COMMONWEALTH OF MASSACHUSETTS

MPTC

Municipal Police Training Committee

Use of Force

In-Service Training 2025 | *The First Amendment*



Introductions

- Instructor Introduction
- Professional Background
- Why This Training Matters

Underlying Circumstances

- FBI LEOKA statistics found officers are more likely to be assaulted or killed during the following circumstances:
  - when making arrests
  - during motor vehicle stops
  - when violent crimes are in progress
  - during domestic violence investigations
  - while performing controlled substance investigations
  - when suspects are under the influence of drugs or alcohol
  - when people are experiencing an acute mental health crisis

Learning Objectives

1. Summarize the “reverence for human life” ethic and the priority of life during a police encounter.
2. Describe various de-escalation tactics and principles officers can use when feasible to stabilize a situation.
3. Summarize the legal standards that govern when officers can lawfully use force.



Learning Objectives, cont'd

4. Compare and contrast non-deadly and deadly force as well as the limitations and prohibited uses of both.

5. Define the "totality of the circumstances" and assess the relationship between the perceived circumstances, subject actions, and reasonable officer response.

6. Explain officer requirements following a use of force:

    a. render critical care
    b. duty to intervene
    c. report and reporting requirements



Learning Objective 1

Summarize the “reverence for human life” ethic and the priority of life during a police encounter.



Reverence for Human Life

- Concept originated with Albert Schweitzer:
  - having a reverence for human life means *"taking the world as it is. And the world means the horrible in the glorious, the meaningless in the full of meaning, the sorrowful in the joyful."*
- No arrest, conviction, or piece of evidence can outweigh **the value of human life**.
- Overall objective of any tactical encounter is to gain control and safely resolve the situation.
- There is not one correct way to resolve all tactical situations. As long as the tactics involved are reasonable and proportionate, they are correct.

Safety Priority (Priority of Life)

1. Innocent People (Victims, Community)
2. Public Safety Officials (Police, Fire, EMT)
3. Subject/Suspect Themselves

Officers Must Be Prepared to Use Force

- Officers must be physically and mentally prepared to make fast decisions in the moment about whether force is necessary and, if so, the amount of force that is reasonable.
- The success of a use of force must be defined by:
  - the totality of the circumstances presented,
  - whether the tactics used by the officer were reasonable and proportionate to the circumstances, and
  - whether the officer executed the tactic as trained.

Definition of Force

Force is the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

Discussion – Is it force?

1. Physically escorting a compliant individual to your cruiser.
2. Placing handcuffs on an individual who does not resist your attempts.
3. Yelling at a robbery suspect to “freeze.”
4. Yelling at a robbery suspect to “freeze” and drawing your firearm.
5. Yelling at a robbery suspect to “freeze” and pointing your firearm at them.
6. You are arresting a person for drug dealing. You order them to put their hands behind their back. They refuse and when you grab their arm, they start physically struggling with you. You tell them to stop resisting or you will spray them with OC spray. Is your statement about the OC spray a use of force?

Discussion – Is it force? (cont'd)

7. You are arresting a person for drug dealing. You order them to put their hands behind their back. They refuse and when you grab their arm, they start physically struggling with you. You tell them to stop resisting or you will spray them with OC spray. They continue to resist. You take out your OC spray and warn them again. Is taking out your OC spray and warning them a second time a use of force?
8. You are arresting a person for drug dealing. You order them to put their hands behind their back. They refuse and when you grab their arm, they start physically struggling with you. You tell them to stop resisting or you will spray them with OC spray. They continue to resist. You take out your OC spray and warn them again. You spray them with OC spray.

When can you use force?

555 CMR 6.04 states:

A law enforcement officer shall not use force upon another person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to*:*

1. effect the lawful arrest or detention of a person;
2. prevent the escape from custody;
3. prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
4. defend against an individual who initiates force against an officer.

Learning Objective 2

Describe various de-escalation tactics and principles officers can use when feasible to stabilize a situation.



What are De-Escalation Tactics

- Officers are required to attempt to de-escalate a situation before they use force unless de-escalation tactics are not feasible based on the totality of the circumstances.
- De-escalation tactics are 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 555 CMR 6.04.

De-Escalation Tactics

De-escalation tactics include but are 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
- requesting additional resources to resolve the incident; to address a potential medical or mental health crisis.

Time = Options

- When officers are able to slow down the pace of an incident, their options for a positive outcome increase.
- It allows for more information or resources to become available, it give other officers the chance to arrive on scene and offer assistance.



De-Escalation Tactics Must Be Feasible

- Emotionally hostile people will often try to dominate a situation by yelling, insulting, provoking, and being unreasonable.
- Underlying reasons for hostility include but are not limited to:
  - fear (rational or irrational),
  - mental illness,
  - alcohol or drug influence.
- When interacting with emotionally hostile suspects, the priority for police is to ensure the safety of everyone involved.

POST Guidance on De-Escalation for Minors

- The POST Commission was required to provide guidance to law enforcement as to developmentally appropriate de-escalation and disengagement tactics and other alternatives to the use of force for minor children.
- When developing this guidance, POST tried to balance the goals of improving the safety of children, the needs of the community, and the well-being of law enforcement officers while increasing trust between officers and the communities they serve.

Tactical De-Escalation

- De-escalation is **both a tactic and an outcome**.
- Police officers who develop proper de-escalation skills and techniques, apply them when appropriate, and mitigate the need to use force, will improve job performance and enjoy many other desired benefits including:
  - Gaining voluntary compliance
  - Defusing volatile situations
  - Mitigating unintended consequences
  - Enhancing safety for both the officer and the public
  - Contributing to police legitimacy

Core Concepts of Tactical De-Escalation

Self-Control	Scene Assessment and Management
Relationship Management	Consider Your Options
Effective Communication	Actively Listen
Respect	Acknowledge emotions and feelings
Expectations and Consequences	Ignore toxic statements
Honesty	Embrace silence
Be empathetic	Ignore challenging questions
Respect personal space	Take decisive action when necessary
Use non-threatening/non-verbal body language	Choose your battles
Control emotions	Allow time for reflections
Identify the individual's feelings	Allow time for decisions

If De-Escalation Doesn’t Work, Now What?

Assuming that de-escalation tactics were attempted and failed or were not feasible, what does it mean for force to be necessary and proportionate?

Learning Objective 3

Summarize the legal standards that govern when officers can lawfully use force.



Proportionate

- Excessive force can occur if the officer's response to a situation is more than reasonable.
- Conversely, it can be unsafe if the officer's response is less than reasonable.
- It is important for officers to be mentally and physically prepared to use the amount of force that is proportionate to the totality of the circumstances they face.
- The word "proportionate" is hard to define; Merriam-Webster Dictionary defines it as an adverb that means proportionately.

Proportionate Example

You are at the grocery store with your 12-year-old child. At checkout they ask for a candy bar and you tell them “no.” When you get back to the car and start putting the bags in the trunk you see the child fiddling with something in their hoodie pocket. You tell them to show you what they have and they pull out the candy bar that has not been paid for.

What do you do?

Putting Proportionality in Context

Officers are working at a college football game and approach a group of fans that are getting unruly. The officer sees that there is one fan in particular who is yelling and cursing at fans of the opposing team, taunting them, and getting closer and closer to the other fans. The fan is ignoring their friends who are begging them to shut up. After all attempts by officers to calm the fan down have failed, officers place the fan under arrest. The fan does not go willingly and multiple officers put hands on the fan to physically escort them out of the stadium. While officers are trying to get the fan out of the stadium, the fan slaps one of the officers across the face. The officer strikes the fan and the fan become compliant.

Does this scenario meet the requirements of 555 CMR 6.04 (3)?

Video – Police Officer Punches Miami Fan After Being Slapped



When Can Officers Use Force?

Officers should note that there is no provision for the use of force to preserve or prevent the destruction of evidence.

Use of Force is a Seizure

- The use of force by police is a seizure under the Fourth Amendment. In *Terry v. Ohio*, the Court ruled that taking a person into custody may require police to use "some degree of physical coercion" that ultimately limits or prevents freedom of movement.
- Even when the use of force is justified, officers must remember their obligation to reverence for human life and their duty to serve and protect.

Graham v. Connor (1989)

- In *Graham v. Connor,* 490 U.S. 386 (1989), the court established that a use of force during an arrest or an investigatory stop of an individual is a seizure under the 4th Amendment.
- When evaluating a use of force, courts will examine whether the officers' actions are "*objectively reasonable*" in light of the facts and circumstances confronting the officer at the time without regard to any underlying intent or motivation.

The Opinion of the Court

Chief Justice William Rehnquist delivered the unanimous opinion of the Court:

> *"The test of reasonableness under the 4th Amendment is not capable of a precise definition or mechanical application...Its proper application requires careful attention to the facts of each particular case, including the* ***severity of the crime at issue****, whether the suspect poses an* ***immediate threat*** *to the officer or others, and whether he is* ***actively resisting arrest*** *or* ***attempting to evade arrest by flight*** *..."*

The Opinion of the Court, cont'd

The Court reasoned:

> *"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving -about the amount of force that is necessary in a particular situation."*

Learning Objective 4

Compare and contrast non-deadly and deadly force as well as the limitations and prohibited uses of both.



Arrests and Detention

- A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention.
- Passive resistance is an individual who is noncompliant with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.



Arrests and Detention (cont'd)

- Except to temporarily gain, regain, or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's chest or spine, and shall not force an individual to lie on their stomach.
- In no event may a law enforcement officer intentionally sit, kneel, or stand on an individual's neck or head.
- An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

Be Prepared to Take Action: Command Presence

- Officers maintain or gain compliance using command presence, mutual respect, and effective communication skills.
- Command Presence does not mean that you escalate your demeanor. It can be accomplished with respect.
- It requires you to look and act professionally, with knowledge and integrity; but also requires you to maintain a good position, stance, situational awareness, and relative positioning.

Officer Stance

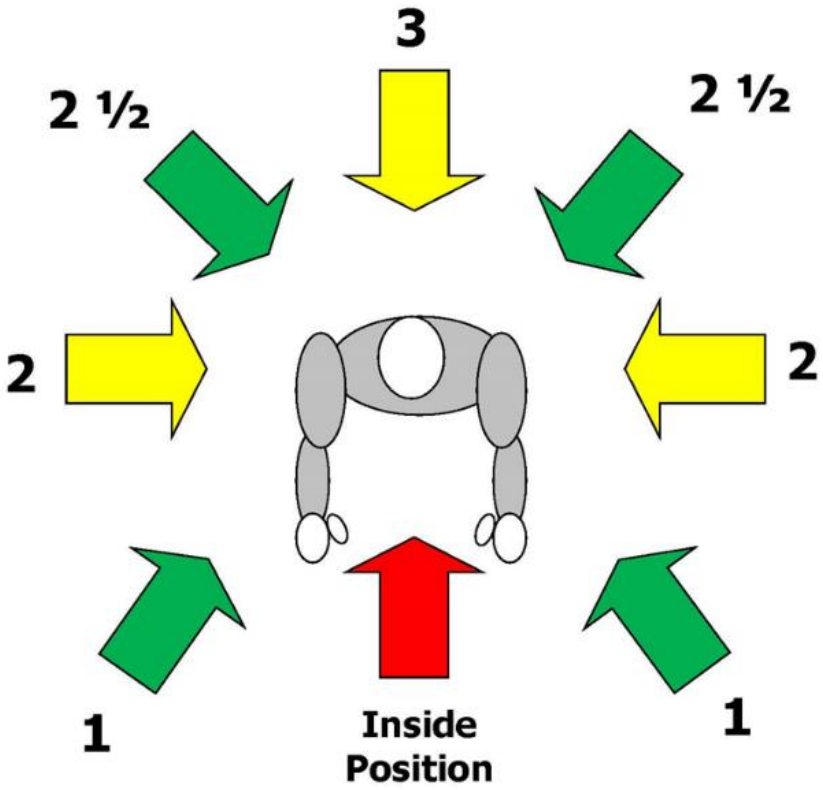


An effective officer stance provides balance and leverage:

- feet shoulder width apart
- knees bent slightly
- strong leg and hip away
- stand upright with back straight
- hands in front of body

Distance and Positioning

- Officer position, in relation to the individual is critical for safety, maintaining tactical advantage, and using force effectively.
- The amount of distance kept between the officer and the individual:
  - should be proportional to the officer reaction time.
  - will vary according to location, officer perceptions, and totality of circumstances.



When Command Presence is Not Enough

- Command presence, professionalism and respect will often allow officers to maintain the safety to a situation.
- When the safety of the public, officers, or the individual officers are dealing with are at risk, offices must be prepared to take action.

Contact Controls

- Contact controls are light touch tactics designed primarily to escort, guide or direct the individual.
- Contact controls may not be a use of force under 555 CMR 6.00. For example, an officer uses contact controls when taking someone into custody. If that person is cooperative with officers, this would not be considered a use of force.
- Contact controls include:
  - leverage,
  - strategic stabilization, and
  - direction, etc.

Compliance Techniques

- Compliance techniques are used to stop resistance and gain compliance.
  - Compliance techniques include:
  - non-weapon grabs, holds, pressure points and joint locks
  - non-deadly weapons (e.g., OC) or any combination.
- These techniques are used to stop the individual's resistance as quickly as possible.

Impact Techniques

- Impact techniques are used by officers to stop an aggressive or violent behavior.
- These techniques include both less-lethal weapons and weaponless tactics.
- As with any use of force, de-escalation tactics must be attempted and failed or not feasible prior to any use of force and the use of force must be reasonable and proportionate to the totality of the circumstances.

Non-Deadly Force v. Deadly Force

Non-Deadly Force	Deadly Force
any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another	physical force that can reasonably be expected to cause death or serious physical injury

Limitations on the Use of Deadly Force

A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm, and:

Limitations on the Use of Deadly Force (cont'd)

a) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;

b) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and

c) The officer uses only the amount of force that is objectively reasonable.

d) Where feasible based on the totality of the circumstances, officers shall verbally identify themselves as police officers and issue some warning before using deadly force. 555 CMR 6.05(1).

Limitations on the Use of Deadly Force (cont'd)

- *Tennessee v. Garner*, 471 US 1 (1985) court ruled that police may use deadly force to stop a fleeing suspect from escaping if:
  - the suspect threatens the officer with a weapon; OR there is probable cause to believe the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm; AND
  - deadly force is necessary to prevent escape; AND
  - where feasible, some warning was given.
- Serious bodily harm means bodily injury that results in:
  - ✓ Permanent disfigurement
  - ✓ Protracted loss or impairment of a bodily function, limb, or organ, or
  - ✓ A substantial risk of death

Prohibited Uses of Force

Chokeholds:

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

Discharging a Firearm into Motor Vehicles

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

Discharging a Firearm into Motor Vehicles (cont'd)

- A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, which includes moving out of the path of the vehicle;
- Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity while dismounted);
- The officer is not firing strictly to disable the vehicle; and
- The circumstances provide a high probability of stopping or striking the intended target.

Learning Objective 5

Define the “totality of the circumstances” and assess the relationship between the perceived circumstances, subject actions, and reasonable officer response.



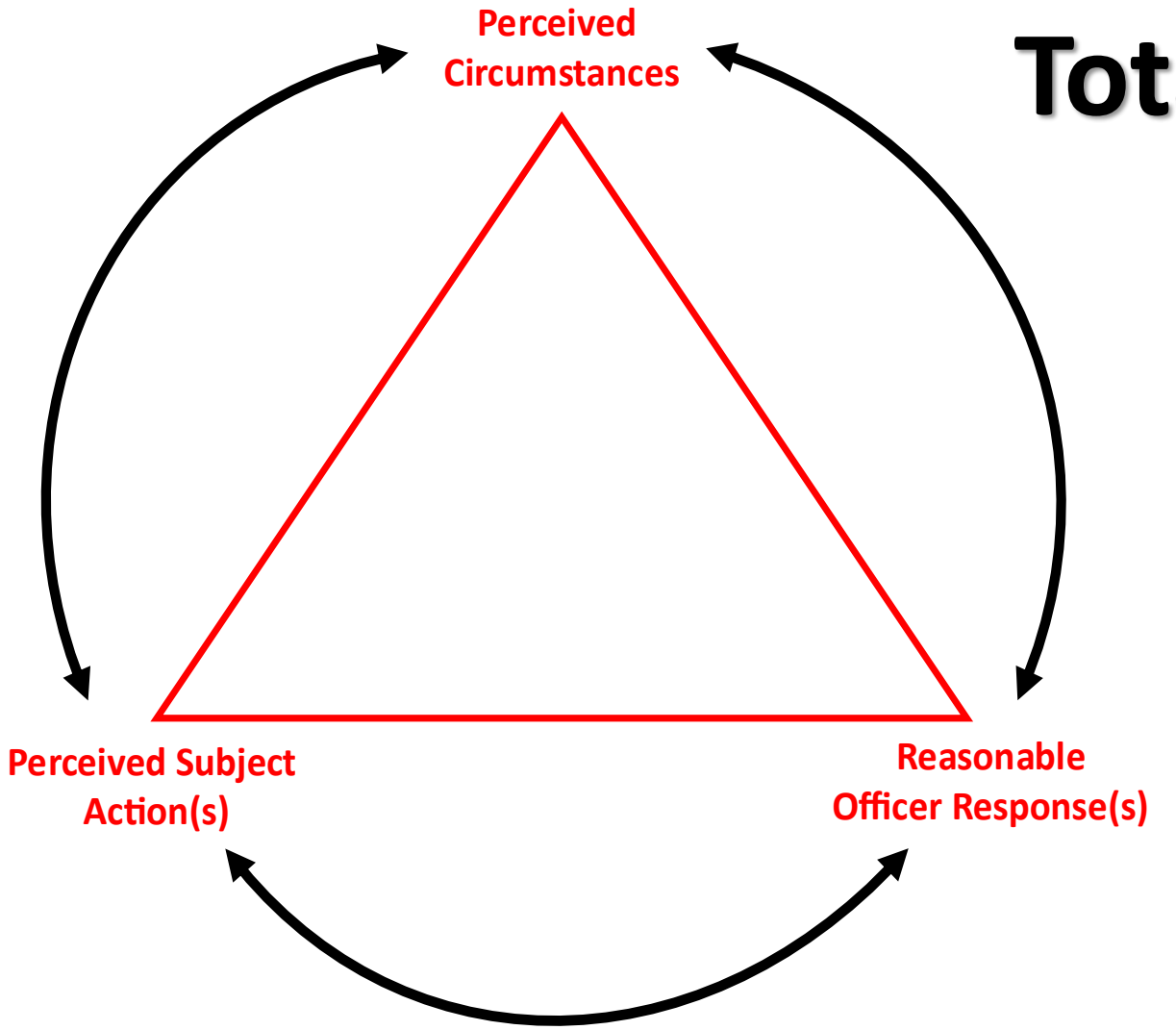
Totality of the Circumstances

- When determining whether a particular use of force is *objectively reasonable* courts will consider the *totality of circumstances* from the perspective of a reasonable officer on the scene.
- *Graham* set forth three factors the court should consider when making this determination:
  - What was the type and severity of crime involved in the stop or arrest?
  - Did the individual pose an immediate threat to officers or others?
  - Was the individual actively resisting arrest or attempting to escape custody by flight?

Totality Triangle

- The Totality Triangle depicts the three elements that must be considered in determining whether an application of force was objectively reasonable.
  - Perceived Circumstances
  - Perceived Subject Action(s)
  - Reasonable Officer Response(s)

Totality Triangle (cont'd)



Observe, Orient, Decide, Act (OODA Loop)

- The “OODA Loop,” also known as the “Boyd Cycle,” is the information processing cycle developed in the 1970s by John Boyd.
- It is a simple yet complex summation of how the human brain processes information and how humans react in turn:

1. OBSERVE

2. ORIENT

3. DECIDE

4. ACT

Perceived Circumstances

- Officers must look at each situation or the *totality of the circumstances* and continually assess, plan, and act.
- *Objective reasonableness* is not determined by any particular tactic or weapon used but rather by all surrounding circumstances that caused the officer to make the decision. This includes, but is not limited to the following factors:
  - Is the individual capable of carrying out the action or threat?
  - Is the individual in a position to use their capabilities? Is the threat posed by the individual *imminent*?
  - Did the individual show intent by overt act, word, or deed?

Officer Perception

- What one officer may perceive as a threat, another may not.
- The force used by an officer in response to a given situation, such as using a specific tactic or weapon (e.g., OC vs. punch) may be different from what another officer would have done.
- Differences in how one officer would perceive a situation and their tactic/weapon choice do not automatically mean the force used by one over another was unreasonable.

Location Factors

Location can impact officer perceptions and decisions. This includes, but is not limited to the following:

- Visibility (e.g., lighting; weather; etc.)
- Ground/floor surface (e.g., elevated, uneven, slippery, etc.)
- Distance between fixed or moving objects
- Availability of traditional or non-traditional weapons
- Presence of innocent third persons
- Back-up availability

Perceived Subject Actions

Perceived circumstances is just one piece of the totality of the circumstances that inform what a reasonable officer response will be to any given situation.

Subject vs. Suspect

One of the three Graham factors is the type and severity of the crime, but not every individual an officer encounters will be involved in criminal activity. 555 CMR 6.00 states that officers are allowed to use force in four instances:

1. effect the lawful arrest or detention of a person;
2. prevent the escape from custody;
3. prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
4. defend against an individual who initiates force against an officer.

Perceived Subject Actions

There are many factors that go into an officer's perception of the situation:

- individual's age, height and weight
- individual's strength, skill level
- individual's body language
- individual's communication
- weapon possession / use by individual
- officer's prior knowledge of individual (criminal history, mental health history, violence)
- individual's influence of alcohol/drugs; can diminish an individual's capacity to feel the pain needed for compliance.

Skill Level

- Individual's skill level as demonstrated or perceived by the officer.
- This includes but is not limited to the following:
  - — strength
  - — stamina
  - — performance

Body Language

- Some body language cues are unintentional physiological responses to stress.
- Potential pre-attack indicators could include, but are not limited to the following:
    - — Clenching
    - — Unusual sweating
    - — Target glancing
    - — Scanning
    - — Dressing-down
    - — Dressing-up
    - — Staring

Subject Communication

- Some individuals may also make statements that indicate imminent resistance.
  - Direct threats
  - Repeated phrases
  - Incoherent
  - Hate speech

Perceived Subject Actions

An individual's actions can be categorized into different categories:

—Compliant

—Passive Resistance

—Active Resistance

—Aggressive / Combative

Reasonable Officer Response

A reasonable officer response to any situation is informed by the totality of the circumstances which are based on the officer's perceived circumstances and perceived subject actions.

Officer Factors

To use force lawfully and effectively, officers must be physically and mentally prepared and use reasonable and proportionate force.

- Awareness (Self and Situational)
- Mental and Physical Readiness
- Confidence
- Use Back-up
- Disengage / Transition

Reassess

- During circumstances that are tense, uncertain, and rapidly evolving, officers must recognize their own limitations, and continuously re-evaluate the totality of circumstances.
- Re-evaluate the individual's behavior throughout the interaction. Be vigilant of any triggers that may escalate the individual's behavior.
- During the encounter, recognize when the individual is becoming compliant. As the situation evolves, so must your response to it.

Learning Objective 6

Explain officer requirements following a use of force: (a) render critical care, (b) duty to intervene, (c) report and reporting requirements.



After Force

1. Request an ambulance and render critical care as needed

2. Notify a supervisor

3. Debriefing

Use of Force Reports

- Your report must document the totality of the circumstances (perceived circumstances, subject actions, and your reasonable response).
- Write your report with enough detail and description so that the factfinder (judge or jury) will understand what happened.
- Reasonableness is based on facts, not conclusions. It is important to use specific facts in the report instead of subjective conclusions.

Required Reporting

- Agency requirements
  - Your agency has a policy that details when a use of force report must be filed
- Reporting required by the CMRs
  - In addition to the reporting requirements of your agency, the law requires reports be written in certain situations.
- Use of certain tactics for crowds
- When an officer witnesses another officer using excessive force

Duty to Intervene

An officer present and observing another officer using or attempting to use 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 observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual.

Video- Los Angeles Incident



Civil Liability

Officers who use excessive force violate a person's Fourth Amendment rights and are subject to various penalties, including:

- discipline by the officer's employing agency
- suspension or decertification by POST
- criminal charges.
- Civil liability. Officers can be sued by the individual under 42 U.S.C. § 1983 for the use of excessive force.

Use of Force Model

- Model was developed in the 1970's
- MPTC adopted the model used by the FLETC because at that time there was no caselaw
- *Tennessee v. Garner*, 471 U.S. 1 (1985) which established the fleeing felon rule was not decided until 1985 while *Graham v. Connor*, 490 U.S. 386 (1989) was not decided until four years later.
- Since these cases were decided, the model has been removed from various law enforcement agencies' training, in favor of training that focuses on caselaw and constitutional decision making.
- For all of these reasons, the use of force model is being phased out of MPTC curricula.
- We will no longer be teaching the model in the police academy or in any of our specialized lessons.