



## **Police Commissioner's Special Order**

Number: SO 20-28

Date: June 11, 2020

Post/Mention: Indefinite

### **SUBJECT: RULE 303A – USE OF LESS - LETHAL FORCE**

Rule 303A, Use of Less – Lethal Force, is hereby amended superseding all previous rules, special orders, memos and directives on this subject and is effective immediately.

Commanding Officers shall ensure that this order and the attached Rule are posted on Department bulletin boards.

William G. Gross  
Police Commissioner

**USE OF LESS - LETHAL FORCE**

**Statement on Use of Force:**

The Boston Police Department is committed to de-escalating incidents to negate the need for the use of force. When force is necessary the Boston Police Department is committed to using only the amount of force that is reasonably necessary to overcome the resistance offered. The Boston Police Department is equally committed to preventing unnecessary force, ensuring accountability and transparency, and building trust with our community. The Boston Police Department respects the inherent life, liberty, dignity, and worth of all individuals by preserving human life, and minimizing physical harm and the reliance on use of force.

**De-escalation:** Prior to using physical, non-deadly and/or deadly force, all Boston police officers, when possible and feasible, will use proper de-escalation techniques to decrease the likelihood that officers will need to utilize use of force, and to minimize the level of force required. This includes using effective communication techniques to engage with individuals who are not compliant with orders by establishing rapport, asking questions and providing advice to defuse conflict and achieve voluntary compliance before resorting to force options.

Where feasible, police officers will try to determine whether an individual's failure to comply with an order is the result of one the following factors:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis, or
- Other factors beyond the individual's control

When feasible, after evaluating whether the individual's failure to comply with an order is based on one of the factor's listed above, the police officer may then determine whether physical force, and what level of physical force, is necessary and appropriate to resolve the situation in a safe manner.

When feasible and safe, officers should give verbal warnings when use of force is going to be used. In some cases there may not be an opportunity to give verbal commands or warnings.

If the situation is not an arrestable offense, and the manner cannot be resolved safely, the officer may disengage.

See **Special Order 20-2 Street Outreach Unit and Referral Procedures**. The Street Outreach Unit is a resource available to support all officers when dealing with individuals suffering from substance use disorder, mental health and/or homelessness.

**Duty to Intervene:** Police officers are reminded of Rule 113 Public Integrity Policy, Sec. 5 Canon of Ethics, Number Nine.

**Canon Nine: Police officers shall use only that amount of force reasonably necessary to achieve their lawful purpose. Excessive or unauthorized force is never justified and every officer not only has an affirmative duty to intervene to prevent such violence, but also to report any such instances that may come to their attention.**

This rule is issued to establish guidelines for the use of less-lethal force by members of this Department in the performance of their duties, and to establish appropriate training, reporting, and documentation for such use of force.

Sec. 1 DEFINITIONS:

1.1 Less-Lethal Force Philosophy is a concept of planning and force application that meets operational objectives, with less potential for causing death or serious physical injury than the use of deadly force.

1.2 Reasonableness is moderate and/or fair action within reason, suitable to the confrontation.

1.3 Super Sock Round, also known as a flexible projectile, is fired through a 12 gauge shotgun.

Sec. 2 GENERAL CONSIDERATIONS:

The Department has adopted the less-lethal force philosophy to assist in the de-escalation of potentially violent situations. The less-lethal force philosophy shall not preclude the use of deadly force.

Sec. 3 TRAINING AND QUALIFICATION:

Training shall consist of Department approved training and qualification program in the use of a 12 gauge shotgun. Supervisors and personnel assigned to the Special Operations SWAT Team, shall be trained and qualify two times per year in the proper use of a less lethal shotgun. Supervisors and personnel assigned to the Special Operations SWAT Team trained in the use of this weapon will be held accountable for proficiency as well as compliance with Department policy in the use of such weapon.

Sec. 4 SECURING OF LESS LETHAL SHOTGUN AND AMMUNITION:

Each less lethal shotgun shall be stored in a District gun locker in a safe condition (i.e. safety on, action open, chamber and magazine empty). Flexible projectile rounds shall be stored and secured along with the weapon in the District gun locker. The less lethal shotgun will have an orange colored stock. The words "less lethal" will be noted on the stock to identify that the less lethal shotgun is used strictly for flexible projectile rounds. Every Thursday the day tour Duty Supervisor shall perform a visual inspection to verify that the shotgun is stored in a safe

condition, as well as insure that the requisite number of flexible projectile rounds are accounted for. This information shall be recorded in a District Control Log.

During the Patrol Supervisor's tour of duty, the less lethal shotgun shall be loaded with four flexible projectile rounds in the magazine, with an empty chamber, with safety lock on, and secured in the locking device located in the trunk of the Patrol Supervisor's vehicle.

SWAT Team personnel shall secure, inspect, issue and transport the less lethal shotgun according to protocol established by the commander of the Special Operations Division. The SWAT armory and tactical car vaults will be utilized for secure storage as appropriate.

#### Sec. 5 AUTHORIZATION AND USE OF LESS LETHAL WEAPONS:

Only supervisors and SWAT Team personnel who have completed the Department training and qualification program shall be authorized to use a 12 gauge less lethal shotgun.

If the possibility of the use of less lethal force is determined to be an option the Patrol Supervisor shall be notified and respond to the scene. If the possibility of the use of less lethal force is determined to be a reasonable option by the Patrol Supervisor, then the Patrol Supervisor shall notify the Boston Emergency Medical Services to respond. Before each and every round is discharged, the Patrol Supervisor shall announce in a loud and clear voice the word "BEANBAG."

SWAT Team personnel shall deploy the less lethal weapons in accordance with their training and/or at the direction of SWAT Team supervisor(s). Where feasible, SWAT team personnel shall notify the Boston Emergency Medical Services to respond and before each and every round is discharged, the SWAT team personnel shall announce in a loud and clear voice the word "BEANBAG."

The Patrol Supervisor shall designate an on-scene officer to provide lethal force coverage and, if deemed appropriate shall designate two or more officers for suspect take down.

Upon discharge of the shotgun the District Commander and Duty Supervisor shall be notified. Suspects who are struck by a flexible projectile round shall be transported to a medical facility for examination.

#### Sec. 6 REPORTING AND INVESTIGATION:

Any discharge of a less lethal shotgun other than training shall be investigated pursuant to Rule 303.

William G. Gross  
Police Commissioner