best reaction of the notifying team is simply to stand by quietly until members of the family have regained some composure and are prepared to ask additional questions.
- j. Officers should be prepared to:
  - 1) Provide information regarding the circumstances surrounding the person's death, as appropriate.
  - 2) Give instructions to the family as to where the deceased person was taken.
  - 3) Provide contact information for other agencies as appropriate.

<b>HADLEY POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>1.36</b>
<i>Subject:</i> <b>Use of Social Media</b>		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS  REFERENCED: <b>54.1.2</b>		GENERAL ORDER
Issue Date: 06/10/21 Effective Date: 6/10/21 Revision Date: 04-01-2021	Issuing Authority <b>Michael A. Mason</b> Michael A. Mason Chief of Police	

## PURPOSE

To establish the Hadley Police Department's position on the utility and management of social media and provide guidance on its management, administration, and oversight by Department personnel both on-duty in the course of their official duties and off-duty when identified as members of the organization, or otherwise pursuant to their official duties in the public arena.

## POLICY

It is the Hadley Police Department's policy that, for both personal and official usage, all personnel utilize computers, computer applications, computer programs, internet resources, network/internet communications, social media and social networks in a responsible, professional, ethical, and lawful manner.

All existing laws, rules, regulations, and directives that govern on- and off-duty conduct are applicable to conduct associated with social media and networking. When engaging in social networking, employees will strictly adhere to any and all existing federal, state,

and local laws, policies of the Hadley Police Department, and laws regarding public information on arrests, investigations, and personnel data.

## PROCEDURES

### I. DEFINITIONS

- A. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
- B. **Comment:** Response to a blog post, news article, social media entry, or other social networking post.
- C. **Forum:** Discussion area on websites where people can post messages or comment on existing messages at any time.
- D. **Page:** The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- E. **Post (noun):** Content that an individual shares on a social media or similar site or the act of publishing content on such a site.
- F. **Post (verb):** The act of creating, uploading, editing, or adding to any social media outlet. This includes text, photographs, audio, video, or any other multimedia file.
- G. **Profile:** Information that a user provides about himself or herself on a social networking or similar site.
- H. **Social Media:** A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, blogs and microblogging sites, photo and video sharing sites, wikis, and news sites that permit user contributed content.
- I. **Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies, such as Facebook, Twitter, LinkedIn, Usenet Group message or on-line bulletins boards, blogs, wikis, news sites, or other similarly developed formats.
- J. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- K. **Wiki:** Web page(s) that can be edited collaboratively.

## II. DEPARTMENT-SANCTIONED USE OF SOCIAL MEDIA

Where the Hadley Police Department uses social media to advance the purposes and goals of the organization, the following procedures shall apply to these officially-sanctioned uses:

### A. GENERAL OPERATING PROCEDURES FOR DEPARTMENT-SANCTIONED USE OF SOCIAL MEDIA

1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Department's presence on the website.
2. When appropriate, the page(s) should link to the Department's official website.
3. Social media page(s) should be designed for the target audience(s).
4. All **Department** social media sites or pages shall be approved by the Chief of Police and shall be administered by the Departmental Public Information Officer, or as otherwise determined.
5. Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
7. Content may be subject to public records laws. Relevant records retention schedules can apply to social media content.
8. Content must be managed, stored, and retrieved to comply with public records laws.
9. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
10. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to moderate those comments which violate the Department's Terms of Use Policy.
11. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

## B. CONDUCT DURING DEPARTMENT-SANCTIONED USE OF SOCIAL MEDIA

When representing the Hadley Police Department via social media outlets:

1. Employees shall conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum.
2. Employees shall identify themselves as a member of the Department, unless law-enforcement purposes dictate otherwise.
3. Employees shall not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities, or work-related assignments without express permission from the Chief.
4. Employees shall not conduct political activities or private business on Department sanctioned platforms.
5. Department personnel use of personally owned devices to manage the Department's social media activities or in the course of official duties is prohibited without express permission from the Chief. Supervisors may, in exigent circumstances, while on an active scene, make post of an active hazard or road closure.
6. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

## C. RECOGNIZED USES FOR A DEPARTMENT-SANCTIONED SOCIAL MEDIA PRESENCE

1. Social media is a valuable investigative tool when seeking evidence or information about:
  - Missing persons
  - Wanted persons
  - Gang participation
  - Crimes perpetrated online (i.e., cyberbullying, cyberstalking)
  - Photos or videos of a crime posted by a participant or observer
2. Social media can be used for community outreach and engagement by:
  - Providing crime prevention tips
  - Offering online reporting opportunities
  - Sharing crime maps and data
  - Soliciting tips about unsolved crimes

3. Social media can be used to make time-sensitive notifications related to:

- Road closures
- Special events
- Weather emergencies
- Missing or endangered persons

D. USE DURING EMPLOYMENT SCREENING

1. Persons seeking employment and volunteer positions use the internet to search for opportunities, and social media can be a valuable recruitment mechanism. This Department has an obligation to include internet-based content when conducting background investigations of job candidates.
2. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
3. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
4. Search methods shall not involve techniques that are a violation of existing law.
5. Vetting techniques shall be applied uniformly to all candidates.
6. Every effort must be made to validate internet-based information considered during the hiring process.

**III. PERSONAL USE OF SOCIAL MEDIA BY DEPARTMENT PERSONNEL**

Barring state law or binding employment contracts to the contrary, Department personnel shall abide by the following when using social media:

- A. Department personnel are free to express themselves as private citizens speaking on matters of public concern on social media sites to the degree that their interests in engaging in such speech is **not** outweighed by the Department's interests against impairing the maintenance of discipline by supervisors, impairing working relationships of this Department for which loyalty and confidentiality are important, impeding the performance of duties, impairing discipline and harmony among coworkers, interfering with the operation of the Department, undermining the mission of the Department, conflicting with the responsibilities of the personnel, or abusing one's authority or public accountability. The instances must be judged on a case-by-case basis.

- B. As public employees, Department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department.
- C. For safety and security reasons, Department personnel should be cautious where they disclose their employment with this Department, for example:
- Displaying Department logos, or similar identifying items on personal web pages.
  - Posting personal photographs, or providing similar means of personal recognition, that may cause them, or another officer, to be identified as a police officer of this Department. Officers who are, or who may reasonably be expected to work in undercover operations, should be cautious about posting any form of visual or personal identification.
  - Posting, transmitting and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked or unmarked vehicles, equipment, or other material that specifically identifies the Department on any personal or social networking platform, website or web page.
- D. When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Code of Conduct is required in the personal use of social media.
- E. Department personnel may not make any statements, speeches, appearances or endorsements, publish materials, or participate in any public or private events, functions, ceremonies or parades that could reasonably be considered to represent the Department and/or the views or positions of this Department without express permission from the Chief.
- F. Department personnel should be aware that they may be subject to civil litigation for:
- Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
  - Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.



- Using someone else's real name, likeness, or other personal attributes without that person's permission for an exploitative purpose.
  - Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- G. Employees should be aware that there is no reasonable expectation of privacy when engaging in social networking online. As such, the content of social networking websites may be obtained for use in criminal trials, civil proceedings, and departmental investigations. Such content may have a detrimental impact on criminal investigations or judicial proceedings.
- H. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- I. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice.
- J. Reporting violations - Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
- K. Employees having personal web pages, social media or other types of internet postings which can be accessed by the public, shall not place, or allow to be placed, photographs or depictions of themselves dressed in any uniform and/or displaying official identification, patches or badges, or in any way, either directly or indirectly, identifying themselves as an employee of the department **in an irresponsible, unprofessional, unethical, and/or unlawful manner**.
- L. Employees having personal web pages or social media shall not use their rank, title, or position in a manner that would suggest that they are representing the interests or official position of the police department.
- M. Photographs of the inside of the police building as well as any crime or accident scene shall not be posted without consent of the Chief.
- N. When engaging in the personal use of social media, employees shall not post any photograph, audio, video, illustration, or any other multimedia file related to or depicting any of the following:
- Brandishing any Department-owned weaponry, actual or simulated, or any contraband whether actual or simulated.

- Brandishing any Department-owned tactical instrument, including, but not limited to: firearms, ASP, baton, OC spray, electrical control weapon, and/or mechanical restraints.

O. APPROVAL PROCESS

1. Personnel seeking approval(s) as outlined in this policy shall submit a request for approval to the Chief of Police, via the chain of command.
2. Personnel who post photos, comments, or other material pertaining to other department personnel must inform and seek approval from the personnel before posting same.

# POLICE ACADEMY EQUIPMENT

POLICY & PROCEDURE NO. <b>1.37</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	LAST REVIEWED DATE: 01/25/2019

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This is a directive which shall govern the issuance of Hadley Police equipment and/or police cruiser to any employee who is attending the MPTC Police Academy. If the collective bargaining agreement is in disagreement with any portion of this policy, the collective bargaining agreement shall be followed.

## II. POLICY

For Full Time sponsored officers who are currently employed as Full Time officers or have planned full time employment with the Hadley Police Department upon completion of the Police Academy:

1. The Police Academy fee shall be paid for by the Hadley Police Department.
2. All required equipment shall be paid for by the Hadley Police Department and all invoices & bills shall be promptly submitted to the Police Chief for approval and payment or reimbursement. Any equipment or items not specifically listed on the required equipment list may be denied for payment or reimbursement by the Chief of Police.

-It is common for officers to exceed their standard clothing allowance when purchasing these items, however, any officer who intentionally expends their allowance on anything not on the required list while knowing they will be going to the academy, will be responsible for paying the difference.

3. All required ammunition and firearms shall be supplied by the Hadley Police Department
4. A fully marked (or otherwise required) police cruiser shall be supplied for EVOC week (or other required drivers training during academy).
5. A Hadley Police Cruiser may be issued to the officer for the course of the academy based upon availability. The cruiser, at the discretion of the Chief, may be utilized as a “take home” car by the officer, so long as it is used for transport to and from the academy ONLY, it may not be used for any personal reasons. In the event that a cruiser is not available or becomes unavailable for any reason, mileage will not be reimbursed by the Hadley Police Department for travel to and from the academy in a personal vehicle.

For “Self-Sponsor” officers:

1. The officer shall be responsible for the academy fee and all required equipment.
2. The Hadley Police Department may issue a weapon and may supply ammunition based upon availability. If these items are not available, the officer shall be responsible for obtaining and paying for them.
3. A fully marked cruiser may be supplied for EVOC week based upon availability.
4. No cruiser shall be issued for transportation purposes and mileage shall not be reimbursed.

For all academy recruits:

1. If the academy staff releases you due to a Class 1 violation, and you are released with prejudice, you will face immediate discipline with this department, up to and including separation.

### **III. DEFINITIONS**

Full Time Sponsored Officer: An officer who is currently employed full time and is being sent to the Police Academy to fulfill that requirement.

Self-Sponsored Officer: An officer who may be a current employee at the part time level, is being sponsored by the Department, but is not guaranteed employment during or after completion of the academy.



# SPECIAL POLICE SHIFT REQUIREMENTS

POLICY & PROCEDURE NO. <b>1.38</b>	ISSUE DATE:
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HADLEY POLICE DEPARTMENT	LAST REVIEWED DATE: 01/25/2019

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Special Police Officers are an important part of our Department and we rely on them to assist with shift filling and other special duties. They also assist with filling road details and participate in many training activities with our Full and Part time officers. Along with some of these benefits come some requirements as well. The following policy shall govern the mandatory shift work requirements expected of our Special Police Officers.

## II. POLICY

It shall be the policy of this Department that Special Police Officers are required to work shifts in the exact terms set forth in the collective bargaining agreement (as it relates to road detail jobs).

Furthermore, all Special Officers shall be required to:

1. Make themselves available for a MINIMUM of 15 “special duty” assignments per year. The Chief of Police or his designee shall determine which dates shall be considered “special duty”. Some of these dates could include certain Holidays, area college events or Departmental duties such as working polls at elections or other Public events.
2. Attend all mandatory training required by this Department, or present proof that the training was completed at another agency.
3. Must still be able to dedicate time to continued shift work with this department outside of the special duty assignments.

## III. PROCEDURE

1. The scheduling officer shall make every effort to notify all Special Police Officers of these dates with as much advanced notice as possible.
2. The Special Police Officer may not be required to work all 15 assignments, but they must make themselves available to do so.
3. Under certain “emergency” circumstances (to be determined by the Chief of Police or designee) Special Officers may be required to work more than the 15 special assignments to fulfill the needs of the Department.
4. The Special assignments may not be an entire shift, but they could also require more than a standard 8 hour shift, depending on the event.

Those special duties include, but are not limited to;

Move-in days for both semesters for UMass,  
Spring break departure  
Commencement for UMass, Hampshire, Amherst College  
Labor Day  
Columbus Day  
Veterans Day  
Memorial Day Weekends (Friday/Monday afternoon)  
Thanksgiving Wednesday and Sunday  
Black Friday  
Any UMass events that will likely impact Hadley  
Blarney Blowout  
New Years Eve, 2200-0400  
Fourth of July/Fireworks on campus  
UMass Spring Concert  
Thursday before Good Friday

Any failure to complete the above requirements may result in discipline, up to and including termination.

# COMMUNITY KEY-BOXES

POLICY & PROCEDURE NO. <b>1.39</b>	ISSUE DATE: 5/28/16
	EFFECTIVE DATE: 5/28/16
HADLEY COMMUNICATIONS DEPARTMENT	LAST REVIEWED DATE: 01/25/2019

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The Police and Fire Departments have teamed up with the Council on Aging and TRIAD to offer locked key boxes for elderly or otherwise less-mobile citizens. These key boxes will be installed by Hadley Fire personnel and the location of the box and any code or code change shall be entered into the CAD.

The purpose for this SOP is to provide alternative residential access in the event of a fall or other emergency, which could render the resident incapable of opening the door for first responders to render aid.

## II. PROCEDURE

- A. Once the request and liability forms have been completed, Fire Department personnel will mount the key box and then return to the Communications Department with the forms. The dispatcher on duty will immediately enter the location of the box and the code into the "Site Information" section of the CAD for that specific address.
- B. In the event of a call that requires responders to enter the residence and the resident cannot get to the door, dispatch will notify the responders if a key box exists and its location.
- C. The code to the key box shall never be given over the radio unless extenuating circumstances exist. It should always be given via MDT or cellular phone call.
- D. Once the call is completed, the key shall be returned to the box and it shall be relocked.



# NEPOTISM AND FRATERNIZATION

POLICY & PROCEDURE NO. <b>1.40</b>	ISSUE DATE: 11/14/2016
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HADLEY POLICE DEPARTMENT	LAST REVIEWED DATE: 01/25/2019

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose for this directive is to establish agency policy on personal relationships between agency employees which give rise to an actual or perceived potential conflict of interest with professional responsibilities and/or which create the potential for an adverse impact on agency operations, safety, efficiency and morale.

As an organization that is heavily dependent upon its human resources, the agency has a vital interest in the maintenance of harmonious, efficient, and productive working relationships between its employees. Personal relationships that cause unrest, lend themselves to the perception of favoritism, adversely affect morale, or otherwise disrupt the good working order of the agency are undesirable.

## II. POLICY

This agency believes that the most qualified candidates will be selected for positions in the department, for promotions and for assignment to specialized positions. Employees who are related to or who are engaged in a romantic relationship with candidates for hiring selection, promotion or assignment to specialized positions must ensure that all reasonable precautions are taken to avert any undue influence in the selection process or even the appearance of impropriety in the process. It further recognizes the rights of employees to become involved in personal relationships with their co-workers. However, it is the policy of the agency to ensure that its employees carry out their duties with impartiality and fairness so that public and organizational confidence in the actions of our employees is maintained. Public trust, workplace safety, agency operations and agency morale require that employees avoid the appearance of or actual conflict of

interest between their professional responsibilities and any involvement in a romantic or sexual relationship with other employees. In order to promote efficient operation of the agency and avoid misunderstandings, complaints of favoritism, sexual harassment and/or gender-based discrimination, and other problems of supervision, safety, agency operations, and employee morale, all employees are instructed to avoid situations that give rise to an actual or perceived conflict.

A. The Chief of Police recognizes the rights of a member to become involved in a personal relationship with another department member and that such personal relationships may be consensual, private, and a matter of personal choice. Should such a personal relationship, however, result in a materially adverse effect on the department, upon discovery or thereafter, the department shall take prompt administrative action to terminate and/or reverse that effect, or render the effect on the department immaterial or insignificant.

B. Department supervisors will not knowingly make a job assignment of a member that will foreseeably foster or likely result in the creation of a “materially adverse effect” on the department due to the nature of a relationship that exists between members who are relatives or involved in a personal relationship. Circumstances that will foreseeably foster or probably cause a “materially adverse effect” on the department include, but are not limited to the following:

1. A member in a personal relationship with another member, or is their relative, serves as the supervisor, Field Training Officer, program administrator, or

2. A member who is relative of another member, or who is involved in a personal relationship with another member, while both serve on the same shift or in the same unit,

3. A member who serves as a supervisor, program administrator, director, or responsible party over the care, custody or activity of volunteers or non-member program participants (e.g., Explorers, et al.) while a relative of, or in a personal relationship with a non-member volunteer or program participant, and

4. A member who is a relative or is otherwise engaged in a personal relationship with another member while serving together in a stakeout, undercover or tactical operation.

C. A member who is a relative of another member, or involved in a personal relationship with another member, may be assigned to the same shift, division or bureau as long as substantial direct contact and a “materially adverse effect” on the department is avoided. “Substantial direct contact” does not necessarily include working portions of the same shift with overlapping supervision, working separate districts (north/south) or extra-duty employment where members are assigned separate posts. However, wherever possible, the agency may make any alterations to any of the above instances to avoid the possibility of a materially adverse effect on the department. This includes, but is not limited to, denying shift bid requests or detail requests which unnecessarily place those involved in a family or personal relationship together.

### III. DEFINITIONS

- A. **Family relationship** : A relationship resulting from family ancestry or marriage. For this policy this includes spouse, parent (including foster, step, and in-law); children (including adoptive, foster, or step); brother or sister; grandparent or grandchild; aunt or uncle; niece or nephew; or any other relative living in the same household as the employee or another individual related by blood, marriage, or quasi-marriage in the same household as a departmental employee. Relative includes a significant other or domestic partner.
- B. **Personal relationship** : For purpose of this policy, personal relationship is a relationship involving employees who are dating, engaged in a romantic/physical relationship or cohabitating.
- C. **Supervisor** : An employee who has authority, direct or indirect, over another employee by virtue of their rank or job classification.
- D. **Subordinate** : An employee who is answerable to another employee based on their rank or job classification.
- E. **Dating** : One or more social meetings between employees under circumstances reasonably intended to lead to a romantic relationship.

### IV. PROCEDURE

- A. **Hiring, promotion and assignment to specialized positions:**
  - a. Employees who are related to or involved in a romantic relationship with a candidate for hiring selection, promotion or assignment to specialized positions shall not be involved in the selection process. The agency shall not depart from the procedures embodied in the personnel policy for any reason other than one specifically approved by the Chief of Police or designee.
  - b. Should an employee related to or involved in a romantic relationship be required to participate in any of these selection processes due to an absence of available alternatives, the final selection decision is subject to approval of the Chief of Police or designee.
  - c. **Supervisory procedures** : An employee generally shall not directly supervise a relative or another employee where a personal relationship exists. It will be incumbent upon the subordinate to select assignments which will not put them under the supervision or management of a relative or someone with whom they have a personal relationship—this shall include extra-duty assignments.
  - d. **Working conditions**: Relatives or employees who are engaged in a romantic relationship shall not be assigned to the same shift or unit on a permanent or semi-permanent basis (i.e., shift bid) without specific approval of the Chief of Police.

**e. Duty to notify :**

- i. In the event that an employee becomes involved in a romantic relationship with another agency employee, they shall notify the Operations Supervisor and/or Chief of Police in person as soon as possible. Employees who find themselves working in close proximity to a relative or another employee with whom they have a personal relationship shall notify the Operations Supervisor and/or Chief of Police of the circumstances.
- ii. If a supervisor and a subordinate marry or cohabitate, the Operations Supervisor and/or Chief of Police will review the working relationship of the two employees and determine if it creates a potential conflict of interest or an adverse impact on supervision, safety, operations or morale. The Operations Supervisor will make reasonable efforts to transfer, reassign, or otherwise resolve the situation so that one of the employees is placed in a position where the conflict potential no longer exists. Prior to any reassignment, the agency will receive input from the involved employees.
- iii. The Operations Supervisor shall take appropriate steps to ensure that involved employees' working conditions are modified to eliminate potential conflicts of interest and adverse workplace performance problems.
- iv. The Operations Supervisor shall prepare a written report regarding the situation and his/her resolutions. This report shall be transmitted to the Chief of Police.
- v. Failure by an employee to report personal relationships to the Operations Supervisor compromises the integrity of the Department's chain of command, disrupts the work environment, causes decline in morale and can reduce productivity. Any failure to report relationships as required by this policy shall constitute misconduct and may subject an employee to disciplinary action.

# TEMPORARY LIGHT DUTY

POLICY & PROCEDURE NO. <b>1.41</b>	ISSUE DATE: 10/05/16
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## I. GENERAL CONSIDERATIONS AND GUIDELINES

It is the purpose of this policy to establish the authority for temporary light-duty assignments and procedures for granting temporary light duty to eligible officers within this agency.

## II. POLICY

Temporary light-duty assignments, when available, are for officers and other eligible personnel in this agency who, because of injury or illness are temporarily unable to perform their regular assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this agency that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy.

### **III. DEFINITIONS**

**ELIGIBLE PERSONNEL:** For purposes of this policy, any full-time sworn member of the Hadley Police Department suffering from a medically certified illness or injury requiring treatment of a licensed health-care provider and who, because of injury or illness is temporarily unable to perform the regular assignment but is capable of performing alternative assignments.

### **IV. PROCEDURE**

#### **A. GENERAL PROVISIONS**

1. Temporary light-duty positions are limited in number and variety.

Therefore,

- a. personnel injured in the line of duty shall be given preference in initial assignment to light duty; and
- b. assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee or the agency.

2. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.

3. No specific position within this agency shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.

4. Light-duty assignments are strictly temporary and normally should not exceed six months in duration. After six months, personnel on temporary light duty who are not capable of returning to their original duty assignment shall:

- a. Present a request for extension of temporary light duty, with supporting documentation, to the chief executive officer or his

designate; or

b. pursue other options as provided by employment provisions of this agency or federal or state law.

5. Officers on temporary light duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this agency and that form the basis for their temporary light-duty assignment.

6. Depending upon the nature and extent of the illness or injury, an officer on temporary light duty may be prohibited from wearing the departmental uniform, carrying the service weapon, driving a police department vehicle, or otherwise limited in employing police powers as determined by the agency chief executive so long as such limitation is consistent with the provisions of IV-B and IV-C of this policy.

7. Light-duty assignments shall not be made for disciplinary purposes.

8. Officers may not refuse temporary light-duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health-care provider.

## B. TEMPORARY LIGHT-DUTY ASSIGNMENTS

1. Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

- a. administrative functions (e.g. report review, supervising community service workers, special projects),
- b. report taking (e.g. telephone reporting unit), or
- c. clerical functions (e.g. filing)

2. Temporary light duty assignments will originate from the Chief of Police.

3. In addition to considerations included in IV-A-1 of this policy, decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed on the officer.

4. Every effort shall be made to assign officers to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Officers thus assigned shall:

- a. retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
- b. retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

### C. REQUESTS FOR AND ASSIGNMENT TO TEMPORARY LIGHT DUTY

1. Requests for temporary light-duty assignments shall be submitted to the employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed either by the treating physician or other licensed health-care provider. The certificate must include an assessment of the nature and probable duration of the illness or injury, prognosis for recovery, nature of work restrictions and an acknowledgement by the health-care provider of familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved.

2. The request for temporary light duty and the physician's statement shall be forwarded to the Chief of Police, who shall make a determination regarding the temporary light duty assignment.

- a. This agency may require the employee to submit to an independent medical examination by a health provider of the



agency's choosing. In the event the opinion of this second health provider differs from the foregoing health provider, the employee may request a third opinion at the employer's expense.

b. The employee and representatives of this agency shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.

3. An employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the officer's immediate supervisor or they may be assigned by the Chief of Police. An evaluation of the employee shall be conducted by a competent medical authority expressing fitness for temporary light duty.

a. Notice shall be provided to the employee of the proposed temporary light-duty assignment together with justification for the recommendation.

b. The employee may challenge the proposed reassignment using established agency grievance procedures.

c. Pending results of a grievance procedure, an employee may be reassigned if, in the opinion of the agency's chief executive officer, failure to reassign may jeopardize the safety of the officer, other employees or the public.

4. As a condition of continued assignment to temporary light duty, officers shall be required to submit regular physical assessments of their condition as specified by the personnel authority. Any physician visits, physical therapy or other medical procedures which are directly related to the existing condition shall be considered a part of the light duty assignment and the employee's medical appointments shall be primary to any other assignments.

#### D. PREGNANT OFFICERS

1. Pregnant officers are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well-being.

2. On a regular basis, pregnant officers shall submit physician's medical

certificates that document

- a. the officer's physical ability to perform the present assigned duties,
- b. the physician's appraisal that the type of work being performed will not injure the officer or her expected child, and
- c. any recommended duty restrictions or modifications including temporary light duty.

3. Pregnant officers shall be permitted to continue working on regular duty or temporary light-duty assignments as long as they present monthly physician certificates or until such time as a physician recommends that work be curtailed.

# EMPLOYEE EVALUATION

POLICY & PROCEDURE NO. <b>1.42</b>	ISSUE DATE: 02/02/17
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## I. PURPOSE OF EVALUATION

The primary purpose of employee performance evaluations are to inform employees as to how well they are performing their duties and responsibilities and to offer suggestions, assistance and support in aiding employees in improving job performance.

Employee performance evaluations may also be used as a tool to assist management in making key decisions concerning promotions, disciplinary action, training and determination of eligibility for permanent appointment.

## II. DEFINITIONS

### A. Mandatory Performance Factors

1. *Attendance*: The degree to which the employee reports for and remains at work as required (this shall not include the use of sick time, unless “abuse” of sick time is occurring. Consider:

- a. How the employee’s attendance affects the ability of the work unit to complete work objectives.
- b. Getting to work on time – punctuality;
- c. Staying on the job after reporting to work.

2. *Quality of Work*: The degree of correctness of work performed. Consider:

- a. Accuracy and skill in performing tasks;
- b. Neatness and thoroughness in completing work requirements;
- c. Professional and/or technical competence.

3. *Work Habits*: The degree to which the employee follows instructions and observes work rules. Consider:

- a. Work instructions are followed;
- b. Care and use of equipment;
- c. Concern for safety regulations.

4. *Initiative*: The degree to which the employee is self-motivated in completing work assignments. Consider:

- a. Self-reliance in completing assignments;
- b. Suggestions for work improvements or solving work problems;
- c. Actions taken for self-improvement;
- d. The degree to which the employee is a “self-starter” and finds work to do.

5. *Dependability*: The degree to which the employee can be relied upon to accept responsibility and complete work assignments. Consider:

- a. Reliability for meeting deadlines and following instructions;
- b. The degree to which an employee can be relied upon to get the job done.

6. *Relations With Other Employees*: The degree to which an employee gets along with other employees on the job. Consider:

- a. The ability and willingness to cooperate and be helpful to coworkers;
- b. The employee’s effect on the morale of other employees;
- c. Ability to get along with coworkers;
- d. Ability to work with others under stressful work situations.

7. *Quantity of Work*: The amount of acceptable work produced. Consider:

- a. Circumstances under which work is performed (space, equipment available, etc);
- b. Amount of work produced relative to the employee’s skill level;
- c. Amount of work done.

8. *Adaptability*: The degree to which an employee adjusts to new or different work situations. Do they show a willingness to learn? Consider:

- a. Ability to perform at different sites and in varying conditions;
- b. Application of job knowledge and skills to new or unfamiliar work;
- c. Attitude toward variable work situations.
- d. Is the employee willing to ask questions when necessary in order to grasp the new concept or condition?

9. *Judgment and Common Sense*: The degree to which an employee uses good sense and makes sound decisions. Consider:

- a. Ability and approach in assembling data and facts in making decisions;

- b. Application of basic intelligence and good sense in performing work;
- c. How the employee thinks before he/she acts.

10. *General Safety and Care of Equipment*: The degree to which an employee ensures that all of his/her equipment is maintained in good working conditions and that actions are performed in a safe, efficient and effective manner.

- a. Number of employees initiated accidents
- b. Review of vehicle maintenance logs or inconsistencies
- c. Number of “near miss” incidents
- d. Poor maintenance of workspaces, cruiser or equipment carried on the person

## B. Optional Performance Factors

1. *Public Contact*: The manner in which the employee deals with the Public through telephone conversation, correspondence, or face-to face contact.

Consider:

- a. Honesty, tact, helpfulness and courtesy;
- b. How the employee presents him/herself;
- c. Ability to handle difficult confrontations;
- d. If the employee presents a good public image.

2. *Planning and Organizing Work*: The degree to which the Employee plans and organizes work effectively. Consider:

- a. Timelines and thoroughness in planning work;
- b. Effective and efficient utilization of time and resources;
- c. How goals and objectives are set;
- d. Methods uses in approaching work assignments.

3. *Communications*: The degree to which the employee effectively expresses him/herself both orally and in writing. Consider:

- a. Ability to utilize the English language effectively;
- b. Ability to write clearly and concisely;
- c. Ability to make clear, concise oral reports and presentations;
- d. How well ideas are put across and understood by others.

4. *Supervisory Ability*: The degree to which the employee effectively supervises subordinates. Consider:

- a. Ability to schedule and assign tasks to gain desired results;
- b. Ability to train and council subordinates;
- c. Ability to set a positive example for subordinates and provide leadership;
- d. Ability to solve problems and make decisions;
- e. Ability to objectively and fairly evaluate subordinates performance.

5. *Management Ability*: The degree to which the employee effectively Manages a program, division or department. Consider:

- a. Ability to develop and implement policies and procedures;
- b. Ability to meet goals and objectives effectively, efficiently and economically;
- c. Creativity in solving problems;
- d. Ability to integrate and coordinate work with other programs, divisions or departments.

### C. Performance Levels

#### 1. *UNSATISFACTORY*

The employee's performance clearly and consistently fails to meet work requirements. This rating indicates inadequate, unacceptable performance. The employee shows with an unwillingness or an *inability* to improve. It characterizes an employee whose performance is well below average.

#### 2. *IMPROVEMENT NEEDED*

The employee's performance often fails to meet work requirements. The employee has demonstrated some willingness or ability to improve performance, but only on occasion. This rating indicates performance that is less than satisfactory and requires that steps must be taken to improve performance. It characterizes an employee whose performance is below average.

#### 3. *SATISFACTORY*

The employee's performance is reasonably adequate and he/she meets work requirements. The rating is higher than the level of "improvement needed" since the employee usually demonstrates his/her willingness and ability to meet an acceptable level of performance. It characterizes an average employee who does only what is expected of him/her.

#### 4. *VERY GOOD*

The employee's performance regularly meets and exceeds the work requirements. This rating is higher than the level of "satisfactory" since the employee demonstrates a desire and ability to exceed just an acceptable level of performance. It characterizes a better-than average employee who does more than what is expected of him/her.

#### 5. *OUTSTANDING*

The employee's performance is clearly superior in meeting work requirements. This rating is higher than the rating of "very good" since the employee consistently demonstrates exceptional desire and ability to exceed just an acceptable level of performance. The employee not only exceeds an acceptable level of performance, but his/her high standards have either increased the effectiveness of his/her unit or has set an example for others to follow. This rating characterizes an excellent employee who consistently does far more than what is expected of him/her.

### **III. POLICY**

#### A. Performance Reports

Performance reports shall be completed for all officers of the police department. The evaluator will be a supervisor holding the rank of Sergeant or higher. The evaluator will demonstrate fairness, objectivity and consistency in evaluating employees under his/her supervision.

#### B. Review of Performance Reports

The Chief shall review the performance evaluation reports completed for each employee under his command. The Chief shall review reports after they have been reviewed by the evaluator and before they have been discussed with the employee. The Chief shall:

1. Assure that all performance evaluation reports are completed properly and on time.
2. Consider the evaluator's ability to appropriately evaluate employee performance.
3. Consider how an individual's performance report reflects their overall job performance to determine if probation, if applicable, should or should not be continued, or if disciplinary action is needed or if promotion should be considered.

### **IV. PROCEDURES**

#### A. Personal Information

This section is self-explanatory. (Name of employee, rank, date of evaluation, DOB and years in present position.

#### B. Annual Reports

An annual performance evaluation report shall be completed for each Employee. The annual report will reflect the level of the employee's performance since his/her last annual report.

#### C. Special Report

A *Special Evaluation Report* shall be completed whenever:

1. There is a significant change upward or downward in the employee's performance. Such evaluation may be given at any time.
2. If an employee receives an overall evaluation of "needs improvement" on his/her annual evaluation, a special report will be done three months after the annual evaluation to determine if there has been improvement.

#### D. Probationary Report

##### 1. *Status Report*

A probationary (final) report shall be completed for each probationary employee. These reports shall be completed to determine progress toward completing the probationary period. Probationary (status) reports will be completed at the end of the employee's sixth month of employment.

##### 2. *Final Report*

A probationary (final) report shall be completed for each probationary Employee.

This requirement applies to the original probationary period. These reports shall be completed to determine if the employee has or has not satisfactorily completed his/her probationary period. Probationary (final) reports must be completed and processed no later than two weeks prior to the completion of the employee's probationary period.

#### E. Performance Factors

##### 1. *Mandatory Factors*

Mandatory Factors are those that are considered "appropriate" to all jobs. The evaluator shall evaluate employee performance for each "mandatory" factor.

##### 2. *Optional Factors*

Optional factors are those that are considered common and appropriate to some but not all jobs. The evaluator shall decide which "optional" factors should appropriately be considered in evaluating employee performance.

##### 3. *Performance Level*

The performance level reflects the evaluator's observation of how the employee is performing his/her duties and responsibilities shall mark the appropriate level of performance for each factor being evaluated. In determining the appropriate performance level, the evaluator shall:

a. Evaluate performance over the entire rating period and will not let isolated incidents of good or poor work unduly influence the evaluation.

b. Avoid personal bias or prejudice either favorable or unfavorable and will not be influenced by personality traits which do not affect job performance.

c. Be fair, objective and factual, and not let the evaluation be unduly influenced by any good or bad trait(s) of the employee.

d. Be honest with the employee and oneself and not underrate or overrate.

Overrating is misleading and can plague the evaluator or the department if disciplinary action is required later. Underrating can destroy morale, decrease incentive and destroy employee confidence.

#### F. Evaluator's Comments

The evaluator should briefly describe the employee performance that he/she feels are important or critical. Good as well as bad aspects should be described. Generally, the evaluator's comments should amplify or explain why the evaluator came to his/her conclusions.

#### G. Employee Development

The evaluator should give suggestions as to actions the employee might take to improve performance. The evaluator shall also consider how he/she as a supervisor might assist the employee to improve performance through actions such as training, counseling and arranging for special services.

#### H. Overall Evaluation



The overall evaluation represents the evaluator's assessment of the employee's overall work performance during the rating period. The overall evaluation should be generally consistent with the evaluator's comments. The evaluator should consider the following:

1. The employee's performance level for the factors considered most important by the evaluator.
2. The degree to which the employee's overall performance improved or declined during the evaluation period.
3. The degree to which the employee's overall performance compares to the work requirements that have been established for the employee's job.

#### I. Annual Evaluation

The evaluator shall complete this section if the performance report is an annual report. The evaluator will evaluate the employee's overall performance as either "satisfactory or above" or "needs improvement".

1. "Satisfactory or above" evaluation makes the employee eligible for special assignment or promotion.
2. An "improvement needed" evaluation shall be considered a temporary annual evaluation and indicates that performance must improve to a level of satisfactory during the next three months or disciplinary action could result.

#### J. Special Evaluation

The evaluator shall complete this section if the performance report is a "special report. The evaluator will rate the employee's overall performance as "satisfactory or above" or "unsatisfactory".

#### K. Probationary Report

##### 1. *Status Report*

The evaluator shall complete this section if the performance report is a Probationary (status) report. The evaluator will determine if the employee's overall performance is either "satisfactory or above" or "improvement needed".

- a. An evaluation of "satisfactory or above" indicates that the employee is making satisfactory progress towards his/her probationary period.
- b. An evaluation of "improvement needed" indicates that the employee's overall performance must improve in order for the employee to satisfactorily complete his/her probationary period.

##### 2. *Final Report*

The evaluator shall complete this section if the performance report is a probationary (final) report. The evaluator will determine if the employee's overall performance is either "satisfactory or above" or "unsatisfactory".

- a. An evaluation of "satisfactory or above" indicates that the employee has satisfactorily completed his/her probation period and is eligible for permanent appointment.

b. An evaluation of “unsatisfactory” indicates that an employee’s overall performance during the probationary period was less than satisfactory and that the employee is ineligible for permanent appointment.

#### L. Processing of the Employee Performance Report

1. The Chief shall notify each supervisor whenever employees under his/her command are due for an evaluation. The supervisor will then see that the performance evaluation report forms are completed in accordance with the procedures described in this manual.

2. *Overall Evaluations of “SATISFACTORY OR ABOVE”*. If the overall evaluation is “satisfactory or above”, all copies of the report will be distributed by the supervisor immediately after the review of the report with the employee.

3. *Overall Evaluation of “NEEDS IMPROVEMENT” OR “UNSATISFACTORY”*.

If the overall evaluation is “needs improvement” or “unsatisfactory”, the report shall be forwarded to the Chief for review prior to the evaluator’s discussion with the employee. The Chief will then return the report to the supervisor for the necessary discussion with the employee.

4. *Distribution of Report Forms*.

The distribution of the report forms will be made by the Chief as follows:

a. A copy will be forwarded to the employee.

b. A copy will be placed in the employee’s personnel file.

5. *Effective Date of Performance Reports*.

The effective date of the employee performance report shall be the date that the evaluator has prepared the report. This date shall be placed in Section A in the block “date of this report”.

6. *Signature of Employee*.

After reviewing the completed report with the employee, the evaluator shall ask the employee to sign the report. The evaluator shall explain that the employee’s signature does not necessarily indicate that the employee agrees with the report but only that it was reviewed with them. If he/she so desires, the employee may indicate that they would like to discuss the report with the reviewer. The evaluator shall then arrange such meeting as soon as possible.

7. *Employee’s Comments*.

The evaluator shall permit the employee to add any comments concerning his/her evaluation. However, should the employee add any comments, the employee shall be required to sign the report.

8. *Review of the Performance Report*.

Each report is to be reviewed with the employee by the evaluator in face-to face discussion. The discussion should be under circumstances affording a private interview. The employee should be notified at least one day before the interview to allow him/her to access their own performance during the rating period and prepare any questions or suggestions they may have regarding more effective ways of performing their duties. The evaluator should try to put the employee at ease although some tension is to be

expected. It is strongly recommended that the interview be held at the time that the employee is show the report for the first time.

## HADLEY POLICE DEPARTMENT Employee Performance Evaluation

Employee Name: \_\_\_\_\_

Job Classification: \_\_\_\_\_ Department: Police\_\_\_\_\_

Review Period: \_\_/\_\_/\_\_ to \_\_/\_\_/\_\_ Hire Date: \_\_/\_\_/\_\_

Instructions for completing the PERFORMANCE FACTORS section: Using the numerical scale provided below, rate the employee for each Performance Factor. Assign the numerical rating from 1 to 5 that most consistently describe the employee's performance relative to the descriptions for expected behavior. Score each category from 1 to 5 which most closely matches your opinion of the employee's performance in each category, in no less than one-half number increments (i.e., 1, 1.5, 2, 2.5, 3, 3.5, 4, 4.5, or 5). Ideally, evaluators should complete the comments section for each factor, including examples which occurred within the review period of incidents supporting the score given.

### Numerical

Rating\_\_\_\_\_

Rating Description

N/A **Not Applicable**

**1 Unsatisfactory** - Performance is totally unacceptable and fails to meet the requirements of the position.

**2 Below expectations** - Performance falls short of meeting acceptable levels and performance. While not considered totally unacceptable, this rating indicates a performance deficiency that requires remedial action.

**3 Meets expectations** - Performance consistently meets acceptable standards for the position.

**4 Exceeds expectations** - Performance is above acceptable standards and exceeds the requirements of the position.

**5 Excellent** - Performance is exemplary and well above acceptable standards for the position with little room for future improvement.

Rating \_\_

Performance Factors

### \_\_\_\_\_ TECHNICAL COMPETENCE

Demonstrates the skills needed to perform the job.

Understands and applies knowledge/expertise to the work environment.

Attempts to improve upon and expand expertise.

Comments:

### \_\_\_\_\_ ATTITUDE

Accepts assignments willingly.  
Promotes a positive image personally, professionally and organizationally.  
Acts impartially.  
Separates personal feelings from business matters.  
Cooperates with supervisor and fellow employees.  
Comments:

---

**PUBLIC RELATIONS/COMMUNICATIONS**

Responds promptly, accurately and courteously to inquiries, complaints, or requests from the public.  
Understands written and verbal directions.  
Maintains positive relationships with supervisor, coworkers and the public.  
Comments:

---

**PRODUCTIVITY**

Completes an appropriate volume of work for the position.  
Monthly traffic arrest average: \_\_\_\_\_  
Produces work which is satisfactory, consistent, thorough and of generally good quality.  
Follows instructions accurately and completely.  
Does not abuse phone, e-mail or Internet privileges during working time or otherwise use working time for personal business.  
Does not interrupt fellow workers with non-business activity during working time.  
Comments:  
POLICE OFFICER (EMPLOYEE) EVALUATION Page 9 of 11

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**POLICY COMPLIANCE**

Is knowledgeable of and understands policies and procedures. Attempts to correct policy deficiencies in a constructive manner. Complies with policies.  
Supports policy compliance by other employees.  
Comments:

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**ATTENDANCE**

Regularly reports for work as scheduled.  
Complies with reporting, notification and approval procedures for time off.  
Does not abuse work breaks, quitting time, or other special absences.  
Produces accurate time sheets and leave slips.  
Comments:

---

**CARE/USE OF EQUIPMENT**

Maintains neat and orderly appearance at work site.  
Exercises reasonable care in the operation of assigned equipment. Operates assigned equipment with reasonable level of proficiency. Operates equipment according to Town and departmental policies. Performs preventative maintenance on assigned equipment.  
Comments:

---

**PLANNING/ORGANIZING/DOCUMENTATION**

Plans, organizes and carries out tasks effectively. Documents work accurately and in accordance with procedures.

Complies with deadlines.  
Sets appropriate priorities.  
Comments:

**SAFETY**

Maintains a safe and efficient work environment, which results in no preventable accidents.

Recognizes and reports all unsafe equipment, conditions, procedures and work place accidents to supervisor.

Regularly attends Safety Training sessions provided by the Town.

Comments:

POLICE OFFICER (EMPLOYEE) EVALUATION Page 10 of 11

**General Comments, including specific suggestions, training attended, and/or actions which may be taken by the employee to improve performance for the upcoming evaluation period (if necessary, additional sheets may be attached):**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Signature of Evaluator\* Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Signature of Chief of Police Date

\*If evaluator is someone other than the Department Head.

**TOTAL of all PERFORMANCE FACTOR ratings**  
**AVERAGE PERFORMANCE RATING**

To calculate the average, divide the total by 9 or the appropriate number if any rating is listed as not applicable (shown as N/A).

**Employee Comments:\*\***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*An employee may write comments on the original evaluation in the space above, or provide a separate document with comments, which shall be provided to the evaluator

within three business days of the employee receiving his/her evaluation. Comments submitted as a separate document shall be attached by the evaluator to the original evaluation. The evaluator may, at his/her sole discretion, schedule a follow-up meeting with the employee to discuss the employee's comments.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Signature of Employee Date

By signing above, I certify that I have met with the evaluator and been provided a copy of this evaluation.

Further, I understand my Average Performance Rating is \_\_\_\_\_. The signature of the employee does not indicate concurrence with the contents of the evaluation.

# ADMINISTRATION OF NASAL NALOXONE

POLICY & PROCEDURE NO. <b>1.43</b>	ISSUE DATE: 01/25/18
	EFFECTIVE DATE: 02/10/18
HADLEY POLICE DEPARTMENT	LAST REVIEWED DATE: 01/25/2019

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Opiate overdose is the leading cause of accidental death in Massachusetts. Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone as found in OxyContin®, Percocet® and Percodan®, and hydrocodone as found in Vicodin®.

Naloxone, commonly known by the brand-name **Narcan®**, is an opioid antagonist which means it displaces the opioid from receptors in the brain and can therefore reverse an opiate overdose. It is a scheduled drug, but it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opiate overdose, it will do no harm. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray.

To reduce the number of fatalities which can result from opiate overdoses, the Hadley Police Department will train its Officers in the proper pre-hospital administration of nasal naloxone. In order to implement a safe and responsible nasal naloxone plan, the Department will establish and maintain a professional affiliation with a Medical Control Physician (MCP) who will provide medical oversight over its use and administration. The Medical Control Physician shall be licensed to practice medicine within the Commonwealth of Massachusetts. At his or her discretion, he or she may make recommendations regarding the policy, oversight, and administration of the nasal naloxone program developed and implemented by the Department.

In order to implement this Policy the Hadley Police Department relies upon the following statutes:

105 CMR 171.00: Massachusetts First Responder Training:

171.165: Approval of Programs for Training First Responders in Epinephrine Auto-Injector Devices and Naloxone.



The Hadley Department shall approve training programs for first responders in the use of epinephrine auto-injector devices and naloxone or opioid antagonist approved by the Department that meet the following requirements:

- a. Such programs the medical director has approved for specific training; and
- b. The training program meets the minimum standards established by the Department as administrative requirements.

M.G.L. c. 94C, § 34A which states that “a person acting in good faith may receive a naloxone prescription and administer naloxone to an individual appearing to experience an opiate related overdose.” The statute imposes no limitation on who may possess and administer nasal naloxone, and only requires that it is (1) obtained with a prescription and (2) administered in good faith.

M.G.L. c. 94C, § 19 which states that “Naloxone or other opioid antagonist may lawfully be prescribed and dispensed to a person at risk of experiencing an opiate-related overdose or a family member, friend or other person in a position to assist a person at risk of experiencing an opiate-related overdose. For purposes of this chapter and chapter 112, any such prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.”

M.G.L. c. 94C, § 7 which states that “any public official or law enforcement Officer acting in the regular performance of his official duties” shall not require registration and may lawfully possess and distribute controlled substances.

M.G.L. 258C, § 13 which states that “No person who, in good faith, provides or obtains, or attempts to provide or obtain, assistance for a victim of a crime as defined in section one, shall be liable in a civil suit for damages as a result of any acts or omissions in providing or obtaining, or attempting to provide or obtain, such assistance unless such acts or omissions constitute willful, wanton or reckless conduct.”

## II. POLICY

Naloxone will be deployed in all marked Department line vehicles for the treatment of drug overdose victims. A patrol unit shall be dispatched to any call that relates to a drug overdose. The goal of the responding Officers shall be to provide immediate assistance via the use of naloxone where appropriate, to provide any treatment commensurate with their training as first responders, to assist other EMS personal on scene, and to handle any criminal investigations that may arise.

## III. DEFINITIONS

**Opiate:** An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Police Officers often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet® and Percodan®) and hydrocodone (Vicodin®).

**Naloxone:** Naloxone is an opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan®.

**Medical Control Physician:** The Medical Control Physician, herein after referred to as MCP, shall be a designated Medical Doctor who is licensed to practice medicine in Massachusetts. The Hadley Police Department shall maintain an affiliation with the MCP.

## IV. PROCEDURES

When an Officer of the Hadley Police Department has arrived at the scene of a medical emergency prior to the arrival of EMS, and has made a determination that the patient is suffering from an opiate overdose, the responding Officer should administer two milligrams of naloxone to the patient by way of the nasal passages. One milligram should be administered to each nostril.

The following steps should be taken:

1. Officers shall use universal precautions.
2. Officers should conduct a medical assessment of the patient as prescribed by Department Policies and Procedures, to include taking into account statements from witnesses and/or family members regarding drug use.
3. If the Officer makes a determination that there has been an opiate overdose, the naloxone kit should be utilized.
4. The Officer shall use the nasal mist adapter that is pre-attached to the naloxone to administer a one milligram intra-nasal dose of naloxone to each nostril for a complete dosage of two milligrams. Officers should be aware that a rapid reversal of an opiate overdose may cause projectile vomiting by the patient and/or violent behavior.
5. We have learned from our training that approximately 5% of those being administered naloxone will become physically combative after receiving it. With that in mind all Officers must be familiar with the "Use of Force Continuum" in the event they are confronted with a subject who becomes physically violent.
6. The patient should continue to be observed and treated as the situation dictates.
7. The treating Officer shall request EMS services when confronted with an overdose situation.
8. Once EMS has arrived care for the patient will be transferred to them. The treating Officer shall inform the on-scene EMS personnel about the treatment and condition of the patient.
9. The treating Officer shall not relinquish care of the patient until relieved by a person with a higher level of training.
10. The used nasal naloxone kit shall be properly disposed of in a sharps container.

### **Immunity from Prosecution**

Per M.G.L., Chapter 94C, Section 34A, Officers shall not arrest, summons, or otherwise charge any person for possession of a controlled substance if evidence for the charge was gained as a result of a subject seeking medical assistance in good faith for a drug-related overdose. This includes the subject who is:

- Experiencing the drug-related overdose, and/or
- Requesting the medical assistance

However, Officers are not prohibited from charging anyone with trafficking, distribution, or possession with intent to distribute offenses.

### **Reporting**

A complete offense report pertaining to the event and Department Supplemental “Naloxone Administration Report Form” shall be completed by the treating Officer, or the primary responding Officer, prior to the end of his shift.

- The Naloxone Administration Report Form is attached to this Policy. Additional copies will be available in the Department Forms file in the Patrol Officer’s Room.

### **Equipment and maintenance**

It shall be the responsibility of Officers to inspect naloxone kits prior to the start of each shift to ensure that the kits are intact. Naloxone kits shall be returned at the end of each shift.

Damaged equipment shall be reported to a shift supervisor immediately.

The Department’s Medical Services Officer will maintain a written inventory documenting the quantities and expirations of naloxone replacement supplies, and a log documenting the issuance of replacement units.

### **Replacement**

Shift supervisors shall immediately remove used naloxone kits from service and notify our Department Medical Officers of the need to replace the kit(s).

### **Training**

Officers shall receive a standard two hour training course administered by qualified Department personnel prior to being allowed to carry and use naloxone. The Department shall provide refresher training every two years.



# INTERACTION WITH TRANSGENDER INDIVIDUALS

POLICY & PROCEDURE NO. <b>1.44</b>	ISSUE DATE: 2/28/19
	EFFECTIVE DATE: 2/28/19
HADLEY POLICE DEPARTMENT	Last Review: 2/28/19

## I. POLICY

It is the general policy of the Hadley Police Department to treat all individuals with dignity, respect, and professionalism. Therefore, this policy helps create mutual understanding, prevent discrimination and conflict, and ensures the appropriate treatment of transgender individuals within the community.

## II. DEFINITIONS

1. **Adopted Name:** Non-birth name that a transgender individual uses in self reference (this may or may not be the individual's legal name).
2. **Gender Expression:** Displays of gender identity through dress, demeanor, and language.
3. **Gender Identity:** A person's gender-related, appearance, or behavior, whether or not that gender-related identity, appearance or behavior differs from that traditionally associated with the person's physiology or assigned gender at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held, as part of a person's core identity;

provided however, that gender-related identity shall not be asserted for any improper purpose.

4. **Gender:** An individual's biological or anatomical identity as male or female.
5. **Transgender Individual:** A person whose gender identity differs from his/her biological or anatomical gender.
  - a. **Female to Male "FTM":** A person who transitions from "female to male," meaning a person who was assigned female at birth, but identifies and lives as a male. A "female to male" individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.
  - b. **Male to Female "MTF" :** A person who transitions from "male to female," meaning a person who was assigned male at birth, but identifies and lives as a female. A "male to female" individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.
6. **Transsexual:** A person whose personal sense of gender conflicts with the person's biological or anatomical gender at birth.

### III. PROCEDURES

#### A. NAME USAGE AND FORMS OF ADDRESS

1. All officers shall address transgender individuals by the individual's adopted name, regardless of whether or not the individual has obtained legal recognition of the adopted name.
2. Transgender individuals shall be addressed using the titles and pronouns appropriate to their gender identity. When addressing a male to female individual the pronouns her, she and hers shall be used by police personnel. When addressing a female to male individual the pronouns he, him and his shall be used by police personnel.
3. If there is any uncertainty as to which pronouns or titles are appropriate, then the officer shall respectfully ask the individual. All language and behavior used when addressing a transgendered individual during the transaction of police duties must be respectful.

## **B. CALLS FOR SERVICE**

1. All calls for service or complaints made by transgender individuals will be investigated in the same manner as all other calls for service or complaints, and in full compliance with department policies and procedures.
2. Officers shall not fail to respond to a call for service based upon the gender identity or expression of the caller.

## **C. STOP AND FRISK**

1. Standard procedures and practices shall be used when conducting searches and seizure (i.e. “Field Stops” and “Frisks”) of transgender individuals. These standard procedures and practices include treating a transgender individual in a manner that is appropriate for the individual’s gender expression.
2. Except when legally necessary, (e.g. issuance of a citation or effect an arrest) officers shall not require proof of an individual’s gender and shall not challenge an individual’s gender identity. Searches or frisks shall not be used as a means of determining an individual’s gender.
3. Transgender individuals shall not be subjected to more invasive search or frisk procedures than non-transgender individuals.

## **D. ARREST AND DETENTION**

1. **Transportation:**
  - a. Whenever possible and practical, a transgender individual shall be transported separately from other arrestees. This is to ensure the transgender individual’s privacy, dignity, and safety.
  - b. All transportation will be conducted pursuant to policy # 3.01 *Transportation of Detainees*.
2. **Booking:**
  - a. Normal booking procedures will be followed, according to all department policies and procedures including, #3.03 *Detainee Processing*, and #3.05 *Protective Custody*.
  - b. When booking a transgender individual, including those in protective custody and juveniles held in custody, the individual shall be booked under the name appearing on

the individual's government issued identification. The booking officer shall include in the report, the individual's adopted name (i.e. the name that the individual uses in self reference).

- c. If the individual does not have identification available, the booking officer shall use the adopted name as the primary name for booking purposes. The individual's birth name will be used only if it is the individual's legal name or is required by a legitimate law enforcement purpose; including but not limited to, determining whether as arrestee has a prior criminal record.
- d. If during the booking process a transgender individual requests to use the bathroom, an officer of the same gender as the transgender individual's gender expression shall escort the individual to the appropriate gender assigned bathroom.

### **3. Searches:**

- a. Whenever possible and practical, a search of a transgender individual will be performed by officers of the gender requested by the transgendered individual.
- b. Two officers of the gender requested by the transgendered individual will be present during the search. If two officers of the requested gender are not available, the search shall nonetheless be performed by two available officers.
- c. If the transgender individual does not express a preference regarding the gender of the searching officers, then two officers of the same gender as the transgender individual's gender expression will conduct the search (e.g. when a female to male individual does not express a preference, then two male officers will conducted the search).

### **4. Conditions During Holding:**

- a. Whenever possible and practical, a transgender person shall be held in an individual cell without other prisoners.
- b. The booking officer and officer in charge shall make reasonable efforts to ensure that the transgender individual is held separately from other prisoners.
- c. Instances in which a transgender individual is in need of medical attention shall be handled in the same manner as any other individual requiring medical attention in accordance with department policies #3.02 *Detaining*



*Prisoners, #3.03 Detainee Processing, #3.05 Protective Custody.*



# AUTOMATIC EXTERNAL DEFIBRILLATORS

POLICY & PROCEDURE NO. <b>1.44</b>	ISSUE DATE: 4/15/19
	EFFECTIVE DATE: 4/15/19
HADLEY POLICE DEPARTMENT	REVISION DATE:

## OBJECTIVE

The Hadley Police Department is equipped with automatic external defibrillators (AEDs) to provide lifesaving intervention to victims of sudden cardiac arrest and improve cardiac arrest survival rates. This program is initiated by the Hadley Police Department to provide the best chance of survival from cardiac arrest.

## CERTIFICATION AND TRAINING

- A. All police personnel are required to complete training and certification by a facilitator qualified to teach AED operations. The facilitator shall be responsible for tracking the certifications of all personnel.
- B. A qualified facilitator designated by the department training coordinator may perform AED review sessions as needed.
- C. Recertification classes are conducted as necessary based on personnel AED expiration dates. The department training coordinator will attempt to ensure all members of the department on the same certification schedule.

## ASSIGNMENT OF EQUIPMENT

As many patrol units as possible will carry an AED if more cruisers are assigned than there are AED's. If three or less patrol units are on the road, each unit will carry an AED if all AED's are available.

- A. At the beginning of each shift:
  - 1. The north and south district officer shall ensure they have a working AED with them. The OIC, regardless of rank or district, is responsible for making sure AED's have been put in a cruiser.

B. At the end of each shift:

1. The AED must be removed from the vehicle and returned to the designated area to be stored until re-assigned.

## **MAINTENANCE OF EQUIPMENT**

- A. Personnel issued an AED shall check the AED unit at the beginning of his/her shift. At the beginning of an officers shift they shall check that the built-in screen indicates that most recent automated self-check was successful.
- B. In order to comply with the manufacturer's recommendations for operating temperature, the AED is carried in the passenger compartment of the vehicle. When the exterior temperature is below 32°F, and the vehicle remains unattended for more than 30 minutes, the officer must remove the AED from the vehicle and carry it.
- C. The unit is maintained in accordance with the manufacturer's specifications. Hadley Fire Chief Spanknebel will perform all maintenance.

## **RESPONSE TO CARDIAC ARREST**

- A. Because defibrillation of a cardiac arrest patient supersedes all other medical interventions, personnel must act in accordance to the following protocols:
  1. If the officer(s) to whom the AED(s) is (are) issued is (are) committed to another call, any other available and properly certified officer shall be dispatched to the location of the AED unit to retrieve the AED, and respond to the medical emergency.
  2. An officer committed to another law enforcement activity or call, shall not leave the call to which he is committed to until the call is completed, or another officer is able to assume his duties.
- B. The AED will be brought on-scene when dispatched to the following types of calls:
  1. Chest pain
  2. Cardiac Arrest
  3. Unconscious/Unresponsive
  4. Drowning
  5. Person down
  6. Unknown medical

**NOTE:** Personnel may, at their discretion, bring the AED to other medical emergencies as well.

## **ON-SCENE AED PROTOCOLS**

- A. At all times the automatic external defibrillator will be operated in full accordance with the Massachusetts Statewide Treatment Protocols. Any deviation from protocol must be documented in the case report.
- B. The AED will be applied only to patients suspected to be in cardiac arrest.

### **ON-SCENE INTERFACE AND TRANSPORTATION**

- A. Because the Hadley Police Department is a first-response agency without the ability to transport, an ambulance must be called to transport the victim.
- B. If a Basic Life Support ambulance or fire department apparatus arrive on-scene, Hadley Police Department personnel will continue to provide patient care in accordance with local protocols using the Hadley Police AED. Hadley Police Department personnel shall retain command and control over the AED unit at all times.
  - 1. If in use, the Hadley Police AED shall remain attached to the patient. It is not appropriate to remove a working AED unit to apply another AED. Only a paramedic or higher medical authority may direct the removal of the AED for the application of a manual defibrillator.
- C. Upon arrival of any EMS personnel of higher medical training and certification, Hadley Police personnel will complete their current cycle of shocks with the AED unit and then immediately transfer care to the higher medical authority, which will assume all patient care. Further involvement by Hadley Police personnel will be at the direction of the higher medical authority. Hadley Police will remain in control of our AED(s) at all times.
  - 1. A verbal report will be given at the time of transfer of care.
  - 2. The last names of responding medical personnel and fire or ambulance unit number of the medical personnel will be obtained and recorded in the case report if possible.
- D. It is not necessary for a Hadley Police representative to accompany the patient to the hospital. However, if an EMT or paramedic specifically requests, and the OIC approves, Hadley Police personnel may accompany the ambulance to the hospital to assist with patient care.

### **CARDIAC ARREST DOCUMENTATION AND POST-CALL PROCEDURES**

- A. The AED facilitator will be contacted immediately following a cardiac arrest. At this time the department training coordinator will be the AED facilitator. Acceptable forms of notification can be by email or text. The AED facilitator will notify Chief Spanknebel of the AED usage, unless Chief Spanknebel is readily available to the officer involved, but the AED facilitator shall still be notified of the usage and outcome of the call.
- B. Following the completion of a cardiac arrest call in which the AED was turned on, the first priority will be the return to service of the AED unit.

- C. The following quality assurance procedures must be performed prior to returning the AED unit to regular service. QA data must be retrieved every time the AED unit is attached to a patient and turned on, even if no shocks are administered.
1. If necessary, the AED shall be cleaned first. Universal precautions must be observed at all times.
  2. Contact the AED facilitator, who will coordinate with Chief Spanknebel to have the data downloaded.
  3. Replace all expendables used on the call.
  4. The downloaded data will be printed for medical review.
    - a. If the cardiac arrest occurs during business hours, the data will be sent that day.
    - b. If the cardiac arrest occurs on the weekend or at night, the data will be sent in the morning of the next business day.
- D. In the unlikely event that a second cardiac arrest call is received prior to the completion of QA procedures, the AED can be used in accordance with the normal operating protocol. At the conclusion of the second cardiac arrest, the complete data from the second patient and the summary data from the first patient will have to be downloaded and saved.
- E. The person operating the AED shall complete an offense report or case report supplement detailing the incident and care rendered.
- F. A copy of the case report and AED Data Summary shall be submitted to the AED facilitator, and if applicable the medical director.
- G. Any deviation from the Policies and Procedures Manual, Statewide Treatment Protocols or local protocols will be documented in the case report.
- H. Provision of counseling services through the Counseling Center should be considered for the emotional welfare of the rescuers.

# EPINEPHRINE AUTO-INJECTOR

<b>POLICY &amp; PROCEDURE NO. 1.46</b>	ISSUE DATE: 4/15/19
	EFFECTIVE DATE: 4/15/19
<b>HADLEY POLICE DEPARTMENT</b>	REVISION DATE:

**Purpose**                      To rapidly treat and improve the overall survival rate of patients experiencing an anaphylactic reaction.

**Scope**                      The administration of the Epi-Pen Auto Injector by the First responder is an approved skill that allows the First Responder to administer Epinephrine to the patient through and auto injector. The administration of Epinephrine reverses the effects of the allergic reaction.

To be in-line with the current standards, and to assure continuity of patient care. The Hadley Police Department will train its members in the Epi-Pen Auto Injector as per the standards set forth by the Office of Emergency Medical Services as indicated in the Massachusetts Statewide Treatment Protocols version 2015.1.

Furthermore, the Municipal Police Training Committee (MPTC) has retained a medical advisor that supports the Epi-Pen Auto Injector training and implementation of such standards for all law enforcement personnel.

The Hadley Police Department will keep and maintain a professional affiliation with the MPTC Medical Advisor Physician for medical oversight for the Epi-Pen Auto Injector training and administration. The Medical Control Physician shall be licensed to practice medicine within the Commonwealth of Massachusetts. The Medical Control Physician, at his or her discretion may make recommendations to the policy, the training and the administration of the Epi-Pen auto Injector program.

**Definitions**

Epi-Pen Auto Injector: An administration of Epinephrine through an auto injector that reverses the effects of an allergic reaction.

Medical Control Physician: The Medical Control Physician, herein after referred to as MCP, shall be a designated medical doctor who is licensed to practiced medicine in Massachusetts and who is retained as a medical advisor for the MPTC. The Chief of Police or his designee shall periodically consult with the MCP to review overall training, equipment, procedures, changes to applicable laws and regulations and/or the review of specific medical cases. At his discretion, the MCP may partake in training the members of the Hadley Police Department.

***Body substance isolation***: ***Body substance isolation, herein after referred to as BSI shall mean, in the context of a First Responder responding to a medical emergency, equipment that is provided to members of the Hadley Police Department which includes, but not limited to nitrile protective gloves, eye protection and barrier device.***

**Legal  
Premises  
for  
Implementation  
of Epi-Pen Auto  
Injector**

The Hadley Police Department relies upon M.G.L. c.111, s 201. The law which establishes a guideline for first responder training. The Hadley Police Department is also following the standard and guidelines set forth by the Office of Emergency Medical Services as indicated in the Massachusetts Statewide Treatment Protocols version 2015.1, section 2.2A and 2.2P Anaphylactic Reaction.

The Hadley Police Department also relies upon MGL Ch. 111C, s. 21 which states; No EMS personnel certified, accredited or otherwise approved under this chapter, and no additional personnel certified or authorized under section 9, who in the performance of their duties and in good faith render emergency first aid, cardiopulmonary resuscitation, transportation, or other EMS, to an injured person or to a person incapacitated by illness shall be personally liable as a result of rendering such aid or services or, in the case of an emergency medical technician or additional personnel, as a result of transporting such person to a hospital or other health care facility, nor shall they be liable to a hospital for its expenses if, under emergency conditions they cause the admission of such person to said hospital.

**Response  
subject to  
Cardiac Arrest**

Prior to the assessment of a patient, body substance isolation shall be employed by responding officers. Members of the Hadley Police Department who have been issued EMS equipment for preparedness



to responses to medical emergencies shall appropriately assess the patient.

***Administration of Epi-Pen Auto Injector during an Out-of-hospital Anaphylactic reaction***

Members of the Hadley Police Department shall appropriately assist members of the Action Ambulance, Amherst Fire Department or incoming EMS team at the scene of a medical emergency when dispatched to such calls for service as determined by Dispatch and/or the OIC.

When responding members of the Hadley Police Department have arrived at the scene of a medical emergency prior to the arrival of EMS and have made a determination that the patient is experiencing an allergic reaction.

The following steps should be taken:

- Scene safety shall be assured
  - Body substance isolation should be employed
- A medical assessment of the patient identifying the signs and symptoms of anaphylaxis which are;
  - Hives/Rash usually diffuse throughout the body
  - Difficulty breathing
  - Swelling of lips, eyes and tongue
  - Tightness and swelling of throat
  - Dilation of vessels causing a decrease in BP and an increase in heart rate
- Administer the Epi-Pen Auto Injector
  - Yellow Label – Adolescent and adult dose, greater than 66 pounds.
  - Green Label – Small Child, 33 – 66 pounds
- Remove Blue Safety Cap
- Move aside bulky clothing if time allows
- Grasp the Epi-Pen Auto Injector and plunge the orange cap of the Epi-Pen directly into the thigh
- Hold in place for 10 seconds
- Massage the area for 10 seconds
- Tape the dispensed Epi-Pen to the patients arm so the Epi Pen is transported to the hospital with the patient

If you only have an adult dose and the patient is less than 66 pounds administer the adult dose to the patient.

Signs of improvement of the patient's condition should be noted.

***It is imperative that incoming EMS be updated as to the treatment and***

*duration of the treatment as well as the condition of the patient.*

***Reporting*** A complete report of the event shall be completed by the primary responding Officer prior to the end of his or her shift. The primary officer shall place a copy of their report in the mailbox of the police departments EMS Coordinator.

***Policy Duration*** This policy shall be subject to changes or amendments that shall be consistent with the most current statutory, legislative or executive requirements.

# HEALTH AND WELLNESS

POLICY & PROCEDURE NO. <b>1.47</b>	ISSUE DATE: 4/15/19
	EFFECTIVE DATE: 4/15/19
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## GENERAL CONSIDERATIONS & GUIDELINES

Physical fitness should be a personal and professional goal of all personnel. Research and statistical evidence proves that physical fitness and a proper diet improve health and performance, including at work. It is recognized that one single program will not meet the needs of all personnel. Therefore, the Department recommends a voluntary and varied physical fitness program for all personnel.

The purpose of this written directive is to establish the Department's policy on physical examination and physical fitness of sworn personnel. The Department has established a Health and Wellness Instructor, who is specially trained to assist department members in physical fitness activity at their request. The goal of this program is to promote health and wellness by conditioning the body to be better prepared for the demands of law enforcement activities.

## POLICY

It is the policy of the Hadley Police Department to strongly encourage all personnel to maintain a satisfactory level of general health and physical fitness for their own well-being. The function of law enforcement can frequently require a level of fitness not demanded by many other occupations. Proper physical fitness allows personnel to perform more effectively and may reduce the need for sick leave due to injury or illness. Furthermore, satisfactory general health and physical fitness may positively affect mental health and aid in reducing stress and anxiety associated with the law enforcement profession.

# PROCEDURES

## I. Physical Fitness

Prior to the implementation of any personalized physical fitness program, an employee is encouraged to obtain a medical examination from their personal physician. All personnel are required to complete a 'Physical Activity Readiness Questionnaire' before being allowed to participate in the Department's Physical Fitness Program. If any of the items are answered "yes" then a written physician's note shall be required before a member of the Police Department can participate in the program. The note/letter will state that the member is cleared to perform strenuous activity as part of the Physical Fitness Program. Any changes which negatively impact the employee's physical health shall be reported to the Health and Wellness instructor immediately and another PAR questionnaire shall be completed.

## II. Time Allotted

Sixty minutes will be allotted for workout time per eight-hour shift. This includes the time needed to shower and change clothing. Extra time will be allowed when utilizing North Hadley Fire Station gym for travel, etc. Workout time shall be requested of the supervisor or OIC at the start of shift. The supervisor/OIC may choose to deny workout time if there is an expectation that there may be a heightened level of service during the shift or for any other practical reason and workout time allotment is at the full discretion of the supervisor/OIC for that shift. If an OIC does deny workout time for reasons other than issues relating to call volume, they must notify the supervisor of the shift via email of said reason. No workout time will ever be granted if there are only two police employees, or one dispatch employee assigned. Because workout time is granted at the pleasure of the Chief of Police, there are no grounds for any grievance for denial of workout time for any reason.

Any off-duty employees who wish to use the fitness room will be allowed to do so at their leisure but, for safety reasons, must still notify the supervisor or OIC when a workout is begun and completed. Off-duty employees are not required to have their portable radio with them.

At the time of the workout, it is the responsibility of the participant to notify the supervisor/OIC and Dispatcher that he/she is going to be working out. (If notification is made over the radio, the action code '93W' will be used, ensuring that all employees are aware that the participant is not a primary response employee for the next 60 minutes) Once the workout is complete, participants must again check-in with the dispatcher and supervisor/OIC to assure the safety and well-being of the participant. Workouts may not occur at a time overlapping the beginning or end of shift as these are briefing times for incoming and outgoing employees. An exception shall be made for night shift employees only (see section VI below).

### III. Workout Locations

The Police Department fitness room and North Hadley Fire Station will be available to all HPD employees who are approved for the fitness program. All workouts must be conducted on the grounds of HPD or North Hadley Fire Station unless express permission is granted by the Chief of Police or designee.

### IV. Physical Examinations

The Department encourages all personnel to receive physical examinations on a regular basis. Entry-level physical examinations are required for all sworn personnel. This is to ensure general fitness to perform the tasks of their assignments, not to identify personnel with disabilities. The Department will pay for all physical examinations required by the Department.

According to the Center for Disease Control, the average use of sick time by U.S. workers is 8.5 days per year. HPD employees average 8.35 days per year. It is the goal of the Administration to see the Physical Fitness Program result in the use of sick time remain in line with national averages. With this in mind, the following provision will be required of participants to remain eligible for the program.

The Chief of Police and/or a designee will periodically review the use of sick time by a participant. If any reduction in sick time is evident or remains within national standards, the participant will remain in the Physical Fitness Program. If an increase in sick time (unexcused) is evident, this may result in a participant's loss of on-duty workout privileges. The Department recognizes no grounds for any grievance if a loss of on-duty workout privileges occurs due to sick time increase or for any other reason.

The Department recommends all sworn personnel strive to meet the standards adopted by the Massachusetts Municipal Police Training Committee (MPTC) in its Health and Wellness Guide (located on the MPTC website or available with the Department Health and Wellness Instructor). These are identifiable, job-related and achievable.

Sworn personnel must meet the standards set by the MPTC to successfully complete basic recruit employee training and become certified as a police employee. All sworn personnel are encouraged, but not mandated, to meet and maintain these standards. Physical fitness measurements adopted by the MPTC are as follows:

1. Sit and Reach
  - a. This test measures flexibility of the lower back and upper leg area.
  - b. It is an important area for performing police tasks involving range of motion and is important in minimizing lower back problems.

- c. The test involves stretching out to touch the toes or beyond with extended arms from the sitting position.
  - d. The score is in the inches reached on a yardstick.
- 2. One-minute Sit-up Test
  - a. This test measures the muscular endurance of the abdominal muscles.
  - b. It is an important area for performing police tasks that may involve the use of force, and is an important area for maintaining good posture and minimizing lower back problems.
  - c. The score is the number of bent leg sit-ups performed, with proper form, in one minute
- 3. One Repetition Maximum Bench-Press or One Minute Push-Ups
  - a. This is a maximum weight pushed from the bench press position or number of push-ups completed and measure the amount of force the upper body can generate.
  - b. It is an important area for performing police tasks requiring upper body strength.
  - c. The score is a ratio of weight pushed divided by body weight or the number of push-ups completed.
- 4. 1.5 Mile Run
  - a. This is a timed run to measure the heart and vascular systems' capability to transport oxygen.
  - b. It is an important area for performing police tasks involving stamina and endurance and to minimize the risk of cardiovascular problems.
  - c. The score is in minutes and seconds.

## V. Fitness Facility

Department personnel are encouraged to utilize the exercise room located in the Administrative Employee hall or the North Hadley Fire Station. Additional to any posted fitness room rules, employees are mandated to adhere to the following:

Equipment is not to be removed from the exercise room without permission from a supervisor. Users are responsible for cleaning equipment they use with the provided disinfectant, and for replacing all equipment to appropriate areas of the exercise room. This is especially important at the Fire Station workout room, as we are guests there.

Shoes are required to be worn at all times while in the exercise room, and no personal property (i.e. weight lifting belts, gloves, head phones, etc.) will be stored in the room for future use without permission. A stereo will be permitted, but cannot be played at a level that would drown out the ability to hear your department radio, which will be required to be in the room with you.

Weights are to be placed on appropriate racks when not being used. Dumbbells and weight plates may be placed on the floor between sets; however, they should not be placed on padded benches and must be replaced on the racks when the user is finished.

Olympic bars are to be left stripped of weight plates when the user is finished. Collars are strongly encouraged when using Olympic bars.

Adjustment of the air conditioning unit in the fitness room is allowed, but when a workout is completed, it must be returned to its previous setting. This is not allowed at the NHFS.

Any broken or unsafe equipment should be reported to the Health and Wellness Instructor, supervisor/OIC or Chief immediately.

## VI. Additional Rules, Revisions and Cancellations

This program is a privilege being offered by the Department to increase health and wellness in employees and allow a stress outlet while on shift. An expected result is a reduction in the use of sick time or, at minimum, the employee does not exceed national averages. This program is voluntary.

- Because the fitness equipment is located in the same general area where Medics sleep, there shall be no workouts in that particular room between the hours of 0000hrs and 0500hrs. Thus, nightshift employees will be allowed to work out at times overlapping the start or end of their shifts (see Section II). If nightshift employees wish to exercise on the grounds of HPD while not utilizing the exercise room, then no restrictions on workout times will apply. Currently, there are no time restrictions for NHFS.
- As with the above noted rules, any employee found not to be exercising during their allotted time may result in their immediate removal from the program and on-duty workout privileges being revoked.
- Participation in the exercise program is at the full discretion of the Health and Wellness instructor and the Chief of Police and employees may be removed from the program at any time and for any reason.
- If on-duty, employees must have a portable radio with them and with the volume loud enough to be heard and employees must be prepared to return to duty as soon as possible if recalled.
- It is understood that if recalled during a workout, employees may not have time to appropriately or completely put on their uniform of the day.
- Any officer recalled to duty during their workout shall ensure that, at minimum, they are wearing their duty belt, vest and some form of outer layer clearly identifying them as Police. Any Dispatcher recalled to duty shall ensure that, at minimum, they are wearing their standard polo denoting their affiliation with the Communications Department.

- Any employee found to be performing unsafe or risky exercises which increase the likelihood of injury (as determined by the Health and Wellness instructor), may be removed from the program.

This directive will be reviewed annually by the Health and Wellness Instructor and, when necessary, will be revised or cancelled in accordance with the procedures for reviewing written directives.

It should be noted that if an employee injures themselves during a workout, although you are on duty, this will not be considered a “work-related injury.”



## POLICY AND PROCEDURE DIRECTIVE

TITLE: CONNETICUT RIVER TASK FORCE Mutual Aid Policy

EFFECTIVE: 4/15/19

HADLEY POLICE POLICY # 1.48

REVISED:

### PURPOSE

The purpose of this directive is to establish procedures for the Connecticut River Task Force (CRTF)

### DISCUSSION

The Massachusetts Environmental Police (MEP) is responsible for boating enforcement and education throughout the Commonwealth. MEP routinely works with local police, harbor masters and the USCG to accomplish this mission.

The MEP, USCG and the Police Departments of Easthampton, Hadley, South Hadley and Northampton have agreed that there is a significant need to enhance law enforcement efforts on the Connecticut River due to the heavy volume of boating activity within the regional boundaries of the adjacent agencies. Law enforcement has a responsibility to manage contingencies and infringements associated with marine activities. This is accomplished through proactive law enforcement patrols and responses throughout the maritime domain of the Connecticut River within the Commonwealth of Massachusetts. The primary responsibility for the Task Force is to promote boating safety, and to enforce state and local laws and regulations on the Connecticut River and adjacent lands. This includes, but not limited to Department of Conservation and Recreation lands and Office of Fish and Boat Access (OFBA) properties and boat ramp regulations. The CRTF may from time to time assist with SAR missions and assist MEP with logistical support and information gathering relative to boating accident investigations.

### POLICY

It shall be the policy of the member agencies that comprise the CRTF to establish and maintain an effective marine response and enforcement unit. It shall also collaborate with area stakeholders including but not limited to the Massachusetts State Police, The Department of Conservation and Recreation, Mass Highway (MassDOT), Office of Fish and Boat Access, US Army Corp of Engineers, US Fish and Wildlife and other government and non-government entities involved in managing or protection of public safety or resources along the Connecticut River corridors.

## DEFINITIONS

OPERATIONS COMMITTEE – The Inland Major of the MEP or his/her designee, the Commonwealth’s Boating Law administrator, the USCG Sector Commander or their designee, and The Chiefs of Police of the Police Departments that comprise the CRTF.

OFFICER IN CHARGE (OIC) –Any officer that will operate a patrol vessel during a tour of duty. The OIC, regardless of rank, has operational command of the vessel and all personnel on board.

CREW – Any officer, regardless of rank, that is aboard a police vessel that is underway. Crewmembers are subordinate to the OIC when the vessel is engaged in any maritime activity.

## ORGANIZATION & COMMAND

- The MEP Inland Major, The Commonwealth’s Boating Law Administrator, Chief of Police or a designee from each of the member agencies shall comprise the Operations Committee that will collectively promulgate standard operating procedures for the CRTF. Designated staff from each agency comprising the CRFT will coordinate and schedule joint patrols.

- Each participating agency shall contribute personnel and resources to the CRTF as agreed upon. Participating agencies shall assign personnel to the CRTF based upon their completion of the Boat Crew Member course, completion of the Officer Water Survival course as provided by National Association of Boating Law Administrators (NASBLA) certified instructors, in addition to the operational needs or requirements of the CRTF.

- Scheduling of officers for required training shall be the responsibility of the officers’ “home” department in communication with MEP who will coordinate the training.

- Designated liaisons from the member departments will work to facilitate all aspects of the CRTF. The responsibilities shall include:

1. Routine and emergency assignment of personnel and marine activities; including SAR and boating accidents.

2. Scheduling patrol hours; focused on weekends, holidays, good weather and special events.

3. Communications both while underway and for scheduling purposes. This may be achieved through use of group emails with respect to scheduling and a dedicated communication channel working with the EOPSS Statewide Interoperability Coordinator.

- When in operation the patrol vessel will be commanded by the Officer in Charge. The Officer in Charge will have operational command of the vessel and all personnel on board. Officer in Charge designation will be based on the officer’s boat training and actual operational experience with consideration given to the following elements:

1. Successful completion of the mandatory NASBLA Boat Crew Member training course;

2. Boat operation certifications and/or licenses
3. Familiarity of waters.
4. Additional / Advanced NASBLA BOAT Program certifications

Experience may be documented by completing a memorandum or form that describes past and current boat ownership , hours of operation and typical locations of such boating experience / local area knowledge.

- The Officer in Charge is solely responsible for the safety of the crew and vessel. As such, the OIC may refuse a mission that exceeds the limitations of the crew and/or vessel and puts the vessel and/or crew in peril. The mission may be deferred to another agency that is more properly equipped or has the experience required to successfully complete the mission. The OIC will document the refusal to accept the mission and specify the reasons that the mission was refused.
- If a conflict arises between an order, or direction provided by CRTF members or boat operator and an officer's employing agency's rules and regulations, standards, or policies, the conflict shall be promptly reported to the conflicted officer's supervisor. The conflicted officer's supervisor shall contact the CRTF Operations Committee or their designee and attempt to resolve the conflict in a manner that will allow the marine operation to continue. Matters that cannot be resolved by the supervisors shall be reported in writing to the Operations Committee for final resolution. At no time will a participating member be forced to violate their own agency's policies or rules in order to affect a marine initiative.
- Participating agencies may, by written memorandum of understanding, identify or further define particular guidelines, policies, or procedures to be utilized by officers assigned marine duties. In the absence of written memorandum of understanding or attachments, the policies and procedures to be utilized by CRTF Officers shall be clearly identified by the Operations Committee.
- MEP vessels shall only be operated by MEP officers.

#### TRAINING

- Officers assigned to the CRTF will receive training to ensure that the member has the skills and knowledge to carry out the necessary duties of a marine enforcement officer and to operate the vessel, tow vehicle and trailer in a competent manner. Training will include the following:
  1. Boat Crew Member course of instruction as provided by certified NASBLA instructors.
  2. Officer Water Survival training course of instruction as provided by certified NASBLA instructors. 3. Mass General Law Chapter 90B relative to boating and corresponding regulations (323CMR 2.00 & 4.00).
  4. The MEP will organize CRTF training.

## JURISDICTION

-The USCG has federal jurisdiction on Connecticut River. MEP has 90B jurisdiction throughout the Connecticut River contained within the Commonwealth of Massachusetts and adjacent lands in concert with MEP's mission. Municipal officers assigned to their respective department's harbor patrol units have 90B jurisdiction within their municipal boundaries and where mutual aid agreements exist.

The normal patrol area will be the waters of the CT River adjacent to S. Hadley, Hadley, Northampton and Easthampton including the OFBA boat ramp.

## GENERAL RESPONSIBILITIES

- The CRTF primary responsibility is to ensure waterway safety within the unit's jurisdiction. Other responsibilities include but are not limited to:

1. Promoting boating safety.
2. Providing education to boaters through personal interaction and enforcement.
3. General law enforcement activities.
4. Prevention and investigation of waterfront crimes.
5. Surveillance.
6. Emergency medical assistance.
7. Search and Rescue / Recovery.
8. Providing assistance as requested to local, state and federal law enforcement agencies.
9. Special events or details.

- All CRTF personnel shall be responsible for:

1. The overall safe operation of the patrol vessel(s);
2. Conducting a thorough pre-operation inspection of the tow vehicle, trailer and vessel;
3. Performing vessel cleanup at the conclusion of a tour of duty;
4. Maintaining radio communications with dispatch or other participating agency communication center;
5. Obtaining weather service forecasts prior to departure and updates throughout the patrol;

6. Immediately reporting any condition or event that affects the sea -worthiness of the vessel and removing the vessel from service.
7. Responding to drownings when vessels are needed to aid in the search for victims;
8. Responding to reports of lost, overdue, or disabled vessels. The patrol vessel shall not tow disabled boats unless lives are in immediate peril, or the disabled boat is a hazard to navigation. Vessels deemed a hazard shall only be towed as far as is necessary to minimize the hazard.
9. Assisting other agencies when requested to do so;
10. Enforcing marine, state and local laws;
11. Performing boating safety inspections;
12. Provide boating safety education

#### GENERAL RESPONSIBILITIES

- Officers will wear their respective agency approved police department uniforms while performing marine patrol duties, to include a PFD.

- Minimally, the vessel must be equipped with the following before launch:

1. PFDs. There must be a PFD for every member of the boat and a number of spares, both adult and children sizes, to anticipate water rescue requirements or the taking of civilians aboard the police boat for rescue or other legitimate reason.
2. At least one Coast Guard approved Type VI throwable PFD device.
3. First aid kit.
4. Fire extinguisher of the size and type that is specified by Coast Guard regulation.
5. Charts or equivalent electronic depth markers.
6. Handheld search or auxiliary light.
7. Visual distress signal device of the type and number specified by the Coast Guard.
8. Anchor and line.
9. Tow line.
10. Boat hook.
11. Mooring lines.
12. Law Enforcement radio with predetermined communication channels.

13. Cell phone.
  14. Working navigational and anchor lights.
  15. Spare replacement light bulbs.
  16. Working emergency warning lights and siren or other audible warning device.
  17. Any other equipment that may be specific to a mission assignment.
- The OIC shall report missing or damaged equipment to their chain of command.

#### DEPARTURE PROCEDURES

- Before departing the dock CRTF personnel will complete the following steps:
1. Perform equipment check;
  2. Check fuel and oil levels;
  3. Turn on battery switch and check electrical equipment to ensure proper operation;
  4. Set police radio to the specified talk group;
  5. Perform radio check both police band and VHF marine if equipped;
  6. Prior to starting check for fuel spill, leakage or a strong odor of fuel. If observed or detected locate the source and repair or remove the vessel from service;
  7. Lower engine;
  8. Start engine;
  9. Let idle for approximately one minute before departure;
  10. Detach mooring lines;
  11. Attach engine stop lanyard to boat operator;
  12. Depart dock.
- The engine stop lanyard shall be used and attached to the officer piloting the boat whenever the vessel is under way.

#### DOCKING & STORAGE

- When arriving at the dock CRTF personnel shall perform the following:

1. Attach mooring lines;
2. Shut engine off;
3. Raise engine;
4. Turn battery switch off;
5. Wash boat and equipment;
6. Flush engine with fresh water;
7. Conduct a final equipment check;
8. Report lost, missing, damaged or expended equipment that needs replacement;
9. Ensure that all loose equipment is secured before trailering;
10. Refuel;
11. Replenish oil and other fluids as required;
12. Ensure that wet items are properly dried before storing in a hold or container.

#### DISABLED OR GROUNDED VESSELS

- CRTF officers shall assist, when possible, any disabled vessel, and assist with arrangements to get the vessel to the nearest place of safety through commercial or private towing services.
- Disabled vessels shall not be towed by the Patrol Vessel unless:
  1. Human life is in imminent jeopardy;
  2. The disabled vessel poses an imminent hazard to navigation;
  3. Weather and or sea conditions dictate expedient rescue.
- If a vessel is taken under-tow, all of the occupants of the towed vessel will be required to stay clear of the towing cleats/ bits and must wear PFD's. The police boat may be used to tow disabled "public safety" vessels.
- The police boat will not be used to remove grounded vessels.

#### VESSEL ACCIDENTS

- The CRTF will act in an assisting role to MEP for vessel accidents.
- Accidents involving the police vessel shall be handled as follows:

- Collisions that result in minor damage and no apparent injury to any party. The police boat OIC will immediately contact a supervisor and request that they request MEP to the nearest launch to handle the investigation. Accident investigation procedures of the jurisdiction of occurrence shall be complied with, including filling out a MEP Boat Accident Report (BAR). If another vessel was involved in the collision the operator of the boat will be requested to follow the police vessel so that the investigation may be completed.
- If the accident has resulted in personal injury, disappearance of any person, death, or a vessel is required to be towed the OIC shall contact a supervisor and immediately request an investigation by MEP. MEP 24 hours dispatch shall be contacted at **1 800-632-8075**.

#### VESSEL STOPS

- When stopping a vessel for a violation or other valid reason the officer will notify communications of:

1. The general location of the stop;
2. Description of the vessel to include identifying markings such as a registration number for state numbered vessels or vessel name for US Documented Vessels. MEP dispatch can run registration numbers 24 hours a day.
3. Number of persons visible.

- During the stop officers will take steps necessary to prevent damage to either vessel. If weather or water conditions warrant, the stopped vessel may be directed to the nearest dockage or other safe area. Generally, persons on the stopped vessel should remain on their vessel.

#### BOARDING

- Vessel boarding will not occur unless a minimum of two officers are present.

1. Vessel boarding will be done at the direction of the Officer in Charge.
2. Boarding officers must wear a PFD.
3. There will be two types of vessel boarding(s):

- Boarding to conduct an administrative & safety inspection.

#### SAFETY INSPECTION BOARDING

- Officers may board a vessel for the purpose of conducting an administrative & safety inspection if the owner/ operator is aboard and consents to such boarding or; when an officer has probable cause of a violation of Mass General Law.



- Normal Safety Inspection Boarding:

1. To minimize the risk of damage to either vessel the OIC will take all necessary precautions to come along side of the vessel to be boarded.
2. Crewmembers will ensure that the police boat is securely tied to the vessel being boarded; fenders shall be used if deemed necessary.
3. One or more crewmembers may conduct the boarding and will check for all required safety equipment.
4. Violations may be addressed with a verbal warning, written warning, non-criminal disposition violation notice or arrest.

#### BOARDING APPROACHES

- The OIC will determine what type of approach will be used in coming alongside the vessel to be boarded. Approach considerations include officer safety, sea conditions, wind, currents, vessel draft, and the vessel's size and structure. The OIC will relay to the other vessel's operator what type of approach will be made, and instruct him to come to neutral position at throttle, or continue at idle speed maintaining a designated course. The types of approaches are:

1. Standard Approach - Patrol vessel comes alongside the boarding vessel and secures the two vessels together.
2. Touch and Go Approach - Patrol vessel comes alongside the boarding vessel while underway and touches it. The patrol vessel is secured to the boarding vessel only by its power, while the boarding team maneuvers onto the boarding vessel. The patrol vessel then pulls away from the boarded vessel but maintains close proximity while maintaining the most advantageous tactical advantage position.

The patrol vessel OIC may determine that the vessel cannot be boarded safely and instruct the operator of the vessel to be boarded to pull his vessel into the nearest safe port. The boarding team can then conduct the boarding.

#### CRTF ARREST PROCEDURES

- When making arrests and handcuffing, the marine environment presents a different challenge to personnel by virtue of the instability of a vessel and the inherent dangers associated with water. Officer and subject safety shall be the primary consideration during water arrest. The following procedures should be followed:

1. The marine environment and different styles of boats can pose various problems when handcuffing and placing a suspect under arrest. Several methods can be utilized, however common sense and good officer safety tactics should be used.

- The suspect(s) should be directed to the most open and easily visible location on the vessel.
- Depending on the style of boat, the arresting officer can either board the suspect vessel or direct the suspect to the edge of the boat closest to the police vessel. The suspect(s) may be ordered to kneel or prone out at the officers discretion.
- When it is determined that the suspect(s) are in a safe position, the arresting officer, using good handcuffing techniques should place the suspect into handcuffs.
- A personal floatation device shall immediately be placed on all suspect(s) that are placed in handcuffs aboard any vessel. PFDs shall remain upon all handcuffed subjects throughout all movement, transport, or transfers from vessel to vessel and shall not be removed until such subject is safely on land unless an emergency situation exists which would dictate that the wearing or donning of such PDF would result in greater harm or death of such subject or officer. .

2. Prisoner Transportation:

- All prisoner(s) shall be moved and seated to the front most visible area of the police vessel where the vessel operator can clearly see the prisoner(s) at all times.
  - The prisoner(s) shall be transported to the closest location where a marked police vehicle can pick up the prisoner(s) for transportation to the police department detention facility.
  - In cases where a vessel operator is to be arrested, the crewmember will ascertain from the operator if any of the passengers could safely pilot the vessel to port. If there is no person on board who can operate the vessel; 1. a vessel tow / salvage company may be summoned for commercial tow of such vessel; 2. the OIC of the police boat may assign a crewmember, if qualified, to pilot the suspect vessel back to port. All persons aboard the suspect vessel will be required to wear PFD's while an officer is operating the vessel.
- The arresting officer(s) will file completed paperwork with their home agency.
- Prisoners will be processed in the jurisdiction of arrest.

#### VESSEL PURSUITS

- Only in the most serious situations will any pursuit be authorized. In the rare situation that a pursuit would be permitted, such authorization will be made by the supervisor of the vessel's Officer-in-Charge. In this instance, officers shall operate a vessel in a pursuit mode according to guidelines consistent with the departmental policy of the vessel's Officer-in-Charge. In the event the patrol vessel engaged is an

MEP Vessel , any on-duty supervisor that is aware or made aware of such pursuit, after weighing in on the circumstances and environmental conditions as reported by the boat crew, may terminate said pursuit and instead order further assets to the area in order to determine the subject vessel's whereabouts and/or destination.

#### BOATING UNDER THE INFLUENCE

- When an officer stops a vessel for a boating violation and he/she believes that the vessel operator's ability / capacity to operate a vessel safely is diminished due to the consumption of alcoholic beverages or chemical substances, the officer should request the driver to submit to a series of field sobriety tasks.

- The afloat agility battery of tasks may include, but are not limited to, the following:

1. Finger Count: Note if the vessel operator starts before told, miscounted fingers, sliding of fingers, did not speed up, improper finger touch, improper finger count.

2. Finger to Nose: Note if the vessel operator completely misses his nose, was hesitant or unsure, opened eyes, used wrong hand, used wrong finger, failed to keep head tilted, did not touch nose tip with fingertip.

3. Alphabet Recital: Noting speech pattern, i.e., slurred, thick tongue and whether he/she can complete the alphabet.

4. Backwards Count: Note whether the vessel operator missed numbers, continued counting, repeated numbers, hesitated.

5. Horizontal Gaze Nystagmus: Officer noting the HGN observations.

6. Palm Pat: Note started at wrong time, did not count as instructed, rolled hands, double pat, chopped pat, did not increase speed, rotated hands, stopped before told.

7. Hand Coordination: Note improper counts, improper touches, improper returns, improper position, did not perform, started at wrong time.

- If the officer is satisfied that probable cause exists to charge the defendant with BUI, the officer should arrest and have a Road Patrol Officer transport the driver to the police station for processing. The arresting officer will follow their respective department policy regarding processing.

#### TOWING, IMPOUNDMENT ALTERNATIVES

- If the owner/ operator has been arrested or removed from the vessel for a medical emergency or similar occurrence and there is no one on board the vessel that is qualified or comfortable operating the boat, the OIC may:

1. Assign a crewmember to pilot the boat to a predetermined launch/dock. The owner/ operator must sign a waiver of liability if the owner agrees to this option. Once the vessel has been docked a friend or family member may take possession of the vessel and tow vehicle to remove the boat.
2. The vessel may be left on location with the owner/ operators signed consent and the vessel is securely moored. The owner/ operator must sign a waiver of liability if he agrees to this option.
3. If the owner/ operator cannot provide a reasonable alternative to impoundment, or in the judgment of the arresting officer the owner/ operator's ability to reason is impaired the vessel shall be towed by a commercial tow/salvage service.

## IMPOUNDMENT

- Vessels requiring impoundment for evidence processing shall be handled as follows:

1. The suspect vessel shall be placed in tow by a commercial tow/salvage service or patrol vessel to the identified launch/dock. If towed by a commercial service, a police officer shall remain on board, if it is safe to do so, and the police boat shall follow the towed vessel to ensure the continuity of evidence. Any chartplotter /GPS aboard such towed vessel shall remain on until reaching the location of haul-out or mooring, unless the OIC determines that the length of time that would elapse would be detrimental to the power supply of the towed vessel causing shutdown of electrical systems. Whichever is determined, such boarding officer shall, after photographing the navigation screen, utilize the soft keys on the chartplotter/GPS to safely store any information and then power the unit down using the soft keys. Once the vessel is removed from the water, the battery should be disconnected.
2. Upon reaching the launch or dock a police officer shall remain on the suspect boat until otherwise directed by the evidence technician or supervisor.
3. The police boat may be used to tow the suspect vessel to a launch or dock if approved by the OIC or other competent authority.
4. If the vessel is to be held, arrangements will be made to remove the vessel from the water for storage.
5. If there is no hold on the vessel, arrangements will be made to release the vessel to the owner or a person designated by the owner.
6. If the owner or an agent of the owner cannot retrieve the vessel the same may be taken by a commercial service. The owner will be responsible for all costs.

## SEARCH & RESCUE

- In the event of an emergency search and rescue situation MEP Dispatch 1 800 632-8075 should be notified immediately.

## OC SPRAY & TASER

- The use of OC and/or the Taser is an appropriate response to active resistance by a subject being taken into custody (according to the MPTC). Given the unique environment of the water setting officers should consider the following before using either device.

1. OC – If used on a subject on or near water there is a possibility that the subject will attempt to enter the water to relieve the effects of the spray.
  2. TASER – The subject's location within the vessel and any standing water on deck should be considered when deploying the Taser.
  3. Officers must be prepared to offer immediate assistance to a subject who falls or jumps overboard upon deployment of either device.
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DRAFT

# CIVILIAN RIDE ALONG POLICY

POLICY & PROCEDURE NO.	ISSUE DATE: 07/05/16
	EFFECTIVE DATE: 07/05/16
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

It shall be the policy of the Hadley Police Department to allow approved residents of the Town of Hadley who are interested in seeking a Law Enforcement career, or other reasons as deemed appropriate by the Chief or designee, to accompany an on duty police officer or dispatchers during while on-duty. Non-residents whose hometowns do not offer Ride Along programs, who are enrolled in or have completed a Criminal Justice Degree program or the Reserve Intermittent Police Academy, may be approved.

A signed Ride Along Waiver/ Request must be received no less than 7 days prior to the requested date. Upon request, a valid Massachusetts Driver's License must be presented and recorded on the request.

In order to be approved, a civilian must undergo a criminal history check (BOP, III) and be free of any convictions, never have been the subject of a protection order, never have been charged with a felony or any crime against a person. Anyone with a sealed record will be required to make full disclosure of the events and authorize that the Hadley Police Department have access to such sealed records. An In-House check with the Hadley Police Department must also be completed free of any negative interactions. The approving officer may, based on other circumstances not specifically mentioned, deny any person requesting a Ride Along.

## II. POLICY

Civilians shall not wear any apparel with the word “Police” or similar term or any Law Enforcement related apparel (BDU, 5.11 pants, etc.). Civilians shall present as clean and neat, wearing sneakers/shoes (no open shoes), pants (no athletic pants) and at minimum a polo type shirt. Civilians shall not carry a weapon of any type, and shall wear a ballistic vest when outside of the police station(provided for the duration of the ride).

The approving officer will assign the civilian to an employee that he/she sees fit, if available for the date/time requested. If no one is available, the ride along will be rescheduled.

Employees who are responsible for a civilian shall hold the safety of said person paramount. Officers will ensure that riders;

Wear a seatbelt at all times while inside of a department vehicle;

- Stay inside of a vehicle on all traffic stops;
- Stay inside of the vehicle at any time there is a risk of bodily harm or injury to the civilian;
- Are under the direct supervision of the assigned officer or another officer;
- Never view or access any CORI or any sensitive material;
- Never enter the cell area when detainees are present;
- Never take photos, videos or recordings of any type at any time;
- Not post on any social media or similar site, about any incidents occurring on the shift they are present for;
- Never become involved in the on-going incident unless instructed to do so by an officer or supervisor;
- Never use department equipment unless specified to do so and under are under direct supervision;

In the event that a civilian fails to abide by any these guidelines, the assigned officer shall contact the Shift Supervisor or OIC, who will dismiss the individual immediately. Any violation that appears to be reckless or intentional shall be referred to the Chief of Police for review and possible exclusion from future Ride Alongs.

Civilians on a first time Ride Along should be given a brief tour of the Police and Fire Station. All civilians shall review the waiver and requirements, regardless of how many Ride Along’s have been completed.

Civilians will ride in the passenger’s seat throughout the duration of the shift. Officers assigned a civilian rider will transport a prisoner only as a last resort. A Ride Along may be

terminated in the event a call of a serious nature arises and requires the full attention of the assigned officer.



## Civilian Ride Along Waiver

I, \_\_\_\_\_, in consideration of my being allowed to accompany personnel while on patrol or assignment, do voluntary and knowingly agree to indemnify and hold harmless the Town of Hadley and/or its employees, agents or police officers from any liability arising out of any incident which may occur in the company of said Hadley Police Officers during their tour of duty. Specifically, I do forever release, acquit, discharge and covenant to hold harmless the Town of Hadley, a municipal entity of the Commonwealth of Massachusetts, and its successors, departments, officers, employees, servants, attorneys and agents, of and from any and all actions, causes of actions, claims, demands, damages, costs, loss of service, expenses and compensation on account of or in any way arising out of, directly or indirectly, all known and unknown personal injuries property damage which I may now or hereafter have or may acquire, resulting or to result from said participation in the aforementioned activities. Furthermore, I hereby agree to protect the Town of Hadley and its successors, departments, officers, employees, servants, attorneys and agents against any claim for damages, compensation or otherwise arising out of or resulting from any injury to any party in connection with said participation in the aforementioned activities and to indemnify, reimburse or make good to the Town of Hadley, or its successors, departments, officers, employees, servants and agents any loss or damage or costs, including attorney's fees, which the Town of Hadley or its representatives may have to pay if any claims or litigation arises from said participation in the aforementioned activities. Furthermore, I have voluntarily consented and agreed to abide by all of the conditions of my association which the Hadley Police Department and its officers during my time with them.

I hereby further covenant for myself, my successors and assigns not to sue the said Town of Hadley, its department, officers, employees, servants, attorneys, and agents on account of any such claim, demand or liability.

Furthermore, I agree to abide by the following and shall;

- \* Wear a seatbelt at all times while inside of a department vehicle;
- \* Stay inside of a vehicle on all traffic stops;
- \* Be under the direct supervision of the assigned officer or another officer;
- \* Never view or access any CORI (personal information) or any sensitive material;
- \* Never enter the cell area when detainees are present;
- \* Never take photos, videos or recordings of any type at any time;
- \* Not post on any social media or similar site, about any incidents occurring;
- \* Never become involved in the on-going incident unless instructed to do so by an officer or supervisor;

- \* Never use department equipment unless specified to do so and under are under direct supervision;
- \* Not wear any apparel with the word "Police" or similar term or any Law Enforcement related apparel (BDU, 5.11 pants, etc.);
- \* Wear the provided ballistic vest at all times outside of the police station;
- \* Present as clean and neat, wearing sneakers/shoes (no open shoes), pants (no athletic pants) and at minimum a polo type shirt;
- \* Not carry a weapon of any type and;
- \* Consent to a full background investigation, including disclosure of any sealed records and understand that for officer safety reasons, convictions, protection orders and allegations of any felony or crime against a person, as well as any other circumstance deemed appropriate by the approving officer, may deny such request.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

Date and time requested \_\_\_\_\_.

\_\_\_\_\_

Applicant's Signature

\_\_\_\_\_

Applicant's Name and License Number

Permission has been granted to allow the above named person to accompany police personnel while on patrol or assignment.

\_\_\_\_\_

Date      Approving Supervisor

By Authority of Police Chief Michael A. Mason

# RESTORATIVE JUSTICE PROGRAM

POLICY & PROCEDURE NO. <b>1.50</b>	ISSUE DATE: 11/19/20
	EFFECTIVE DATE: 11/19/20
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. INTRODUCTORY DISCUSSION

Restorative justice views crime as more than breaking the law - it also causes harm to people, relationships, and the community. It is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that allow all willing stakeholders to meet, although other approaches are available when that is impossible. This can lead to transformation of people, relationships, and communities.

The three basic principles that all restorative justice programs subscribe to are:

- 1. Crime is a violation of people and relationships.** While a law may have been broken, the harm is primarily against people, not an abstract law or other state entity.
- 2. Crime creates harms, needs, and obligations.** If crime upsets the balance and results in actual harms and needs, then who should be primarily obliged to restore that balance?
- 3. Those most affected should be meaningfully included and empowered.** If a person broke into a home, the victim should be asked what they want and need from the process.

For specific cases, it is the policy of the Hadley Police Department to use a community-based restorative justice program as an alternative to traditional case-resolution through the court system. Diversion to a community based Restorative Justice Program (RJP) will be considered for many misdemeanor cases and some felony cases.

## **II. DEFINITIONS**

Restorative Justice: M.G.L. Chapter 276B defines “restorative justice” as a voluntary process whereby offenders, victims, and members of the community collectively identify and address harms, needs, and obligations resulting from an offense, in order to understand the impact of that offense; provided, however, that an offender shall accept responsibility for their actions and the process shall support the offender as the offender makes reparation to the victim or to the community in which the harm occurred.

Community-based Restorative Justice Program: A voluntary program established on restorative justice principles that engages parties to a crime or members of the community in order to develop a plan of repair that addresses the needs of the parties and the community.

## **III. TRAINING**

All Police Officers shall receive a standard basic training course administered by the Department. The training shall include an overview of the Restorative Justice concept, the benefits of this diversion strategy, and the process for referrals to RJP.

## **IV. DUTIES OF OFFICERS**

Police officers and detectives investigating cases, will make no changes in how they prepare a case for court. Incidents shall be investigated to their conclusion, as if the case were going to be handled in the court system.

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For a case to be appropriate for referral, the criteria outlined in Section V must be met.

## V. CRITERIA

- A. Cases may be referred to the RJP when the following three criteria are met:
1. The offender must be willing to admit to the offense. They may not understand the full impact of the harm they have caused but must show some remorse and a desire to repair the harm.
  2. The victim is willing to have the case proceed through a restorative justice process instead of pressing charges or letting the offender be summoned.
  3. The Department can be reasonably sure of a safe process.
- B. Incidents that involve the following charges are not eligible for referral to the RJP, unless extenuating circumstances exist:
1. OUI Alcohol or Drug
  2. License Suspension/Unlicensed Operation (unless charged along with a Negligent Operation or Leaving the Scene, which might be appropriate)
  3. Sexual Assaults, sexual exploitation, and any and all related sexual offenses as defined by section 1 of chapter 123A.
  4. Domestic Violence and/or abuse defined by MGL c. 209A § 1 against a family or household member as defined by MGL c. 265 § 13M.
  5. Cases with vulnerable victims, including Elder Abuse, Child Abuse and disabled persons.
  6. Crimes involving significant violence or intimidation against a person (e.g., Strangulation, ABDW, Armed Robbery, Unarmed Robbery, Mayhem)
  7. An offense resulting in serious bodily injury or death, unless on post-arraignment referral.
  8. Harassment and Restraining Order violations.
  9. Arson, including dwelling houses; burning or aiding in burning.

10. Incidents where a student threatens the safety of any primary or secondary school in Hadley (bomb threats, arson, false reporting) will be processed through the SRO program and the established restorative justice practices and memorandum of understandings between the Hadley Police Department, Hadley School Systems and Northwestern District Attorney's Office.

## **VI. REFERRAL PROCESS**

- A. Participation in a community-based restorative justice program shall be voluntary and may be available to both juvenile and adult defendants. A juvenile or adult defendant may be diverted to a community-based restorative justice program pre-arraignment or after arrest in partnership with the court.
  
- B. All cases that are not exempt (as defined in Section V. sub-section B.) will be presumed appropriate for referral to C4RJ, except as described below in Section VI. Sub-section C-D, the Court Liaison Officer will contact the people involved in the case and shall ensure the following:
  1. The Offender understands the restorative justice process, including that it will require acceptance of responsibility for the conduct and the harm caused, and understands that if the RJP process does not come to a resolution, the case may be referred to the court system.
  2. Victim understands the restorative justice process and is willing to have the matter referred.
  3. A thorough police report has been written, as if the case were proceeding in court.
  4. The circumstances suggest a reasonably safe situation, without major mental health or addiction concerns.
  
- C. Where the Department is in possession of private information about an offender (e.g., CORI, substance abuse history, mental health, etc.) that renders a case potentially inappropriate, the Department shall share with the RJP partner a redacted statement of facts and all

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private information with identifying information redacted to determine appropriateness.

- D. Where the Department and the RJP partner disagree as to whether a case should be diverted to C4RJ, the Department's Court Liaison Officer, a representative from the Northwestern District Attorney's Office (NWDAO), and a staff member from C4RJ will meet either in person or virtually, with the RJP partner. The Court Liaison Officer will present the basic facts of the case and other known information as described in section VI, sub-section C. After discussion, the final decision rests with the Department. If the final decision is to refer a case, the Court Liaison Officer shall contact the people involved, pursuant to Section VI, sub-section B.
- E. If drugs or alcohol were part of the incident, the local RJP may still accept the case; however, RJP may require a substance use or mental health evaluation before proceeding with a circle.
- F. Once the RJP has recommended the case for diversion, and all criteria are met after the Court Liaison Officer's contact with those involved with the case, the Court Liaison Officer shall notify the RJP regarding cases that are ready for RJ diversion. They will then provide the following information to the community-based restorative justice program in the police report or by supporting documentation:
- b. Victim's (and supporters, if applicable) first and last names, with address.
  - c. Victim's email, home & cell phone numbers (if available);
  - d. Name of offender(s).
  - e. If a juvenile, names of supporters/parents (are parents married or separated?), if applicable.
  - f. Addresses and phone numbers (both parents if they are separated), if applicable.
  - g. Age of offender; if youth, the school attended and grade.
  - h. Laws that were broken and potential penalties.
  - i. Other action expected to be taken (e.g. clerk magistrate hearing, other complaint to be held by police, etc.).
  - j. Police report, including incident narrative, which will be redacted of information that is either covered under privacy

provisions of MGL or not directly relative to the specific incident being referred to RJ; and

- k. Supporting information (e.g. concerns about offender's psychological issues, possible learning disorders, views of the parents, victim, supporters, etc.)
- G. If a juvenile or adult defendant does not successfully complete the program or is found to be in violation of program requirements, the case shall be returned to the Court Liaison Officer and the case will be filed in the appropriate court.
- H. If an offender has been arrested, the NWDAO makes the determination about referral to C4RJ. The determination can be made prior to or after arraignment or at any time during the pretrial process. The NWDAO may seek guidance or further information from the Department in making its determination but will make the final decision.

If a case has been approved for restorative justice by the Operations Commander, the investigating officer or another assigned officer may be asked by the RJP to participate in an opening and closing circle. Some factors to consider are work schedules, involvement at the scene of the incident, role in the investigation, and relationships with the involved parties.

## **VII. RESTORATIVE JUSTICE CIRCLES**

In certain circumstances, as noted in Section VI, officers may be requested to take part in a circle. Circles are not a fact-finding or investigatory process and cannot be used for discovery. An investigation must be complete before referral. This process is guided by the victim's needs.

The investigating officer or another assigned officer may be asked by the RJP to participate in an opening and closing circle. Officers who take part in circles shall wear standard court attire.

The Court Liaison will be the primary contact with C4RJ and will notify the officer if their presence is requested at a circle. The officer will consult the



Administrative Lieutenant regarding scheduling. The presence of the officer at a circle will be considered a priority in scheduling.

During the opening circle, the following will be accomplished:

1. Personal introductions.
2. Review of information about the offense and what the penalties could be if the case were prosecuted. The officer might describe what s/he observed about the behavior of the parties throughout the incident and the legal consequences of the offense. It is valuable to include not only the facts but also the emotions and intangibles observed/experienced.
3. Development of a restorative agreement by which the offender will address the needs of the victim and the community.
4. If there are any problems between the opening and closing circles in completing the repair items, the circle participants may be called upon to reconvene and reevaluate the terms of the agreement.

During the closing circle, the following will be accomplished:

- i. During the closing circle, the discussion will focus on what the offender has done and learned during the program, and the officer may be able to support the victim in voicing any remaining concerns.
- ii. After the closing circle, a completion memo will be submitted to the Department by the RJP. That memo will be scanned and added to the case file.

## **VIII. CONFIDENTIALITY**

The circle process is confidential. According to M.G.L. 276B, no statement made by a juvenile or adult defendant during the course of an assignment to RJP shall be subject to disclosure in any judicial or administrative proceeding, and no information obtained during the course of such assignment shall be used in any stage of a criminal investigation or prosecution or civil or administrative proceeding. However, nothing in this section shall preclude any evidence obtained through an independent source or that would have been inevitably discovered by lawful means from being admitted at such proceedings. Additionally, nothing in this section

releases police officers from their mandated reporting as required by MGL for elders, children or other vulnerable persons.

## IX. DOCUMENTATION


The Court Liaison Officer shall maintain a summary spreadsheet of all cases that are presented and referred to the RJP. The spreadsheet shall contain the case number (OF), charges, date of initial presentation to RJP, and final disposition. This document shall be provided to the Chief of Police or Lieutenant of Operations on an annual basis at the conclusion of a calendar year and is due by February 1. It shall be included in the Department's annual report.

### O-709.a Restorative Justice Program Case Log

	CASE #	CHARGES	DATE PRESENTED TO RJP	REFERRED TO RJP Y/N	NOTES
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<b>HADLEY POLICE DEPARTMENT</b>		Department Manual:  Policy No. 1.51
<b>Subject:</b>  <b>Marine Unit</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b>		<b>GENERAL ORDER</b>
<b>REFERENCED:</b>		
Issue Date: 09-01-21 Effective Date: 09-01-21	Issuing Authority <b>Michael A. Mason</b> Michael A. Mason Chief of Police	

**I. POLICY STATEMENT**

The Hadley Police Department Marine Unit is maintained to effectively serve the citizens on the waterways of Hadley, providing maritime security through investigation, interdiction, and apprehension of waterborne violators in concert with local, state, and federal law enforcement agencies.

Recognizing the inherent hazards of the mission, it is the policy of the Hadley Police Department to provide and maintain the safest possible working conditions.

**II. POLICY PURPOSE**

To establish guidelines, procedures, and criteria for the safe operation of vessels utilized by the Hadley Police Department Marine Unit while providing services and protection on the waterways.

**III. Definition s:**

## Policy # 1.51, Marine Unit

- a. **Boat Operator** : The captain or boat operator of the assigned vessel who is directly responsible for, and is the final authority on, the safe operation of that vessel.
- b. **Boat Crew Member** : A person or persons on board the vessel other than the vessel operator/captain, assigned to assist the vessel operator. These personnel are commonly referred to as deck hands.
- c. **Passenger**: A person on board the vessel, on official business, not participating in its operation.
- d. **Vessel Accident**: An occurrence associated with the operation of a vessel which takes place between the time any person boards the vessel with the intent to operate until such time as all persons have disembarked, and in which any person suffers death or serious injury as a result of being on the department's vessel, or anything attached to, or associated with it, or in which a department or other vessel receives substantial damage.
- e. **Serious Injury**: Any injury which requires hospitalization, or results in time lost from work.
- f. **Substantial Damage**: Any damage or structural failure which adversely affects the structural strength, performance, or integrity of the vessel, and which would normally require major repair or replacement of the affected component.
- g. **Incident**: An occurrence other than an accident associated with the operation of a vessel which affects or could affect safety.
- h. **Command Staff**: Chief of Police, Lieutenant, or Sergeants

### IV. Procedure

- a. **Administration**
  - i. The marine Unit will be administered under the direction of the Chief of Police or his designee.
  - ii. The Marine Unit is available for call-out response 24-hours a day, seven days a week with authorization of a supervisor. This Unit is also available to assist local, state, and federal agencies as requested through and approved by a member of the Command Staff.
- b. **Duties and Responsibilities**

## Policy # 1.51, Marine Unit

- i. Duties of the Marine Unit will include patrolling and securing local waterways, conducting search and rescue missions, and assisting the Massachusetts Environmental Police.
  - 1. Additionally, the Marine Unit operates in concert with local, state and federal law enforcement agencies to investigate, interdict and apprehend waterborne violators.
- ii. Marine Unit personnel assigned as vessel operators are marine certified and qualified to act as vessel operators by Department Standards.
- iii. The operator/captain is responsible for the safe accomplishment of the mission and the use of reasoned professional judgement in the operation of the vessel. The vessel operator has the ultimate responsibility for the safety of the crew and passengers and may terminate or modify operational plans as needed after giving due consideration to the mission goals.
- iv. The vessel operator/captain may deviate from any rule or procedure stated in this directive during emergencies or life-threatening situations, and in doing so, shall make the final “go/no go decision”.
- v. The authority and responsibility of the vessel operator/captain exists from the time they take control of the vessel until the vessel is secured from the mission.
- vi. Vessel operators/captains will ensure that the vessel is properly inspected and sea worthy, and that all crew members and passengers are properly briefed, and familiar with applicable operational and emergency procedures and equipment.
- vii. The vessel operator/captain determines who will operate the controls during all phases of the mission. The Vessel operator/captain must exercise sound judgement in permitting other operators of limited experience or ability to control the vessel during adverse or potentially hazardous operations and undertakings. Less experienced operators should be afforded adequate opportunity to gain actual control experience

## Policy # 1.51, Marine Unit

other than strictly routine conditions while under supervision of more experienced vessel operators/captains.

- viii. Except in exigent circumstances, vessel operators/captains should check current and forecast weather conditions for the duration of the mission; and should monitor National Oceanic and Atmosphere Administration (NOAA) radio for weather and sea conditions.

### **c. Selection Process**

- i. Vacancies on the Marine Unit will be as opportunities arise and bases on the operational mission of the unit. To be considered for assignment, candidates must submit a written request demonstrating eligibility through the Marine Unit Supervisor. Candidates will be chosen on the basis of qualification, attitude, performance and an interview. All selections must be approved by the Chief of Police.
- ii. Those selected for the Marine Unit must meet the following criteria:
  - 1. Candidates must attend and complete an acceptable small vessel operator's course as established by the department and have some experience/familiarity with operating water craft, as well as some knowledge of boating regulations.

### **d. Training**

- i. Training is a continual process. Each year Marine Unit members must achieve specific training, including but not limited to the unit vessel specific check rides. The Marine Unit Supervisor will ensure that vessel operators and crew members receive training on vessels and equipment commensurate with their marine responsibilities.
- ii. Unit members must complete approved marine training courses; that could include the departments Marine Unit training curriculum, National Association of State Boating Law Administrators (NASBLA) Boat Operations, Recreational Vehicle Laws, BUI Training, Training Program (BOAT) series of classes and Officer Water Survival Training or Sea School or equivalent certification.
- iii. A written waiver of training may be granted by the Chief of Police

## Policy # 1.51, Marine Unit

### e. Certification

- i. Vessel operators/captains who have been assigned by proper authority to take charge of and responsible for, a specific mission must satisfy the certification requirements.
- ii. Unit members may be certified as the following:
  1. Boat Crew Member - (BCM) Issued to personnel qualified to assist vessel operations in the operation of the Hadley Police Department's vessel(s) and other associated maritime skills.
  2. Boat Operations Search and Rescue (BOSAR) - Personnel will be proficient with skills necessary to operate in the maritime environment and conduct search and rescue operations.
  3. Enhances Vessel Operator - (EVO) Personnel have a basic understanding of how to safely perform various methods for use by marine patrol officers during vessel intercepts, boarding and pursuits.
  4. Pursuit and Special Tactical Over-The -Rail Procedures (STOP)/Tactical Boat Operator - Personnel have understanding of the skills and knowledge necessary to operate a law enforcement vessel at high-speed day and night in various sea/water conditions to stop and board a non-compliant vessel as well as set up waterborne response teams (WRTs) and/or Security Zone Protection Units (SZPUs) in the maritime environment.
- iii. All Marine Patrol Unit members will be reviewed yearly to ensure they remain qualified to continue the safe operation of specific types of vessels listed in the certifications. All certifications will be handled by the Marine Unit Supervisor.

### f. Safety

- i. A department vessel operator/captain is directly responsible for, and is the final authority with regard to, the safe operation of the vessel.
- ii. Marine safety is a priority of the Marine Unit. The Marine Unit Supervisor is responsible for ensuring that vessel operator/captains do not conduct



## Policy # 1.51, Marine Unit

vessel operations beyond safe limits. Supervisors at all levels bear the responsibility for the operation under their control, and shall provide oversight and implement guidelines with respect to the safe operation of assigned vessels.

- iii. The agency's policy is that accident prevention is primarily a management responsibility and that all supervisors at all levels bear the responsibility for the operations under their control.
  1. Supervisors at all levels of the Marine Patrol Program will provide oversight and implement guidelines with respect to the safe operation of assigned vessels. Unit members will receive clear policy direction relating to the safe operation of the department's vessel(s).
- iv. The Marine Unit Supervisor will ensure that assigned personnel adhere to the established directives. The vessel operator/captain will provide a memo to the Marine Unit Supervisor documenting the reason and conditions when a "no-go" decision to respond is made for a mission. This memo will be maintained by the Marine Unit Supervisor.
- v. It will be the responsibility of all vessel operator/captain to report any vessel accident or incident in writing to the Marine Unit Supervisor. This will include collisions resulting in damage with fixed or floating objects, running a vessel aground, fire aboard the vessel, man overboard, injury to personnel, and accidental pollution discharges.
- vi. Any agency vessel operator found to have operated a department vessel or loan use vehicle in a negligent manner resulting in substantial property damage and/or personal injury will be subject to disciplinary action.
- vii. Vessel crew members will report in writing any unsafe acts or situations they observe during mission operations.
- viii. Vessel operators/captains will ensure all agency vessels are properly equipped with the required Coast Guard approved safety equipment and operated in a manner consistent with the authorities and references cited, and that the vessel and crew are suitable and equipped for the intended

## Policy # 1.51, Marine Unit

mission in accordance with practices of good seamanship and departmental uniform policy. It will be the responsibility of all vessel operators to immediately report vessel safety deficiencies to the Marine Unit Supervisor.

### g. Risk

- i. Risk management is the process of identifying the risks associated with a particular operation and weighing those risks against the overall value gained by completing the operation. The Hadley Police Department recognizes that, in the marine law enforcement environment, some element of risk is inherent in every mission. To evaluate risks, basic rules must be observed to provide guidance for vessel operators/captains who must make the “go/no-go” decision. The risk assessment has been developed to document the “go/no-go” decision.
- ii. Unnecessary risks should not be taken. An unnecessary risk is one that could be reduced or eliminated and still permit the accomplishment of the mission.
- iii. Risk decisions will be made at the appropriate level of management. The decision to accept a risk must be made at a level consistent with the implication of acceptance and by those who will be held accountable for the decision.
- iv. Risk is acceptable if the benefits outweigh the costs. Risk will be calculated and assessed using the GAR Model (Green-Amber-Red). The GAR Model is a standardized risk management tool utilized by the US Coast Guard and NASBLA which provides a generalized analysis and qualitative rating scale for each of the identified areas of risk. The total risk score will correspond within the color-coding range of the level of risk for the specific operation, aiding in determining whether to implement measures and procedures to minimize and/or reduce the risk prior to beginning the operation. The GAR Model is taught to all Marine Unit members using the curriculum form NASBLA, and is utilized prior to leaving the dock, regardless of the mission.

## Policy # 1.51, Marine Unit

- v. A decision not to attempt or to abort a mission based upon assessment of unnecessary risk will be respected.

### h. **Equipment**

- i. At a minimum, the following safety equipment is required:
  - 1. Life jackets for all individuals aboard
  - 2. Emergency Position Indicator Rescue Beacon (EPIRB)
  - 3. Flares
  - 4. Fire Extinguisher
  - 5. Spot Light(s)
- ii. The vessel operator/captain's responsibility to assess the overall impact of the lack of equipment or inoperable equipment and the risks of not having that equipment in making a decision to "go/no-go" on a mission. The vessel operator/captain must also be aware of the mechanical condition of their assigned vessel.
- iii. Any operational vessel, based upon mission requirements, shall be equipped with a basic operational equipment, such as communications equipment (i.e., Hadley Police/Hadley Fire radio (with Marine radio frequencies programmed), a Massachusetts Environmental Police Radio (if available), a multi-frequency scanner, a compass, depth sounder, anchor, anchor lines, deck lines, a Global Positioning System (GPS) or the ability to relay accurate GPS location via another electronic device, charts (if applicable), and any other equipment identified that is needed to support the mission.

### i. **Vessels/Vehicles**

- i. Vessels that are utilized by the Hadley Police Department fall within one category:
  - 1. "Utility". This type of vessel is generally less than 25 feet in length, usually readily transported by a trailer, and capable of operations on protected waters (within harbors, inland waterways and rivers)
- ii. The Marine Unit Supervisor will develop and implement a local program to ensure the vessels are properly equipped and maintained. This is to

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include replacement and/or recertification of safety equipment in accordance with U.S. Coast Guard requirement and/or manufactures recommendations.

- iii. It is the responsibility of the Marine Unit Supervisor and or the Vehicle Maintenance Officer to ensure that the maintenance schedule is followed in compliance with agency procedures.
- iv. Marine Unit members are assigned an agency vessel complete with equipment designed for marine operations. It is the responsibility of the officer assigned to the vessel to ensure that the maintenance schedule is followed in compliance with agency procedures.

### j. **Hold Harmless Agreement**

- i. Any person who is not an employee of the Hadley Police Department, a law enforcement officer, harbormaster or fire fighter/paramedic/EMT, or an active member of the United States Coast Guard, when not engaged in an active emergency or police power event, will sign a Hold Harmless Agreement (Ride-Along) prior to being conveyed on a vessel that is under the control of the Hadley Police Department.

### k. **Vessel Boarding**

- i. Vessel operators/captains should approach target vessels using the best approach considering existing circumstances, to include: weather, sea/water conditions, and type of vessels.
- ii. If appropriate, vessel operators/captains should display appropriate identification and, if necessary, utilize emergency lights and siren.
- iii. If possible, the vessel crew members should try and make radio contact with the target vessel prior to boarding and record vessel identifying data.
- iv. The vessel operator/captain will remain with the department vessel in radio contact with the department personnel and the boarding team.
- v. Prior to the boarding, the vessel operator/captain when practical, should notify the Hadley Emergency Communications Center (911 Center) and/or the Massachusetts environmental Police (MEP) Communications Center of the vessel's name, numbers, physical description, location, etc.

## Policy # 1.51, Marine Unit

- vi. Vessel operators/captains should put, whenever possible, two (2) law enforcement boarding officers aboard the target vessel. If only one (1) law enforcement boarding officer is available to board, then the boarding officer will stay on the top deck of the target vessel within view of the department vessel. The department's vessel will then back off the target vessel, while holding position and maintaining visual contact.
- vii. Boarding officers will be appropriately dressed and armed as necessary and will assemble all persons on board the target vessel in a single location for questioning.
- viii. All crew members on the target vessel should be required to assemble in an area that can be monitored and controlled in advance of the boarding, when practical.
- ix. If practical, searches will be conducted in the presence of a crew member or the target vessel while other crew members/passengers remain in a single location under "positive control" and surveillance of at least one boarding officer.
- x. Vessel operator/captain or designated crew members will give appropriate instructions to persons on board target vessels and make every effort to assure they understand the instructions and intent.
- xi. The vessel operator/captain will ensure that while transporting people under arrest and handcuffed, the arrestee is required to wear a PFD while handcuffed and will be in a seated position while underway. An officer will make every attempt to maintain "positive contact" with the arrestee while in custody.
- xii. Safety and security must be the primary considerations at all time when conducting a law enforcement boarding. All officers will conduct their boarding in a professional manner.


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be used in conjunction with all other existing orders, rules and regulations of the department as well as state and federal law.

**Effective Date:**

**09/01/2021**

**Michael A. Mason  
Chief of Police  
Hadley Police Department**

<b>HADLEY POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>1.52</b>
SUBJECT:  <b>Co-Response Clinicians</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b>		GENERAL ORDER
REFERENCED: 16.4.1; 16.4.2; 16.4.3		
Issue Date: 10-04-2021 Effective Date : 10-04-2021 Revision Date:	Issuing Authority <b>Michael A. Mason</b>  Michael A. Mason CHIEF OF POLICE	

## I. Introduction

Past research has revealed alarmingly high numbers of people with serious mental illnesses who are incarcerated in jails and prisons across the country. A commonly accepted recommendation for addressing this crisis and for diverting those with mental health issues out of the criminal justice system, is a strong mental health/police collaboration. Quick access to, and presence on calls, of trained mental health clinicians transforms the way that public safety services are delivered. When individuals with mental illness are diverted from arrest and into community-based treatment, they spend less time in jail, pose a lower risk to society, and have the opportunity for a better quality of life than those who are arrested. This type of Jail Diversion Program (JDP) is founded on the understanding that, by working together, mental health clinicians and police officers can respond more appropriately to the needs of individuals with mental illness in the community and that clinicians (as gatekeepers to the mental health system) can offer an alternative to arrest.

In the interest of best serving those who are in crisis and/or who have a mental health diagnosis, the Hadley Police Department has mental health clinicians embedded within the police department. This partnership provides police officers with immediate access to trained in-house clinicians for on-scene responses, follow-up care, and case consultation.

### **Onboarding Process**

- Clinicians will be provided with a building access fob, and HPD radio. These items must be returned at the end of an individual's employment.
- New clinicians will complete the Mental Health Clinician- Orientation and Training prior to handling calls for service
- New clinicians will complete a minimum of 16 hours of ride-along/observation time with different officers prior to handling calls for service.
- New clinicians will complete a minimum of 4 hours of observation time with Hadley Public Safety (Dispatch)

### **General Duties and Responsibilities**

It is the duty of Mental Health Clinicians to:

- Upon hire, complete an initial training program regarding the operation and administration of the Police Department.
- Attend on-going training and education opportunities including those that enhance clinical skills and those that are specific to Department operations.
- Provide trainings as appropriate and necessary
- Upon arrival to work, review the police log from the former shifts and noting police contact with high utilizers and or people seeking mental health or addiction services and support.
- If working and available, attend shift change meetings in the Roll Call Room.
- Respond promptly to calls for service in the Town of Hadley. Calls may include general mental health services, individuals in crisis, addiction services, referrals, outreach to houseless individuals, juvenile behavioral issues, and others. Additionally, clinicians may be directed to respond to scenes where clinical services would be beneficial including abuse or sexual assault matters, accidents, crimes, or events that result in serious injury or death.
- Assist officers with death notifications.
- Notify Dispatch of arrival and clear times from call locations via portable radio.



- 
- Complete brief call narratives in the IMC Dispatch system prior to the end of shift.
  - Complete written narratives if clinicians witness notable activity on a call including crimes or police response to resistance.
  - Conduct surveys, evaluations, and assessments as required; prepare and submit required statistical information and reports.
  - Work in conjunction with patrol officers and detectives.
  - Be aware of and make referrals to appropriate social service agencies and organizations.
  - Serve as a liaison to other city departments and service providing agencies.
  - Make recommendations regarding training programs and topics that would be valuable for police personnel.
  - Attend meetings with the Department's Mental Health Liaison Supervisor and/or Officer to discuss program updates, data and statistics, challenging cases, operational challenges, success stories, community issues, and training and resources
  - Provide follow-up services to individuals in the community who have had contact with public safety services and who have been identified as in need of follow-up services by police or clinicians. This may include follow-up services for alcohol and drug addiction.
  - Collect and maintain data on clinician responses. Provide a Monthly Activity Log to the Chief of Police or his/her designee.
  - Provide an annual report with summary data to the Chief of Police by the 15th day of January each year.

### **Clothing**

The Co-Response Clinician shall report to duty wearing a collared shirt that is clearly marked "CSO" on the front and CSO in large writing on the rear of the shirt. Any outer garments must be marked in a similar way including any jackets/coats or sweaters. The pants must be professional looking but practicable. Footwear must be solid toe and low heeled. The co-responder should be dress and prepared to respond in all climates and be prepared to be outside. There should be a clear distinction between a civilian clinician and that of a police officer.

### **Supervision**

The Co-responder is an employee of CSO and should follow all rules and regulation set by their employer. However, it should be noted that while under the direction of the police department the clinician will work under the direct supervision of the assigned police officer, shift supervisor or Officer in Charge (OIC). Clinicians are expected to follow the reasonable directives of the officer, shift supervisor, OIC or any other police supervisor. Concerns with or about clinicians while on duty should be directed to the shift OIC.

### **Addressing Complaints**


Any formal complaints that are received on shift shall be directed to the OIC. The OIC will forward any information received to the Mental Health Supervisor. Clinicians are contracted and are not city employees. Complaints should be given to the Mental Health Liaison Supervisor and then forwarded to the Clinical Supervisor from CSO. The CSO Supervisor will move the complaint through their internal process.

### **Injuries**

If clinicians are injured while working/providing services for the Town of Hadley, they shall immediately notify the OIC. The OIC will complete a memo and submit the memo to the Chief of Police or his/her designee. If the clinician was the victim of a crime, an officer shall complete an offense report. The clinician will also notify their Clinical Supervisor at CSO and will follow the directive of the supervisor.

### **Call-out Procedure**

- Clinicians will report on-duty to both agencies at the onset of their shift and will report off-duty as well. Dispatch shall add/remove clinician from IMC accordingly.
- Currently the schedule for clinician will be Monday & Wednesday at EPD, Tuesday & Thursday at HPD and every other Friday will alternate. This schedule will be entered into the calendar. The general timeframe for the shift will be 11a-7p but will likely fluctuate.
- If clinician is needed while on-duty at the other agency, dispatch shall call the other agency direct. The call description will be discussed, and transport and/or meet location shall be discussed. EPD will generally provide for transport of clinician, however if staffing allows, the meet-up location will be the front parking lot of the CSO offices at the Northampton Professional Center at 8 Atwood Dr.
- If clinician is off-duty, dispatch or OIC may contact clinician work cell (413)475-4148 or contact CSO directly (413)586-5555.

<b>HADLEY POLICE DEPARTMENT</b>		Department Manual:  Policy No. <b>1.06A</b>
<b>Subject:</b> <b>POST FIREARMS DISCHARGE PROCEDURE</b>		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS  REFERENCED: <b>1.3.5; 1.3.8; 22.2.3; 22.2.4; 22.2.6</b>		GENERAL ORDER
Effective Date:  06-10-21	Issuing Authority <b>Michael A. Mason</b> Michael A. Mason Chief of Police	

STATE POLICE EMPLOYEE ASSISTANCE UNIT

1-781-821-5496

STATE POLICE HEADQUARTERS

1-508-820-2121

## I. General Considerations and Guidelines

Law enforcement duties can often expose officers and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that any action in an official capacity or an officer-involved shootings resulting in death or serious bodily injury to a citizen or a fellow officer may precipitate such stress disorders. It is the responsibility of this Department to provide all personnel with information on stress disorders and to guide and assist in their deterrence.

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer or employee involved shooting incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder while assisting the Northwestern District Attorney and all involved police agencies in conducting a complete and impartial investigation.

## II. POLICY

It is the policy of the Hadley Police Department to:

- A. Provide immediate medical assistance after any action in an official capacity or officer/employee involved shooting incidents to ensure immediate medical attention to those involved while safeguarding the continued mental health of all involved personnel.  
**1.3.5**
- B. It is the intention of the Hadley Police Department to cooperate with the Northwestern District Attorney's Office in all investigations, to include Officer Involved Shootings.

## III. Definitions

- A. ***Stress Disorder:*** An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress. The person must have experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of one's self or others. The person's response to the event(s) will have involved intense fear, helplessness, or horror.
  - 1. ***Acute Stress Disorder:*** A category of stress disorder lasting for a minimum of two days and a maximum of four weeks occurring within four weeks of the event(s).
  - 2. ***Post-Traumatic Stress Disorder:*** A category of stress disorder in which the symptoms last more than one month.
- C. ***Officer-Involved Shooting or Action Incident:*** A line-of-duty or off duty incident where any action or shooting causes death or serious bodily injury to an officer or other person.
- D.
- E. ***Shooting Team Investigators:*** Investigators provided by the Northwestern DA to investigate an officer involved shooting where death has or may occur.
- F. ***Public Safety Statement:*** A statement to ascertain the threat level at the scene of the

incident, to identify witnesses or other injured officers or civilians, and to facilitate the collection of evidence and preservation of the scene. This public safety statement is a brief explanation of what has transpired and what is presently happening. The Public Safety statement may be given by the Patrol Supervisor or his designee who has gathered this information prior to the Shooting Team Investigators arrival. The Public Safety Statement should include the following in substance and where applicable:

- The identity of officers and other involved parties to the incident who discharged firearms and their approximate position at the time of the discharge.
- The direction and number of shots fired
- A description of any suspects and direction of flight
- The identity and location of any injured officers or civilians
- The identity of potential witnesses
- The location of any unsecured weapons or contraband at the scene.

## IV. Procedure

### A. Initial Response

1. The patrol supervisor shall be immediately dispatched if not already responding to the scene of the incident and shall assume primary responsibility for maintaining, managing and securing the scene while caring for involved personnel. He should maintain this role until relieved by someone of higher rank who designates himself as the Incident Commander.
2. The supervisor shall make appropriate arrangements for all necessary medical treatment.
- 3.
4. The supervisor shall insure that any law enforcement officer who has discharged a firearm or witnessed an officer involved shooting incident shall, unless medically incapacitated, remain on scene or at a predesignated safe area until the **Shooting Team Investigators** have arrived. The involved officer (/s) will not be expected to make any written statement until 24 hours have passed since the time of the incident.
5. The responding supervisor shall collect all firearms, spare magazines, ammunition, non-lethal or less than lethal weapons and any electronic devices from any law enforcement officer who has discharged a firearm or witnessed an officer involved shooting incident and secure said items for the Shooting Team Investigator. The involved officers would be allowed to retain their police radio and cell phone. *Where possible, the involved employee (/s) should be issued a replacement firearm as soon as possible.*

6. Involved personnel should notify their families about the incident as soon as possible. Where an officer or employee is unable to do so, an agency official shall personally notify the officer(s) or employee(s) family and arrange for their transportation to the hospital.
7. At all times, when at the scene of the incident, the supervisor should handle the officer/employee and all involved personnel in a manner that acknowledges the stress caused by the incident.

**B. Public Safety Statement:**

1. Supervisors who respond to a report of an officer involved shooting incident shall obtain a Public Safety Statement from any officer who has discharged a firearm or witnessed an officer involved shooting incident, unless that officer is medically incapacitated, invokes his/her constitutionally protected right to remain silent, or requests to consult with legal counsel.
2. If an officer who has discharged a firearm or witnessed an officer involved shooting incident has been transported to the hospital prior to providing a Public Safety Statement, a Shooting Team Investigator shall, as soon as possible, respond to the hospital to obtain a Public safety Statement from that officer, unless that officer is medically incapacitated, invokes his/her right to remain silent or requests to consult with legal counsel.
3. Any officer who has discharged a firearm or witnessed an officer involved shooting incident shall be separated from any potential witnesses and ordered not to discuss the facts and circumstances of the shooting incident with anyone other than their legal counsel, medical/mental health professionals, or union representatives (Please note that the **only** Privileged information is between the involved officer and the union attorney. Any communication that occurs between union representatives or delegates or witnessed by union representatives or delegates is NOT privileged.)
4. Incident Commanders shall restrict access to the scene of an officer involved shooting incident to those law enforcement officers, forensic professionals and representatives of the Northwestern District Attorney's Office who are directly responsible for the investigation of the incident. All gathered information would be restricted to those who are directly responsible for the ongoing investigation.
5. Shooting Team Investigators shall not request and shall not receive a summary or "thumbnail" of the factual details of an officer involved shooting

incident from a legal or union representative of the involved officer (/s).

6. Any information given to the press will be provided by The Northwestern District Attorney's Office. The Chief of Police or the Hadley PIO's are the only Hadley Police Officers authorized to consult with the DAs office regarding press matters.

### **C. Formal Interview**

1. The shooting Team Investigators shall be given access to all relevant video evidence from any police source as soon as they can be made available for review.
2. Any officers who have discharged a firearm or witnessed an officer involved shooting incident shall make themselves available to be interviewed by Shooting Team Investigators as soon as possible but not more than 72 hours from the times of the incident unless medically incapacitated unless all parties agree to extend the period beyond 72 hours.
3. Prior to the formal interview, the Shooting Team Investigator may request a "walk through" of the scene with the involved officer (/s). If there is more than one involved officer, only one involved officer at a time shall participate in the "walk through". During the pre-interview "walk through", the Shooting Team Investigator shall limit the questions solely to determine the approximate position of the involved officer (/s) and the other involved individuals at the time of the discharge.
4. A designee from the Northwestern District Attorney's office shall be present to monitor the formal interview of all officers who have discharged a firearm or witnessed the officer involved shooting incident.
5. Any officer who has discharged a weapon or witnessed an officer involved shooting incident shall not be permitted to review any investigative material including but not limited to reports, CAD sheets, recordings of radio transmissions, photographs, video surveillance footage unless authorized by the Northwestern District Attorney or his designee. Generally, such authorization will not be provided until the officer who has discharged a firearm or witnessed the officer involved shooting incident has given an initial narrative describing the incident under investigation.
6. Shooting Team Investigators will ensure that only the officer being interviewed, the legal counsel for the interviewee (/s) and the Shooting Team Investigators will be present in the interview room. Supervisors, command staff personnel, and/or internal affairs or anticorruption investigators shall not participate in the interview or be present in the interview room.

7. Prior to questioning, and where appropriate, the Shooting Team Investigator shall advise the interviewee of all Miranda rights and obtain a written and oral waiver. The advice of rights shall be either audio or audio/video recorded. It is strongly preferred that all interviews be audio and video recorded.

**D.**

**Post-Incident Procedures**

**E.**

1. CISM Team Debriefings shall be held as soon as possible after the incident. The Department shall ensure that there are personnel on call or on-duty at all times so that someone is available shortly after an incident.
2. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from line-duty assignment, pending an administrative review of the incident, or such other period of time as the Chief of Police deems necessary, after the employee or officer has completed his/her report of the incident. **1.3.8**
3. All officers/employees directly involved in the shooting should contact a department designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist should advise the agency: **22.2.3, 22.2.6**
  - a. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned; and
  - b. What the best continued course of counseling will be.
4. The Department strongly encourages the families of sworn members and civilians to take advantage of available counseling and CISM team services. **22.2.4**
5. Any Department or authorized outside agency investigation of the incident shall be conducted as soon and as quickly as practical.
- 6.
7. The Department should privately brief other department members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.
- 8.
9. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. See Departmental policy on **Police Media Relations**.



10. In order to protect against harassing or abusive calls, personnel should be advised to have phone calls answered by another person for several days if their names are released to the public.
- 11.
12. Personnel directly involved in a shooting incident shall be required to re-qualify with firearms as soon as practical.

**E. Daily Stress Recognition 22.2.3; 22.2.6**

1. Since some post-traumatic stress disorders may not arise immediately, or the officer/employee may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder. Hadley Police Department designated CISM Team members are encouraged to check in with involved employees and officer diffusion & debriefing services when requested. The CISM/ POC should be kept updated.
2. Some symptoms of post-traumatic stress disorders include:
  - a. A feeling of being numb;
  - b. Feeling out of touch with what is going on around them;
  - c. A feeling that this is happening to someone else;
  - d. Withdrawing and avoiding anything to do with the traumatic situation or police work;
  - e. Avoiding other people, including one's family;
  - f. Intrusive and recurring thoughts of the event and feeling that it may be happening again;
  - g. Irritability;
  - h. Sleep problems;
  - i. Difficulty in concentrating; and
  - j. Hyper-vigilance.
3. The Chief of Police may order an officer or employee to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer or employee's job performance. **22.2.3; 22.2.6**

**F**

**Training**

The agency shall provide employees with training pertaining to post traumatic stress disorders and the uniform procedures contained in this policy on a regular basis.

<b>HADLEY POLICE DEPARTMENT</b>		<b>Department Manual: Policy No. 1.53</b>
<i>Subject:</i> <b>Remote Restraint Devices</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b>		GENERAL ORDER
<b>REFERENCED:</b>		
<b>Issue Date: 09-01-21</b> <b>Effective Date:</b> <b>09-01-21</b>	<b>Issuing Authority</b> <b>Michael A. Mason</b> <b>Michael A. Mason</b> <b>Chief of Police</b>	

**Purpose:**

This policy provides guidelines for the issuance and use of Bolawrap 100 devices in order to minimize injury to suspects, subjects, and officers.

**POLICY:**

It is the policy of the Hadley Police Department to use only the level of force that is objectively reasonable. This includes persons who may be assaultive or in situations where individuals may be attempting to harm themselves and no other means are available to attempt to save their lives. The Bolawrap 100 device is intended to immobilize and control resistant and non-compliant persons and persons with known or suspected mental health issues, as a force prevention option. Use of the Bolawrap 100 device may allow officers to resolve violent situations without resorting to higher levels of force or any force at all.

**Definitions:**

**A. Bolawrap 100:** A hand-held, less lethal, remote restraint device that discharges an eight-foot Kevlar cord to entangle an individual at a range of 10-25 feet. The Bolawrap 100 is equipped with entangling barbs at each end of the Kevlar cord.

**B. Passive Non-Compliance:** Does not respond to verbal commands but also offers no physical form of resistance.

HADLEY POLICE DEPARTMENT

1

(Issue Date 2/28/01)

**C. Active Resistance:** Physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or retained in custody.

**D. Assaultive:** Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person

### **PROCEDURES:**

#### **A. General**

1. Only a department approved Bolawrap 100 device that has been issued by the Department shall be utilized by personnel trained in its deployment and use.
2. A Bolawrap 100 device is not a substitute for deadly force.
3. All Bolawrap 100 devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
4. Bolawrap will be primarily stored ready for use within each officer's cruiser and obtained when an officer has reason to believe that they may encounter an individual where the device will be necessary.
5. Bolawrap 100 devices should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression, and/or to prevent individuals from harming themselves or others.
6. Officers shall be responsible for ensuring that their assigned Bolawrap 100 device is properly maintained and in good working order.
7. An individual officer shall not hold both a firearm and the Bolawrap 100 device at the same time.

8. Any actual deployment of the Bolawrap 100 device shall require a Use of Force report. The simple activation of the laser, presenting, or pointing the device at a subject shall not require a report.
9. The Bolawrap 100 device is not intended to be a transportation restraint device. Once the subject has been detained, the cord should be cut and removed.

**B. Consideration for the Use of the Bolawrap 100**

1. The Bolawrap 100 device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the Bolawrap 100 device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

2. The use of the Bolawrap 100 device on the individuals listed below should be generally avoided, unless an officer reasonably believes under the totality of the circumstances that other options would be ineffective or would present a greater danger to the officer, the subject, or others:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals or obvious juveniles.
- c. Individuals who are handcuffed or otherwise restrained.
- d. Individuals detained in a police vehicle.
- e. Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- f. Individuals near any body of water that may present a drowning risk.
- g. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

**C. Pre-Deployment Responsibilities**

1. A verbal warning of “Bola, Bola, Bola” or “Wrap, Wrap, Wrap” should precede a Bolawrap 100 device application, unless it would otherwise endanger the safety of officers or when it is otherwise not practicable due to the totality of the circumstance. The purpose of the warning is to:

- a. Provide the individual with a reasonable opportunity to voluntarily comply.
- b. Provide other officers and individuals with a warning that the Bolawrap 100 device may be deployed.

2. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.
3. The deploying officer should, if possible, assemble a sufficient number of officers to assist with taking the suspect into custody.
4. Under exigent circumstances, nothing in this policy prohibits an officer from deploying the Bolawrap 100 at a subject without requesting or having the presence of additional officers.

#### **D. Application of the Bolawrap 100**

1. The Bolawrap 100 device may be used in any of the following circumstances, when the totality of the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:
  - a. The subject is assaultive, actively resisting, or passive non-compliant and approaching the actively resistant category, when officers are attempting to detain/take the subject in to custody.
  - b. The subject has demonstrated, by words or actions, an intention to harm officers, themselves, or others.
2. Mere flight from a present or approaching officer, without other known circumstances or factors, is not good cause for the use of the Bolawrap 100 device to apprehend an individual.
3. Simultaneous applications of the Bolawrap 100 device on a single individual by multiple devices is allowed in authorized target areas.

#### **E. Tactical Use**

1. Targeting considerations;
  - a. Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Bolawrap 100 device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel
2. Multiple applications of the Bolawrap 100 device:
  - a. If the first application of the Bolawrap 100 device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including:
    - i. Whether the Kevlar cord and/or anchor's hooks are making proper contact.
    - ii. Whether the individual has the ability and has been given a reasonable opportunity to comply.

- iii. Whether verbal commands, other options or tactics may be more effective.

#### **F. Aftercare [1.3.5]**

1. Normally, the Bolawrap 100 hooks will attach only to clothing. If they are attached to the subject, they may be removed by officers once the subject has been restrained. Precautions shall be followed to protect the officer from the transfer of body fluids.
2. If the Bolawrap 100 hooks are deeply embedded in a subject's skin, medical personnel shall be notified to respond to remove the hooks.
3. Photographs of any area of where the Bolawrap 100 hooks were located shall be taken after they are removed while taking precautions to maintain appropriate levels of privacy. This is regardless of whether the hooks became embedded into the subject's skin.
4. When the device has been used operationally, the officer will collect, package, and mark as evidence the expended cartridge, hooks and Kevlar cord.

#### **G. Supervisor**

1. In cases where a Bolawrap 100 device was deployed, the Patrol Supervisor/Patrol Officer-in-Charge (OIC) shall:
  - a. Conduct an initial review of the Bolawrap 100 deployment.
  - b. Ensure photographs are taken of the site of the impact area from the hooks and/or any related injury. If the subject refuses to submit to such photographs and/or the taking of photographs is deemed by a supervising officer to be inappropriate, the officer shall document same in their written report.
  - c. Ensure a report is completed.
  - d. Ensure that a hardcopy of said report is forwarded to the Chief of Police.

#### **H. Reporting [1.3.6]**

1. The deploying officer shall:
  - a. Notify the Patrol Supervisor/OIC as soon as practical after using the device;
  - b. Complete an appropriate incident and Use of Force report. The incident report shall include:
    - i. Area of body hit by hooks.

- ii. Photographs taken of hooks impact area and related injuries, if any.
- iii. Copies of reports involving the use of the Bolawrap 100 device shall be forwarded to the Chief of Police or their designee.


**I. Recertification [1.3.10, 1.3.11]**

1. After initial proficiency testing and issuance of the Bolawrap 100 device, officers must recertify annually and demonstrate continued proficiency in the use of the Bolawrap 100 and familiarity with this policy. Recertification shall consist of a review of the Bolawrap 100 nomenclature and capabilities, and the deploying of two cords. At the time of recertification, officers will be required to review this policy and the Use of Force policy.

**J. Inspections [1.3.9]**

1. Officers are responsible for visually inspecting their issued Bolawrap 100 device daily. This includes ensuring that the safety is on and the laser is functioning. De/Re-Cocking of the device shall not be part of the operator level inspection.
2. The Bolawrap 100 devices will be tested and inspected yearly by certified instructors during certification.



<b>HADLEY POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>1.54</b>
<b>SUBJECT:</b> <b>LAW ENFORCEMENT DATA COLLECTION</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b>  <b>REFERENCED:</b>		GENERAL ORDER
Issue Date: 11-22-2022 Effective Date : 11-22-2022 Revision Date:	<b>Issuing Authority</b> <b>Michael A. Mason</b> Michael A. Mason <b>CHIEF OF POLICE</b>	

## LAW ENFORCEMENT DATA COLLECTION MODEL POLICY AND PROCEDURES

An Act Relative to Criminal Justice Reform (Chapter 69 of the Acts of 2018, the Act) amended M.G.L. c. 6A, § 18 3/4 (12), to require the Executive Office of Public Safety and Security (EOPSS) “to establish data collection and reporting standards for criminal justice agencies [including Law Enforcement Agencies] . . . to enable the submission of data. . . to capture and report information on their populations, including recording all applicable charges...”. EOPSS regulation 501 CMR 18.00 created to standardize the submission and sharing of data by Criminal Justice Agencies through a statewide cross-tracking platform. The amended Chapter 6A requires all criminal justice agencies to incorporate the State Identification number (SID) into their data systems upon a person’s initial transfer into their jurisdiction. Therefore, compliance with fingerprinting booking policies and obtaining the (SID) is an absolutely critical stage at booking. The use of the required finger supported SID supports a positive identity across all the electronic systems that will feed into the cross-tracking platform. including systems used by the Massachusetts Trial Courts, the Department of Corrections and Houses of

Corrections. The first phase of the cross-tracking platform is designed to eventually ingest data from law enforcement agencies. This data is required to be anonymized cross-and made available to the public.

This model policy establishes the procedures Law Enforcement Agencies should use to ensure compliance with the amended Chapter 6A and 501 CMR 18.00. Compliance with this policy will allow for standardized and consistent data collection across the Commonwealth and ultimately, a fingerprintsupported criminal history database.

This model policy and procedure shall apply to all Law Enforcement Agency facilities that collect: (a) data on an Offender within their custody arrested or charged with an offense/offenses; (b) data on Offender populations, including all applicable charges and convictions; and/or (c) data from other Criminal Justice Agencies.

The data fields that Law Enforcement Agencies are required to collect pursuant to 501 CMR 18.05 are as follows:

- State Identification Number (SID) 501 CMR 18.05(a)
- Offense - 501 CMR 18.05(d)
- Date of Offense - 501 CMR 18.05(e)
- Time of Offense - 501 CMR 18.05(f)
- Location of Offense - 501 CMR 18.05(g)
- Offender's Address at Time of Arrest - 501 CMR 18.05(h)
- Race of Offender - 501 CMR 18.05(i)
- Ethnicity of Offender - 501 CMR 18.05(j)
- Gender Identity - 501 CMR 18.05(k)
- Assigned Sex - 501 CMR 18.05(l)
- Pronouns - 501 CMR 18.05(m)
- Age of Offender - 501 CMR 18.05(n)
- Status of Offender as Primary Caretaker of a Child - 501 CMR 18.05(o)
- Offense Based Tracking Number - 501 CMR 18.05(z)
- Bail Status - 501 CMR 18.05(ff)

## **I. DEFINITIONS**

Age of Offender at Time of Offense - Determined by the difference between the date of the offense and the Offender's date of birth.

Assigned Sex - The biological sex that was assigned to a person at the time of the Offender's birth, which are currently as follows:

M - Male

F - Female

X - Other (potential definition forthcoming)

Bail Status - Consistent with the Bail Amount or Reason if no Bail Set definition in 501 CMR

18.04, bail status shall be entered as follows:

1 - Bail set

2 - Release on personal recognizance

3 - Held without bail

4 - No bail summons

Courtesy Booking - Occurs when an Offender was previously arrested and booked by an assisting law enforcement agency and then transported to the charging law enforcement agency to be held for pre-arraignment or detention purposes.

Criminal Justice Agency - **Consistent with the definition in M.G.L. c. 6, § 167,** "those agencies at all level of government which perform as their principal function, activities relating to (a) crime prevention, including research or the sponsorship of research; (b) the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal Offenders; or (c) the collection, storage, dissemination or usage of criminal Offender record information."

Data Warehouse - A data management system managed and maintained by EOPSS, or agent thereof, in consultation with EOTSS, where data collected from Criminal Justice Agencies and the Trial Court is stored, integrated, and processed for internal and public reporting.

Date of Arrest - The date the Offender is arrested for the offenses for which the Offender is charged.

Date of Offense - The date that the offense was committed or, for serial offenses, the first date of the date range within which the serial offenses occurred.

Ethnicity of Offender - Consistent with Federal Bureau of Investigation's Criminal Justice Information Services, Division Uniform Crime Reporting Program, National Incident-Based Reporting System User Manual, ethnicity shall be entered as follows:

H - Hispanic or Latino

N - Non-Hispanic or Not Latino

Gender Identity - A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender identity refers to a person's internal sense of their own gender, shall be self-reported by each individual and are currently as follows:

M - Male

F - Female

AG - Agender

BG - Bigender

CG - Cisgender

GF - Gender Fluid/Variant/Expansive or Two-Spirit

IS - Intersex

NB - NonBinary

TR -

Transgender OT

- Other

Law Enforcement Agency - **Consistent with the definition in M.G.L. c. 6E, § 1, “(i) a state, county, municipal or district law enforcement agency, including, but not limited to: a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department; (ii) a sheriff's department in its performance of police duties and functions; or (iii) a public or private college, university or other educational institution or hospital police department.”**

Live Scan - State-approved devices used to electronically capture and transmit fingerprints.

Location(s) of Offense - The municipality, state, and zip code where the offense or offenses occurred.

Massachusetts State Police State Identification Section (“SIS”) - The SIS is a unit within the Department of State Police responsible for managing and maintaining fingerprint records within the Commonwealth. The Department of State Police

establishes the policies and procedures for properly collecting fingerprint records. Pursuant to the provisions of M.G.L. c. 6A, § 18 ¾, c. 94C, § 45, c.119, §54, c. 126, § 40, c. 127, § 23, c. 211B. § 22, c. 212, § 7, and c. 263, §1A, Criminal Justice Agencies are required to collect and submit fingerprints to the SIS for felony criminal offenses and may also submit fingerprints for misdemeanor arrests.

Offender - An Offender is any person charged with a criminal offense.

Offender's Address - The municipality, state, and zip code where the Offender resides.

Offense - A crime or crimes for which a person is charged.

Offense Based Tracking Number ("OBTN") - A unique identifier for a specific fingerprint, arrest, charge, or custody event; and links the individual to the fingerprints taken. This thirteen-character alphanumeric identifier is unique to the fingerprint, arrest, charge, or custody event. The first character is predetermined by the SIS, followed by the three-character CJIS Agency code. The remaining ninecharacter suffix is designated by the agency. Prefix assignments: T (denotes physical arrest), C (denotes charged event/non- arrest), Q denotes not criminal/ criminal inquiry only, J (denotes county jail booking), H (denotes house of correction booking), D (denotes state department of correction). An Offender will have multiple OBTNs on file when they have multiple events.

Original OBTN - The OBTN created by the Criminal Justice Agency which charges the Offender.

Primary Caretaker of a Child - A parent or legal guardian with whom a child has a primary residence.

Pronouns - The set of pronouns that a person uses in order to reflect that person's gender identity, which are currently as follows:

H - he/him/his

S - she/her/hers

T - they/them/their

HIR - ze/hir / hir /

hirs ZIR - ze/zir / zir

/ zirs OT - Other

Race of Offender - Consistent with reference to the race categories used by the Federal Bureau of Investigation's Criminal Justice Information Services Division, Uniform Crime Reporting Program, National Incident- Based Reporting System User Manual, race shall be entered as follows:

- A - Asian or Pacific Islander
- B - Black or African-American
- I - American Indian or Alaska Native
- W - White
- U - Unknown

Record Management Systems (“RMS”) - The system the Law Enforcement agency uses for its record keeping.

Regional Booking - Occurs when an Offender is originally booked by or at a Jail or House of Correction and where that original booking is performed on behalf of a separate criminal justice agency.

Safe Keeps - Occurs when an Offender was previously booked by another criminal justice agency and then transported to a Jail or House of Correction to be held for pre-arraignment or detention purposes.

State Identification Number (“SID”) - A unique ten-character alphanumeric identifier supported by fingerprint identification assigned to an individual by the Department of State Police through the Automated Fingerprint/ Biometric Identification System (AFIS/ABIS). The SID is created upon the fingerprinting of a person by a Criminal Justice Agency pursuant to M.G.L. c. 6A, § 18 ¾, c. 94C, § 45, c.119, §54, c. 126, § 40, c. 127, § 23, c. 211B. § 22, c. 212, § 7, and c. 263, §1A. A person shall only have one SID, any SID discrepancies shall be reviewed and resolved by the State Identification Section. The SID always begins with “MA”.

Summons - Consistent with the definition of “Process” in the District Court Standards of Judicial Practice, The Complaint Procedure, effective October 1, 2008, a summons is the Issuance of process a clerk magistrate grants for a criminal application for complaint when the accused has not been arrested.

Time of Offense - The time that the offense occurred.

## **II. DATA COLLECTION POLICY**

The collection of the data fields below is mandatory for compliance with 501 CMR 18.00.<sup>1</sup> The following procedures are intended to supplement and clarify current practices; and are not meant to replace current practices for data collection. These procedures apply to an arrest or summons based upon a new criminal offense or a

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<sup>1</sup> These procedures shall not apply to civil commitments or protective custody.

warrant arrest in a criminal case. Law Enforcement Agencies shall adhere to the following procedures:

**A. ARREST BOOKING:**

1. **Self-reported data.** Upon arrest of an Offender for a new offense or on a warrant in a criminal case, the following information shall be self-reported by the Offender and entered appropriately into RMS<sup>2</sup>:

- a. Name
- b. Date of birth
- c. Aliases
- d. Race
- e. Ethnicity
- f. Gender Identity
- g. Assigned Sex
  
- h. Pronouns
- i. Whether the Offender is the Primary Caretaker of a Child
- j. Offender's address at time of arrest

An Offender's refusal to answer a question must be recorded as "information not provided based upon unwillingness to answer". The Officer must not attempt to provide their own responses to Offender's self-reported data.

2. **Offense data and Bail Status data.** The following information derived from the criminal offense and the Offender's custody status must be entered appropriately into RMS by the Officer:

- a. Offense
- b. Aliases
- c. Date of Offense
- d. Time of Offense
- e. Location of Offense
- f. Age of Offender at Time of Offense
- g. Date of Arrest
- h. Bail Status

3. **Fingerprint data.**

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<sup>2</sup> To the extent practical, please confirm the name, date of birth, and aliases after fingerprinting.

- a. Fingerprint all Offenders arrested with a felony or misdemeanor. Regardless of whether the offender is known to the Law Enforcement Agency and has been previously fingerprinted by that same Agency.
- b. Prior to fingerprinting, the Law Enforcement Agency, preferably automatically through the RMS system, shall create the following in accordance with 501 CMR 18.00, 803 CMR 7.08, and MSP SIS Policies and Procedures and enter it appropriately into RMS:
  - i. OBTN see *Section III* for guidance on OBTN documentation
- c. The Officer is required to fingerprint the Offender in accordance with 501 CMR 18.00, 803 CMR 7.08, and MSP SIS Policies and Procedures to obtain the following information:
  - i. State Identification Number (“SID”) see *Section III* for guidance on SID

4. **OBTN required to Submit Electronic Complaint.**

- a. Consistent with Trial Court Standing Order No. 2-19, all applications for complaints should be submitted, when possible, to the clerk’s office in the court having jurisdiction by Electronic Application for Criminal Complaint (EACC).
- b. OBTN must be included in the application for criminal complaint submitted to the Trial Court.

**B. SUMMONS NON-ARREST:**

1. **Self-reported data.** For an investigation resulting in an Offender being issued a Summons to court, the following information, to the extent practicable shall be self-reported by the Offender and entered appropriately into RMS:
  - a. Name
  - b. Date of birth
  - c. Race
  - d. Offender’s address at time of offense
  - e. Aliases
  - f. Ethnicity
  - g. Gender Identity
  - h. Assigned Sex
  - i. Pronouns



An Offender's refusal to answer a question must be recorded as "information not provided based upon unwillingness to answer". The Officer must not attempt to provide their own responses to Offender's self-reported data.

2. **Offense data.** The following information must be entered appropriately into RMS by the Officer:
  - a. Offense
  - b. Date of Offense
  - c. Time of Offense
  - d. Location of Offense
  - e. Age of Offender at Time of Offense
  
3. **OBTN required to Submit Electronic Complaint.**
  - a. Consistent with Trial Court Standing Order No. 2-19, all applications for complaints should be submitted when possible, to the clerk's office in the court having jurisdiction by Electronic Application for Criminal Complaint (EACC).
  - b. OBTN shall be included in the application for criminal complaint submitted to the Trial Court.
    - i. *Section III* for guidance on OBTN format for Summons

**III. FINGERPRINTING, OFFENSE BASED TRACKING NUMBER (OBTN), AND STATE IDENTIFICATION NUMBER (SID):**

**A. OBTN FORMAT:**

1. **Arrest:** The OBTN formats must be approved by SIS. The OBTN point of arrest format: OBTN's are unique and contain Prefix Assignments, Agency Identifier, and 9 Characters set by the agency (i.e. TBOS202212345, "T" arrest, BOS Boston, and 202212345 is the 9 characters set by the agency)
  - a. Prefix Assignments for Arrest Events:
    - i. "T" prefix is used to designate an arrest event for a person taken into custody in a new criminal offense or warrant in a pending criminal case.
  - b. Agency Identifier- three-character Criminal Justice Information Services (CJIS) Agency Code assigned to agency (i.e. BOS is Boston).
  - c. 9 characters as determined by the agency (i.e. 202256789).
- i. Recommended that the agency use the first four numbers as the year (i.e. 2022).

2. **Summons:** The OBTN format must be approved by SIS. The OBTN non-arrest event: OBTN's are unique and contain Prefix Assignments, Agency Identifier, and 9 Characters set by the agency (i.e. CBOS123456789, "C" summons, BOS Boston, and 202256789 is the 9 characters set by the agency)
  - a. Prefix Assignments for Non-Arrest Event:
    - i. "C" prefix is used to designate a charged not arrest event (i.e. Summons, complaint, indictment without an initial arrest).
  - b. Agency Identifier- three-character Criminal Justice Information Services (CJIS) Agency Code assigned to agency (i.e. BOS is Boston).
  - c. 9 characters as determined by the agency (i.e. 202256789).
    - i. Recommended that the agency use the first four numbers as the year (i.e. 2022).

**B. SID:**

To obtain an SID from SIS, Law Enforcement Agencies shall fingerprint Offenders in accordance with the policies set forth herein, 501 CMR 18.00, M.G.L. c. 263, § 1A, c. 94C, § 45, and c. 127, § 23, and MSP SIS Policies and Procedures. Upon the fingerprinting of an Offender, SIS shall generate and return an SID unique to that Offender. All Fingerprint submission results are available for review on AFIS-R application on the DCJIS's CJIS Single Sign On application.

**C. FINGERPRINTING PROCEDURES ARREST:**

Law Enforcement Agencies must follow these procedures when fingerprinting an arrested Offender:

1. Offenders under arrest by a Law Enforcement Agency must be biometrically identified using fingerprints.
2. Fingerprints shall be submitted to the State Identification Section (SIS), electronically on state approved Live Scan fingerprint devices.
  - a. When no Live Scan is available, the agency may manually submit hard card fingerprints on the standard state Fingerprint card to the SIS.
3. All ten fingers and palmprints shall be captured, and photographs (booking photographs/mugshots/face images) shall be submitted to the SIS.

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- a. Additional biometrics such as scars, marks, and tattoo images and iris images may be submitted to the SIS.
  4. All fingerprint submissions shall contain an OBTN in accordance with the OBTN Format in *Section III. A. OBTN FORMAT*. The arresting/charging agency creates the Original OBTN which shall follow the offender from the arresting/charging agency to the court, and ultimate disposition in the case. Fingerprints shall be submitted to SIS with the Original OBTN.
    - a. The agency should generate the OBTN automatically in the record management system.
  5. All mandatory fields on the Live Scan/fingerprint card submissions shall be completed.
    - a. Mandatory fields include, but are not limited to, OBTN, name, place of birth, date of birth, sex, race, height, weight, eye color, hair color, date printed, date of arrest, arrest offense literal (i.e. assault), and fingerprint official.
    - b. For accuracy, best practice is to submit the fields to the Live Scan device using an electronic interface, (not typed in).
  6. The biometric identification is not complete until a State Identification Number (SID) is returned to the agency by the State Identification Section and annotated into the agency records management system, as required by law and policy to allow for a biometric fingerprint supported criminal history identity.

**D. FINGERPRINTING NOT REQUIRED FOR A SUMMONS:**

A Summons request does not require the Offender to be fingerprinted. A SID is not produced when an Offender is not fingerprinted, and Law Enforcement Agencies shall not search for and include the SID from a prior interaction in the Summons application for criminal complaint. An OBTN, however, shall always be included in the application for criminal complaint.

Please refer to 501 CMR 18.00 and the Massachusetts State Police State Identification Section for all questions regarding SID and/or OBTN.

**IV. REGIONAL BOOKING/SAFEKEEPS:**

1. An MOU or agreement between the Law Enforcement Agency making the arrest and the Sheriff's Office with custody of the Offender shall indicate which agency

is responsible for the original booking fingerprints required by law or policy. such that the court is able to extract the SID from the ONE III system.

2. In instances of Regional Booking and Safe Keeps where the Offender has been fingerprinted by the arresting/charging Law Enforcement Agency, the Law Enforcement Agency upon transfer of the Offender to the Sheriff's Office, shall notify the Sheriff's Office that the Offender was fingerprinted and provide the Sheriff's Office with the OBTN.

**V. COURTESY BOOKING:**

1. The charging Law Enforcement Agency shall fingerprint the Offender in accordance with the fingerprinting and data collection requirements set forth in this model policy, unless an MOU or agreement between the Law Enforcement Agencies indicates which agency is responsible for fingerprinting.

<b>HADLEY POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>1.55</b>
SUBJECT:  <b>Exposure Control Plan</b>		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS		GENERAL ORDER
REFERENCED:		
Issue Date: 9/15/23  Effective Date : 10/15/23  Revision Date:	Issuing Authority  <b>Michael A. Mason</b>  Michael A. Mason CHIEF OF POLICE	

## I. INTRODUCTION

On December 6, 1991, the Occupational Safety and Health Administration (OSHA) issued its final rule on “Occupational Exposure to Bloodborne Pathogens,” 29 CFR 1910.1030, which includes the Human Immunodeficiency Virus (HIV), the Hepatitis B Virus (HBV) and other bloodborne pathogens. This standard details the rules and regulations that extend to employers, institutional and non-institutional, who have employees who are at a risk of exposure to bloodborne pathogens. The new regulations were effective March 6, 1992.

*Employees who have occupational exposure are defined as those employees who may reasonably be anticipated to have skin, eye, mucous membrane or parenteral contact with human blood and other potentially infectious materials during the performance of their duties, regardless of the frequency of such contact.*

Other potential infectious materials are:

- A. Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, and any body fluid contaminated by blood.
- B. Any unfixated tissue or organ (other than intact skin) from a human, living or dead.

- C. HIV containing cell, tissue or organ cultures, and HIV or HBV containing culture medium or other solutions.
- D. Blood, organs, or other tissue from experimental animals infected with HIV or HBV.

Each employer having any employees with a risk to an occupational exposure must have completed a written Exposure Control Plan.

The Exposure Control Plan must be available for review by the employees and OSHA compliance officers.

The Exposure Control Plan must be reviewed at least annually and updated to reflect new and modified tasks and procedures or revised job classifications affecting occupational exposure.

## **II. EXPOSURE DETERMINATION**

An employer must make an exposure determination about which employees may incur occupational exposure to blood or other potentially infectious materials. Other potentially infectious materials include the following body substances: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, and amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids. Potential exposure to human bites also constitutes an exposure. Employees are considered to be “exposed” regardless of the frequency of exposure and even if they use personal protective equipment.

The Hadley Police Department has determined that all the employees in the following job classifications are considered *occupationally exposed* to blood borne pathogens:

1. **POLICE OFFICER**
2. **RESERVE POLICE OFFICER**
3. **AUXILLIARY POLICE OFFICER**
4. **KEEPERS OF THE LOCKUP/ MATRON**

B. The Hadley Police Department has determined that some of the employees in the following job classifications may *potentially* be occupationally exposed to blood borne pathogens. Employees who are potentially exposed perform identified tasks or procedures.

<u>Job Classification</u>	<u>Task/Procedure</u>
<b>DISPATCHER</b>	May render Emergency First Aid.

## **III. METHOD OF IMPLEMENTATION OF THE STANDARD’S REQUIREMENTS**

- A. The Exposure Control Plan is reviewed and approved by the Chief of Police or designee.
- B. Responsibility for overall implementation and management of the plan is delegated to the Command Staff of the Hadley Police Department with the Emergency Management Director (Fire Chief) providing information on any changes or updates to be made.
- C. All employees are required to:
  - 1. Attend blood borne pathogens training sessions/First Responder Training;
  - 2. Know what tasks they perform that have occupational exposure;
  - 3. Plan and conduct all operations in accordance with our work practice controls;
  - 4. Develop good personal hygiene habits.
- D. The Exposure Control Plan is available for employee review at any time.
- E. The Exposure Control Plan will be reviewed and updated on or before December 31st of each year, as necessary.

#### **IV. POLICY**

The Department shall continuously provide its employees with equipment and up-to-date information on communicable diseases to prevent exposure to dangerous and life-threatening diseases.

##### **A. DEFINITIONS:**

- 1. Airborne Exposure: When coming in contact with bacteria, viruses, chemicals, smoke, or any foreign particle suspended in the environment.
- 2. Blood: Human blood, human components and products made from human blood.
- 3. Bloodborne Pathogens: Pathogenic microorganisms that are present in the human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- 4. Bodily Fluids: Liquid secretions such as blood, semen, vaginal secretions, saliva, vomit, urine and feces.
- 5. Clinical Laboratory: A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.
- 6. Contaminated Laundry: Laundry, which has been soiled with blood or other potentially infectious materials or may contain sharps.
- 7. Contaminated Sharps: Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.
- 8. Communicable Disease: Infectious illnesses and viruses that are transmitted through contact with bodily fluids, tissue, or breath of an infected individual.

9. Decontaminated: The use of physical chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.
10. Engineering Control: Controls (e.g., sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogens hazard from the workplace.
11. Hand Washing Facility: A facility providing an adequate supply of running water, soap and single use towels or hot air drying machines.
12. HBV: Hepatitis B Virus.
13. HIV: Human Immunodeficiency Virus.
14. Licensed Healthcare Professional: A person whose legally permitted scope of practice allows him or her to independently perform the activities required by Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up.
15. Unprotected Exposure: When any bodily fluid or tissue comes into direct contact with a mucous membrane (e.g., eyes, nose mouth) or non-intact skin (e.g., cuts, chapped skin). This includes a bite from a human or animal.
16. Parenteral: Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.
17. Personal Protective Equipment: Specialized clothing or equipment worn by an employee for protection against a hazard. General work cloths (e.g. uniforms, pants, shirts or blouses) not intended to function as protection against a hazard is not considered to be personal protective equipment.
18. Production Facility: A facility engaged in industrial-scale, large volume or high concentration production of HIV or HBV.
19. Regulated Waste: Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
20. Source Individual: Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinical patients; clients in institutions for the alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.
21. Sterilize: The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.
22. Universal Precautions: An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.



23. **Work Practice Controls:** Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

**B. OTHER POTENTIALLY INFECTIOUS MATERIALS:**

1. The following human fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.
2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
3. HIV-containing cell or tissue cultures, organ cultures, and HIV or HBV containing culture medium or other solutions; and blood, organs or other tissues from experimental animals infected with HIV or HBV.

**C. COMMUNICABLE DISEASE PREVENTION:**

Employees should assume that all persons are potential carriers of communicable disease.

When administering first aid, conducting searches, or handling people or evidence where the transfer of bodily fluids is a possibility, an officer should wear protective clothing and use protective equipment to minimize his/her exposure to disease.

This includes:

1. No eating, drinking, or smoking at a scene where bodily fluids are present;
2. Wear disposable gloves when administering first aid or handling anything that has been exposed to bodily fluids (Double gloves should be used, if necessary);
3. Wear a protective mask, eye wear and coveralls in situations where bodily fluids may come into contact with the officer;
4. Use a barrier resuscitation device when performing CPR;
5. Use extra care when handling contaminated sharp objects (e.g., wear protective gloves when conducting a search, or when handling sharp objects);
6. Use a flashlight or baton to conduct an initial sweep of areas where sharp objects may be hidden;
7. Place hypodermic needles in leak proof, rigid, puncture-resistant, shatterproof containers (needles should not be recapped, bent broken or removed from the syringe); and
8. Double bag any evidence contaminated with bodily fluids in paper bags, allow it to dry, and appropriately mark same to identify potential or known communicable disease contamination.

**D. DISINFECTION GUIDELINES:**

If	Then
Any unprotected skin surface comes in contact with bodily fluids	<ol style="list-style-type: none"> <li>1. Immediately and thoroughly wash the affected area with hot running water and soap for at least fifteen seconds before rinsing and drying.</li> <li>2. Use alcohol or antiseptic towelettes when soap and water are unavailable.</li> <li>3. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.</li> <li>4. When necessary, report to a medical facility for an examination or treatment.</li> </ol>
You are wearing disposable gloves that come in contact with bodily fluids.	<ol style="list-style-type: none"> <li>1. Thoroughly rinse the glove before removing.</li> <li>2. Hands and forearms should then be washed as described above.</li> </ol>
Uniform or clothing comes in contact with bodily fluid.	<ol style="list-style-type: none"> <li>1. Remove the uniform/clothing as soon as practical.</li> <li>2. Place the contaminated uniform/clothing in a plastic bag.</li> <li>3. Any contaminated skin area should be cleaned as described above.</li> <li>4. Uniforms/clothing should be marked as contaminated and cleaned by: <ul style="list-style-type: none"> <li>• Laundering in the usual manner;</li> <li>• Turning into the OIC for an exchange; or</li> <li>• Disposing according to the “State Sanitary Code Title VIII,” 105 CMR 480.00.</li> </ul> </li> </ol>
A Department vehicle becomes contaminated with bodily fluids.	The OIC will arrange for a complete cleaning and disinfection by outside professionals as soon as possible.
Non-disposable equipment becomes contaminated with bodily fluids	<ol style="list-style-type: none"> <li>1. Wear protective clothing when cleaning.</li> <li>2. Prepare a cleaning solution containing: <ul style="list-style-type: none"> <li>• One (1) part bleach to ten (10) parts water; or</li> <li>• A fungicide or a micro bacterial disinfectant.</li> </ul> </li> <li>3. Wipe excess bodily fluids with disposable absorbent material.</li> <li>4. Clean equipment with the prepared solution or disinfectant.</li> <li>5. Dispose of the cleaning material according to the “State Sanitary Code. Chapter VIII”, 105 CMR 480.00.</li> </ol>
Disposable equipment (such as cleaning materials) is contaminated with bodily fluids.	<ol style="list-style-type: none"> <li>1. Bag and dispose of according to the “State Sanitary Code. Chapter VIII”. 105 CMR 480.00.</li> </ol>
Evidence contaminated with bodily fluids is recovered.	<ol style="list-style-type: none"> <li>1. Place in paper bags and clearly mark as contaminated.</li> <li>2. Allow items to dry out.</li> <li>3. Take additional precautions as necessary.</li> </ol>

**E. TRANSPORT AND CUSTODY:**

When transporting an individual who has bodily fluids on his/her person or has stated that s/he has a communicable disease:	
The Officer shall...	<ul style="list-style-type: none"> <li>• Take all necessary precautions to minimize the possibility of exposure to the bodily fluids.</li> <li>• Administer necessary first aid.</li> <li>• Transport this individual in a separate vehicle from other people; and</li> <li>• Notify the OIC of the situation.</li> </ul>
The OIC shall...	<ul style="list-style-type: none"> <li>• Appropriately isolate the person.</li> <li>• Document the incident in the Daily Log.</li> </ul>

#### **F. REPORTING UNPROTECTED EXPOSURES:**

1. Officers who have had an unprotected exposure while on duty should seek immediate treatment at an emergency room.
2. The exposure should be treated as an on-duty injury, and reported using the same procedures. The on-duty supervisor, or next available supervisor working should immediately fill out an on-duty claim form for the exposure and deliver it to the Chief of Police or Lieutenant as soon as possible.
3. In addition, the Fire Chief should be contacted and a Department of Public Health Unprotected Exposure Form should be filled out to document the exposure and be forwarded to the Infection Control Officer (Fire Chief).

#### **G. SUPPLIES:**

The police station and all police cruisers (marked/unmarked) shall be stocked with the following communicable disease control supplies:

- **Disposable gloves and protective gloves;**
- **Puncture resistant containers and plastic bags;**
- **Barrier resuscitation equipment, goggles, and masks;**
- **Liquid germicidal cleaner;**
- **Disposable towelettes with 70% isopropyl alcohol**
- **Waterproof bandages**
- **Absorbent cleaning material**
- **“Police Line – Do Not Cross” barrier tape**

#### **H. MEDICAL UNIT RESPONSIBILITIES:**

The medical Unit shall:

- Make recommendations to Command Staff about communicable disease and infection control matters;

- Conduct training in communicable disease and infection control matters;
- Distribute protective clothing and equipment; and
- Develop guidelines for the use of the equipment and the level of care that officers should provide to the public.

**I. RESPONSIBILITIES:**

Position	Duties
All Officers	<ol style="list-style-type: none"> <li>1. Ensure that the supplies in his/her vehicle are properly maintained.</li> <li>2. Keep disposable gloves and protective gloves readily available and easily accessible.</li> <li>3. When an on-duty incident results in an unprotected exposure, notify the OIC and follow the guidelines in the policy to minimize the risk of infection.</li> <li>4. No member shall refuse to arrest or handle any person. Use appropriate protective equipment and take necessary precautions.</li> </ol>
OIC	<ol style="list-style-type: none"> <li>1. Ensure that any officer who has an unprotected exposure while on-duty receives proper first aid and medical treatment.</li> <li>2. Contact the Infection Control Officer.</li> <li>3. Ensure Notice of Injury Reports are submitted forthwith.</li> <li>4. Ensure a Massachusetts Department of Public Health Unprotected Exposure Form is completed and submitted forthwith.</li> </ol>
Command Staff	<ol style="list-style-type: none"> <li>1. Ensure that communicable disease control supplies are made readily available to all members of the department.</li> <li>2. In the case of an on-duty unprotected exposure, ensure that the officer receives: <ul style="list-style-type: none"> <li>• Assistance in reporting the exposure;</li> <li>• Continued testing for evidence of infection; and</li> <li>• Any emotional assistance or counseling required.</li> </ul> </li> <li>3. Personally contact the appropriate District Attorney's Office to ascertain if criminal charges may be brought against any person who intentionally acted to expose an officer to a communicable disease.</li> </ol>

**J. HEPATITIS B VACCINATION POLICY**

General Statement of Policy

The town of Hadley shall make available Hepatitis B vaccinations and boosters to all employees who are considered occupationally exposed in the event that the employee has not previously received the vaccination series. This may be done as a part of the hiring process for employees who are considered an occupational risk and at no cost to the employee. In addition, the employees will be offered post-exposure evaluation and follow-up at no cost should they experience an exposure incident on the job.

All medical evaluations and procedures including hepatitis B vaccination series, whether prophylactic or post-exposure, will be made available to the employee at a reasonable time and place. This medical care will be performed by or under the supervision of a licensed physician, physician's assistant, or nurse practitioner. Medical care and vaccination series will be according to the most current recommendations of the U.S. Public Health Service. A copy of the bloodborne pathogens standard will be provided to the healthcare professional responsible for the employee's hepatitis B vaccination.

All laboratory tests will be conducted by an accredited laboratory at no cost to the employee.

#### Training Requirements

1. All Hadley Police Department employees who are at risk for occupational exposure must participate in the training program which is included with First Responder Training. Town employees who are not at risk for occupational exposure may participate in the training at their request.
2. Training shall be provided at least annually. The person(s) conducting the training shall be knowledgeable in the subject matter covered. The trainer(s) must have expertise in the area of occupational health and the transmission of bloodborne pathogens. The trainer must be familiar with manner in which the elements in the training program relate to the particular workplace.
3. Training shall consist of explanations of bloodborne diseases and their modes of transmission. Training must include a discussion of Exposure Control Plan, how to handle exposure incidents, engineering and work practice controls, personal protective equipment use, the vaccination and follow-up programs and the labeling and sign system. The following content will be included:
  - a. Explanation of the bloodborne pathogens standard
  - b. General explanation of the epidemiology, modes of transmission and symptoms of bloodborne diseases
  - c. Explanation of this exposure control plan and how it will be implemented
  - d. Procedures which may expose employees to blood or other potentially infectious materials
  - e. Control methods that will be used at this facility to prevent/reduce the risk of exposure to blood or other potentially infectious materials
  - f. Explanation of the basis for selection of personal protective equipment

- g. Information on the Hepatitis B vaccination program including the benefits and safety of vaccination
- h. Information on procedures to use in an emergency involving blood or other potentially infectious materials
- i. What procedures to follow if an exposure incident occurs
- j. Explanation of post-exposure evaluation and following up procedures
- k. An explanation of warning label and/or color-coding.

**K. RECORD KEEPING**

1. The Hadley Police Department and/or Human Resources shall establish and maintain accurate records for each employee having an occupational exposure(s) for at least the duration of employment plus 10 years. These files may be kept with the HR Department.
2. All employees' medical records shall be kept confidential, and are not reported to any person within or outside the workplace, except as required by law.
3. All training records shall comply with 29 CFR 1910.20 and shall be maintained for 3 years.



Form Received By: \_\_\_\_\_ Date: \_\_\_\_\_

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Massachusetts Department of Public Health

### **Unprotected Exposure Form**

An Unprotected Exposure Form should be completed for any pre-hospital emergency care worker (e.g. an EMT, firefighter, police officer, or corrections officer) who believes he/she may have had an unprotected exposure to a patient's blood or *other contaminated* body fluid(s) in the course of attending, assisting or transporting a person to a health care facility as part of his/her professional duties. It is the responsibility of each care provider to complete and file a form with the receiving facility.

If you believe you may have had an unprotected exposure, *you should seek immediate medical evaluation for possible prophylactic immunization and/or treatment, as indicated.* **You must provide the information on this form to the facility that received the patient from whom you received the exposure.**

Ambulance *personnel* or other emergency care providers having an unprotected exposure must complete a form on arrival and leave it at the health care facility with the patient. Other individuals shall file their own forms with the receiving facility within 24 hours of the unprotected exposure.

The health care facility will review the information, which you provide and will determine if you have sustained an unprotected exposure as defined in DPH regulations. If the patient to whom you were exposed is diagnosed as having a blood borne infectious disease dangerous to the public health, and if you sustained an unprotected exposure which, in the opinion of the health care facility, is capable of transmitting such a disease, the facility shall provide oral notification within forty-eight (48) hours of the diagnosis and written notification within seventy-two (72) hours of the diagnosis. This notice shall be given to the designated infection control officer for your agency who *must* be listed on the unprotected exposure form. Upon notification, the designated infection control officer shall notify you. The notice shall include the appropriate precautions and actions which you should take, the identity of the disease to which you were exposed, necessary precautions to prevent the transmission of the disease to others, and instructions to contact a physician for medical follow-up. **NOTE: The health care facility's determination that you have had an unprotected exposure does NOT necessarily indicate that you have contracted an infectious disease.**



The report from the health care facility to the designated infection control officer to you is confidential and is governed by M.G. L. c.111, §111C and DPH regulations 105 CMR 170.000, 171.000 and 172.000.

*N.B. – Due to the time it may take to diagnose a patient with an infectious disease, or the possibility that a patient may never be diagnosed, and the time it may take to notify you of the exposure, the Department recommends that anyone who believes they have suffered an unprotected exposure, such as a needle stick with a bloody needle, should see a physician immediately. Certain prophylactic regimens should be started within hours of an unprotected exposure.*

### **INSTRUCTIONS:**

PLEASE PRINT CLEARLY

- Complete all information on the form.
- Check all boxes that apply:
  - ï the exposure route to you of a patient’s blood or bodily fluid(s).
  
  - ï the type of the patient’s bodily fluid(s) to which you were exposed.
  
  - ï **body substance isolation** precautions you used (even if they were breached).
  
  - ï post incident cleaning you performed.
  
  - ï if you checked any “Other” box(es), explain in the space(s) **provided**.
  
- In the blank **narrative** sections explain fully the exposure and any treatment you have obtained. Use additional blank sheets, if necessary, and staple **them** to the form. The more accurately you explain the circumstances, the easier it will be for the facility personnel to evaluate your exposure.
- EMT’s must also leave a copy of the ambulance trip record at the receiving facility.
- Each EMT and other pre-hospital emergency medical health care **providers who have** sustained an unprotected exposure must file his/her own form. The form(s) shall be submitted to the receiving health care facility upon patient arrival or within 24 hours.
- Transportation or treatment of the patient(s) must not be delayed in order to complete the form(s).
- **Make a copy for your own records and/or for your designated infection control officer, in accordance with your employer’s policies and procedures.**

**DO NOT SEND THE ORIGINAL FORM OR A COPY TO THE DEPARTMENT OF PUBLIC HEALTH**

# PEER SUPPORT PROGRAM

POLICY & PROCEDURE NO. <b>1.56</b>	ISSUE DATE: 11/13/23
	EFFECTIVE DATE: 11/13/23
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## Peer Support Program Policy

### Policy:

This policy incorporates local guidelines for the establishment, implementation and management of a Peer Support Program for the Easthampton and Hadley Police, Fire and Dispatch Departments. It includes information to guide the process of training and selecting peers, accessing support and resources, establishing points of contact between public safety personnel and partnering behavior health clinicians, and referrals for higher levels of care and support.

### Purpose:

The responsibilities of Public Safety Personnel often involve exposure to situations generating both acute and chronic stress that cannot always be resolved through established coping mechanisms. Unless adequately addressed, these situations and the resulting stress responses may cause disabling emotional, psychological, and physical problems. Preparing for and providing support for both daily stress and stress following a traumatic incident will decrease the likelihood that employees will experience negative physical, cognitive, emotional, and behavioral challenges. The purpose of this policy is to ensure that members of the Easthampton and Hadley Police, Fire, and Dispatch Departments have access to peer support and to indicate the methods by which individuals can access that resource.

### Definitions:

**Employee Assistance Program (EAP)** is a confidential mental health service provided by a third party and sponsored by the employer.

**Critical Incident** is an event that results in acute or cumulative psychological stress or trauma to an emergency service provider as a result of the provider's response or exposure to the event.

**Critical Incident Stress Management (CISM)** is a confidential, voluntary, formal, highly structured process for those involved in a critical incident to share their experiences, vent emotions, learn about stress reactions and symptoms, and receive referrals for further help as needed. This is an adaptive, short term process that focuses solely on an immediate and identifiable problem, with the goal of enabling the individual(s) affected to return to their daily routines more quickly, and with a lessened likelihood of developing post-traumatic stress disorder.

**Imminent risk** is a situation which is likely to occur in the near future based on statements or threats indicating clear intent to engage in a specific action that may result in harm against self or others.

**Peer Support Person**, as defined by the International Association of Chiefs of Police (IACP), "is a specifically trained colleague, not a counselor or therapist. A peer support program can augment outreach programs such as employee assistance programs (EAP), in-house treatment programs, and out-of-agency psychological services and resources, but not replace them. A peer support person is trained to provide both day-to-day emotional support for department employees as well as to participate in a department's comprehensive response to critical incidents." Peer support persons are trained to recognize and refer cases that require professional intervention or are beyond their scope of training to a licensed mental health professional."<sup>1</sup>

Within the context of Easthampton and Hadley, all members of the police, fire, and dispatch departments, regardless of rank, are eligible to both access peer services and participate as a peer support person. This includes individuals who have retired from the police, fire, and dispatch departments.

**Public Safety Personnel** includes all members of the Easthampton and Hadley police, fire, and dispatch departments, active duty and retired, sworn and civilian.

**Confidentiality** is a professional or ethical duty for the peer support person to refrain from disclosing information from or about a recipient of peer support services, barring any exceptions recommended to be disclosed at the outset (see section on Confidentiality Exceptions).

**Privacy** is the expectation of an individual that disclosure of personal information is confined to or intended only for the peer support person.

**Privilege** is the legal protection from being compelled to disclose communications in certain protected relationships, such as between attorney and client, doctor and patient, priest and confessor. Unless fully trained in accordance with the requirements of Critical Incident Stress Management (CISM), communication between peer support persons and public safety personnel is not considered privileged.

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<sup>1</sup> International Association of Chiefs of Police (IACP): Police Psychological Services Section, "Peer Support Guidelines"

**Responsibilities:**

- a. **Police and Fire Chiefs** are responsible for assuring compliance with this Peer Support Program Policy. Police and Fire Chiefs will ensure employees' access to peer support, authorize employees to be peers, provide time for training, and make peers available to connect with colleagues.
- b. **Supervisors** are responsible for staying informed about peer support, recognizing/referring employees to peer support as appropriate, ensuring that employees are able to access peer support services while on shift, maintaining confidentiality in accordance with this policy, and escalating to MHWC and/or CISM in the event of a critical incident.
- c. **Mental Health and Wellness Coordinator (MHWC)** is responsible for ensuring that everyone has received appropriate training, periodically updating policies and procedures, providing consultation, maintaining communication with the community mental health agencies providing training and oversight, identifying and facilitating clinical referral options, and reporting program needs to department Chiefs.
- d. **Peer Support Personnel** are responsible for participating in trainings, offering support with personal/professional stressors, referring to and consulting with the MHWC, maintaining confidentiality, following up with employees seeking peer services, and remaining in good standing with their respective department. Peers are not permitted to provide formalized support while on shift.
- e. **Police, Fire and Dispatch Employees** are responsible for participating in the program in good faith, reporting breaches of confidentiality, and encouraging other public safety personnel to engage with peer support.
- f. **Steering Committee** consists of 6 department representatives and the MHWC, one member from each department (Easthampton and Hadley fire, police, and dispatch). Members of the steering committee are not eligible to be peers while serving on the committee. The steering committee is responsible for assisting in the peer selection and deselection processes, maintaining confidentiality, ensuring compliance with this policy, and attending meetings to discuss potential amendments to the policy. Steering committee members serve at the discretion of the MHWC.

**Procedures :**

Peers will provide support to any Easthampton or Hadley Public Safety Personnel experiencing challenges or difficulties in their personal or professional lives. Public Safety Personnel will seek support on a voluntary basis and will not be mandated to engage with these services. While on shift, Public Safety Personnel will be permitted to access peer support services after seeking permission from the supervisor.

Topics may include, but are not limited to:

- Anxiety
- Burn-out & fatigue
- Childcare or child raising challenges
- Death or loss of a friend, family member, co-worker, or significant other
- Family or relationship challenges
- Financial stress
- On-duty or off-duty injury
- Pending Retirement
- Physical health concerns/challenges
- Stress following a critical incident
- Substance abuse or other addictions
- Workplace difficulties or stress

Peers will provide the following personal information which will be available to all Public Safety Personnel who are looking to connect with a peer:

- ➔ Name
- ➔ Rank & City/Town
- ➔ Days & Hours of Availability
- ➔ Preferred method of communication (Personal Email, Text, Call, WhatsApp, Google Voice, Text Now, etc.)
- ➔ Contact information corresponding with the preferred methods of communication
- ➔ A short introductory bio, to include sufficient information to help Public Safety Personnel determine the peer with whom they want to connect.

In addition, peers will provide the MHWC with more substantial biographical information which will help facilitate the process of matching Public Safety Personnel with appropriate peers. This will NOT be made public and will ONLY be accessible by the MHWC for the purpose of facilitating connections between Public Safety Personnel and peers.

Public Safety Personnel can connect directly with a peer, OR they can reach out to the MHWC for assistance with identifying an appropriate peer based on their area(s) of concern.

In response to a request for peer support, the peer will:

1. Determine when to meet based on the circumstances involved in the request.
2. Send an email (via personal email account in order to ensure privacy) with the following attachments: peer support policy, local resources, and a questionnaire to be completed at the conclusion of peer services.
3. Evaluate the information disclosed and determine appropriate next steps, which may involve referring the individual to a more appropriate peer. If the peer is unsure of how to proceed, they will contact the MHWC for guidance.
4. Inform the MHWC after every contact for record keeping purposes. *See Documentation section for guidance about what information will be collected.*
5. Schedule a follow-up contact with the employee after the initial contact to check on their status.

A peer's support will be restricted to areas within their ability, and referrals will be made for more intensive services when deemed necessary. Peers will consult with the MHWC as needed, and will meet regularly to discuss best practices and ensure adherence to the terms laid out in this policy. Peers will not discuss situations with other peers unless the Public Safety Personnel has provided consent for them to do so. Violations of this will constitute a breach of confidentiality.

Peers will be provided with the information needed to make referrals, although it will be the responsibility of the MHWC to ensure that referral options remain updated and current.

In the event that it is determined that an individual is better served by a clinician or that the needs of the individual exceed the expertise of the peer, the peer will offer the services of the MHWC, the department's Chaplain, or the local EAP, and will gauge the individual's interest in accessing that service. Once interest in working with one of these providers has been established, the peer will facilitate a warm handoff with that provider.

### **Confidentiality Requirements :**

Interactions between a peer support person and an employee are considered confidential by the department in order to ensure the trust, anonymity, and effectiveness of any assistance requested.

No peer will be required to release the contents of confidential conversations with any employee in the program or to any supervisor ordering the disclosure of the information unless required by law or the exceptions are met as outlined in the following sections.

The Easthampton and Hadley Police, Fire, and Dispatch Department's peer support program is not part of the disciplinary process. The peer support program will not be utilized as a method to deter misconduct, encourage compliance with department rules, or impose discipline. The Departments also agree that in order for this program to be successful, peer support staff, in their capacity as such, will not be classified as a "subject" and/or "witness" during any internal affairs investigations and will not be ordered to disclose any information gained in that role unless otherwise required by law or policy.

In order for the peer support program to be effective and successful, employees must know that what they share about themselves will remain private i.e. employees must understand their statements are confidential, but are not considered privileged. Therefore, all peer support staff shall maintain the privacy of their fellow employees by not discussing the statements or other material in any way unless as required by law or policy. In addition, privacy will be maintained in accordance with Exemption (c) of Massachusetts Public Records Law.<sup>2</sup>

### **Confidentiality Exceptions :**

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<sup>2</sup> See Galvin (2022), A Guide to the Massachusetts Public Records Law, page 17

Peers are expected to maintain the confidentiality of any individual seeking their support. However, there are several situations in which it becomes the responsibility of the peer to break confidentiality. Those exceptions are as follows:

1. The individual is at imminent risk of engaging in serious harm against themselves.
2. The individual is at imminent risk of engaging in serious harm against someone else.
3. The individual is experiencing psychotic symptoms which seriously impacts their ability to make informed decisions regarding their safety and the safety of others.
4. Information is disclosed which indicates that a child or elder has been harmed or is at imminent risk of being harmed, either by abuse or neglect.

The rights and privacy of employees will be safeguarded to the maximum extent possible, while balancing that with the department's compelling interest in maintaining a safe and productive workplace and work force. At the onset of each peer contact, the individual **must** be informed that there are some situations in which confidentiality cannot be absolute. While every effort will be made to protect anonymity, the gravity of some situations may demand attention by management. Peer contacts will be told that confidentiality will be maintained except in the aforementioned situations.

In the event that a peer discovers that any of the aforementioned exceptions to confidentiality are true, they are obligated to inform the following employees:

- a. The Mental Health & Wellness Coordinator
- b. If applicable, the supervisor of the public safety personnel

Depending on the nature of the concern, the MHWC and Supervisor will make a determination about whether or not it is appropriate to involve the Chief or, if unavailable, the next most senior member of the department.

Based on the level of risk, a decision will be made regarding how best to support the individual seeking help. Options include, but are not limited to:

- The creation of a safety plan with support from the peer and, if available, the MHWC.
- An outpatient referral for counseling or substance use treatment.
- A recommendation or requirement to seek inpatient psychiatric or substance use treatment.
- Temporary placement on administrative duty.

### **Breach of Confidentiality:**

Any breach of confidentiality will be considered a serious code of conduct violation and investigated in accordance with department policy, general orders and any collective bargaining agreements. If an investigation determines there was a breach of confidentiality, the peer support person will be permanently removed from the program. Any employee who becomes aware of a breach in confidentiality shall promptly report the violation to the MHWC.

### **Fitness for duty:**

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Individuals who seek support from a peer will **not** have their fitness for duty jeopardized simply by virtue of seeking those services. However, individuals who disclose information indicating an intent to harm self or others, or are endangering (whether knowingly or unknowingly) themselves or others, may be required to seek treatment. Additional requirements pertaining to fitness for duty fall within the jurisdiction of each department, and do not fall within the parameters of this peer support policy.

### **Peer Support Member Selection Process :**

There are two methods by which individuals can become peers; by volunteering to become involved in the program or at the invitation of a member of the steering committee. Once an individual has indicated that they are interested in becoming a peer, they will be afforded the opportunity to participate in an informational session about the peer program or, if not available, will learn more about the program from a member of the steering committee. If after learning more about the program the individual continues to indicate that they want to become a peer, they will be invited to participate in a meeting with the MHWC and one or two members of the steering committee. If after that meeting it is determined that the candidate is an appropriate fit for the program, they will be invited to become a peer.

It is the goal of the program to have 10-20 trained peers available to support their fellow public safety personnel at any given time. Peers are required to have worked at least two years within the field of public safety, must be off probation, and must be in good standing with their department.

### **Deselection Process :**

There are several situations that may result in a peer support person losing their standing as a peer. These include engaging in a breach of confidentiality, failing to act in situations involving imminent risk, frequent absenteeism from trainings, losing one's good standing within their department, or failing to adhere to the terms of this policy. Any report indicating that a peer may have violated these terms will prompt a meeting with the MHWC and members of the steering committee during which the peer will be given the opportunity to discuss the incident. Following that meeting, the MHWC and steering committee will determine whether or not the peer is eligible to continue within that role or if the violation necessitates a termination of that peer's services. Losing one's status as a peer support person will not result in disciplinary action unless that incident is found to be in violation of a separate department policy.

### **Leave of Absence:**

It is understood that peers may need to take a temporary leave of absence from their role as a peer support person for a variety of reasons. In the event that a peer decides that this is necessary, they are to notify either the MHWC or a member of the steering committee of their intent to take a leave of absence. The period of time during which the



peer will be on a leave of absence must be made in collaboration with the MHWC or steering committee member.

Peers may also voluntarily discontinue their services at any time while remaining eligible to reapply to become a peer at a later date. Peers intending to step down from their role as a peer support person must communicate this intention to the MHWC or a member of the steering committee.

**Training:**

All peers are expected to participate in an initial 1-day training facilitated by The MassMen Project & First Responder Suicide Prevention Program, services of the Riverside Trauma Center. Peers will participate in continuing education as determined by either the Riverside Trauma Center or the MHWC. In addition, peers are strongly encouraged to communicate with the MHWC if there are additional trainings which they believe would improve the quality of the services that they are able to offer.

Peers are not trained mental health professionals, and therefore they are not expected to perform the duties of a mental health professional. As such, peers are expected to consult with the MHWC when situations arise that exceed their training, when they are unsure of how best to proceed, or when an individual discloses information indicating acute mental health distress.

**Financial compensation:**

Unless otherwise authorized by the Chief of their respective department, peers are not eligible for financial compensation, to include overtime and comp time, when operating within their role as a peer support person. Peers will be financially compensated for any trainings required by Riverside Trauma Center or at the direction of the MHWC.

**Documentation:**

Documentation will be collected exclusively to track the extent to which the program is being utilized. Documentation will **NOT** include any personal or professional demographics (this includes names, department, rank, and area(s) of concern). In addition, no peer support person will take or maintain written notes or recordings of any conversations. In the event that a peer support person has received correspondence in the form of text messages, these messages are to be deleted at the conclusion of the peer support services. Peers are **NOT** permitted to take screenshots of any messages, and they are strictly forbidden from sharing any written correspondence obtained while providing peer support. Violations of this would constitute a breach of confidentiality. Although permitted, using a government email is not recommended as that form of communication is accessible as a public record.

Peers are responsible for relaying the below information to the MHWC:

- Contact date
- If applicable, follow-up date

- If applicable, whether a referral was made to a Chaplain, MHWC, or outside provider

**References:**

Galvin, W. F. (2022, February). A Guide to the Massachusetts Public Records Law. Retrieved July 6, 2023, from <https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>

International Association of Chiefs of Police (IACP): Police Psychological Services Section, "Peer Support Guidelines," (San Diego, CA: IACP Police Psychological Services Section, 2016), <https://www.theiacp.org/resources/peer-support-guidelines>.