

**Police Commissioner's Special Order****Number:** SO 25-10**Date:** 3/7/25**Post/Mention:** Indefinite**SUBJECT: RULE 304B, USE OF LESS LETHAL FORCE – CONDUCTED ENERGY DEVICE (TASER)—REVISED**

Rule 304B, Use of Less Lethal Force – Conducted Energy Device (Taser), is hereby amended and reissued with a new number (304B, previously 303B) superseding all previous rules, special orders, memos and directives on this subject.

The purpose of renumbering this rule into the 304 series is to accurately categorize the less lethal type of use of force this rule covers.

These changes are being made to the rule to expand the use of these devices beyond the Special Operations Division as an additional less lethal tool for officers in the field to use in the Department's overall approach to preventing unnecessary use of force and maximizing de-escalation efforts.

Specifically:

- Statement on Use of Force: last paragraph before Duty to Intervene
- Section 2 Definitions: 2.1 Conducted Energy Device
- Section 3.1 Training Program, bullet #2
- Section 3.2 Training Frequency
- Section 3.5 Training Monitoring/Compliance
- Section 5 Authorization, Use and Storage of CED
- Section 6.1 Testing Prior to CED Use, first bullet removed, remainder renumbered
- Section 7.2 Permitted Use – bullet #2
- Section 8.4 Restricted Target Area
- Section 9.2 Vulnerable Subjects
- Section 12.2 EMS Probe Evaluation
- Section 13 Post Deployment Investigations and Responsibilities: Investigation of Use of Force – replacing in its entirety 13.1 Investigation of CEW Deployment. Note: last sentence in the second paragraph is from the prior Section 13.
 - Investigation of this less lethal use of force is no longer completed by the FDIT, it is investigated in the same manner as Rule 304.
- Section 14 Evidence Collection
- Section 14.1 CED Data Download
- Section 15 Taser Control Manager Designation, bullet #1, #3, deletion of #4, renumbered last bullet

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

Michael A. Cox
Police Commissioner

USE OF LESS LETHAL FORCE – CONDUCTED ENERGY DEVICE (TASER)

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.

Pursuant to An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth (Chapter 253 of the Acts of 2020) Section 30 (14) (a,b,c):

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

- Effect the lawful arrest or detention of a person;
- Prevent the escape from custody of a person; or
- Prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm:
 - Provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the POST Commission and the municipal police training committee (and taught at the Boston Police Academy).

b. 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.

c. A law enforcement officer shall not use a chokehold. 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.”

The Boston Police Department is committed to de-escalation tactics pursuant to MGL Chapter 6E Section 1:

“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.

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

Officers have the discretion to make reasonable, good-faith decisions to disengage a subject if, based upon the totality of the circumstances, the officer believes disengaging is necessary to ensure the safety of the subject, officers, other first responders, or other members of the public.

Duty to Intervene:

1. Police officers are reminded of Rule 113 Public Integrity Policy, Sec. 5 Cannon of Ethics, Number Nine; and

2. An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth (Chapter 253 of the Acts of 2020) Section 30 (15) (a,b):

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 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 uniform protocols. The officer's written statement shall be included in the supervisor's report."

Sec. 1 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. 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.

Sec. 2 DEFINITIONS

Sec. 2.1 Conducted Energy Devices (CED). 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

Sec. 2.2 Taser Control Manager: A Taser instructor appointed to administer the Taser program.

Sec. 3 TRAINING AND QUALIFICATION

Sec. 3.1. Training Program. Training on CED shall:

1. Be approved by the Police Commissioner;
2. Be consistent with all applicable state laws, Code of Massachusetts Regulations, and manufacturer recommendations;
3. Be consistent with the Massachusetts Municipal Police Training Committee (MPTC) curriculum;
4. Be consistent with the Department Use of Force Policy, Less Lethal Force Philosophy; and
5. Adopt the lesson plan established by Axon for use of the Axon brand CED. If Axon releases a new training module or other instruction, all officers shall receive the updated training by a certified instructor.

Sec. 3.2. Training Frequency. Officers selected to be authorized to carry and use a CED shall receive initial and annual training that meets or exceeds the approved training standards of a training program certified by the Massachusetts Municipal Police Training Committee.

Sec. 3.3. Taser Instructor Training. Instructors must have completed the Axon instructor certification program and must be certified by the MPTC. Instructors shall ensure that their certification is current prior to providing any course of instruction.

Sec. 3.4. Failure to attend annual training. Any Officer who fails to attend and satisfactorily complete annual training for CEDs, shall not carry or use a CED until completion of the required course of instruction. Personnel trained in the use of this weapon will be held accountable for proficiency and trained in compliance with Department policy and Massachusetts Law in the use of such weapon.

Sec. 3.5. Training Monitoring / Compliance. The Training and Education Division/Bureau of Professional Development shall track certification of officers in order to ensure that there are no lapses in certification and will advise the respective commands and the Bureau of Field Services (BFS) when officers are out of compliance.

Sec. 4 ISSUANCE OF CED

Only Boston Police Officers who have been designated by their immediate command, and approved by the Commissioner may be authorized to carry or use a CED.

Sec. 5 AUTHORIZATION, USE, AND STORAGE OF CED

Only trained and certified supervisors and police officers shall be authorized to carry and use a CED while acting in the discharge of his / her official duties. M.G.L. c. 140 §131J. If not carried or under the control of the owner or lawfully authorized user, the CED shall be secured in a locked container in accordance with Massachusetts General Law c. 140 §131L.

Sec. 6 TESTING AND CARRYING CED

Sec. 6.1. Testing Prior to CED Use: A function check should be conducted as follows prior to any shift or operation during which the CED will be carried:

1. Remove CED from holster and point in a safe direction;
2. A fully automated self-test will run on the device by the operator pressing down and holding the selector switch until the icon in the center of the Central

Information Display (CID) completes its circle. Then, the side rail lights and CID illuminates blue in color, and the CID displays the test icon and weapon firmware version.

3. The operator will then move the selector switch to the On (ARMED) position.
4. Upon completion of the test, the icon will change to reflect the test results indicating either a pass (green check mark) or error condition (red x).
5. Upon completion of the test, the operator will move the selector switch down into the Off (SAFE) position.

(WARNING – A probe will be deployed if the trigger is pulled any time the weapon is armed)

Sec. 6.2. CED Failure / Malfunction: If the CED CID display screen shows an error condition (red X), it shall be turned into the CED control manager or armorer for repair or replacement.

Sec. 6.3. CED Carrying Protocol: The CED will be carried in an approved, issued holster on the support/weak side (opposite the firearm side) of the body. The CED shall be carried fully armed in preparation for immediate use. The CED will be pointed in a safe direction (typically toward the ground) with the safety engaged during loading, unloading, or when handled in any circumstance other than an operational deployment or authorized testing or training. Officers shall safeguard CEDs to the same extent as firearms to prevent unauthorized access.

Sec. 7 OPERATIONAL DEPLOYMENT, LEVELS OF DEPLOYMENT MODES

Sec. 7.1. CED Deployment: The deployment of the CED reference the Use of Force Model currently in use by the Boston Police Department

1. Power on CED- the CED is turned on activating the light green laser. Note that turning on the CED, by itself, is not considered a use of force.
2. Warning Alert- Press up and hold = one alert pre deployment, when activated, it will produce:
 - Up to 1000 lumens of pulsing light specifically focused on target.
 - A very loud alert sound to serve as an auditory warning of the potential use if no behavior change.
3. Full Deployment-
 - First trigger pull deploys a single probe without electrical output.
 - Second trigger pull deploys the second probe.
 - If a connection is established between two or more probes, an electrical output will begin for 5 seconds, and an audible connection alert tone will begin.
 - Subsequent trigger pulls will deploy one probe per trigger pull (probes 3-10).
 - Shift the selector switch down (SAFE) to stop the electrical discharge (e.g., if accidentally discharged).
 - After a minimum of 2 probes are deployed from the cartridge and hit the suspect, sending electrical energy typically sufficient to cause Neuromuscular Incapacitation (NMI). A full deployment is an impact technique and may be used on a suspect whom the officer perceives as engaging in “assaultive, bodily harm,” which may include a suspect preparing to assault, currently assaulting, or who has assaulted an officer or another person. A full deployment is comparable to the use of the baton in the use of force model (perceived assaultive subject actions with potential and/or perceived harmful threat).

4. **Lethal Deployment**- Intentionally firing the CED at the head or neck is a lethal force countermeasure in response to a lethal threat. CEDs are not a substitute for lethal force. Officers are not expected to respond to a lethal threat with a CED. A CED should only be used in response to a lethal force threat under exigent circumstances (perceived assaultive subject actions with potential for bodily harm or death and/or a perceived lethal threat).

Sec. 7.2. Permitted Uses:

Qualified and authorized supervisors and officers are permitted to use a CED in a variety of circumstances, consistent with the officer's training. Each situation is subject to variables that will require the consideration of applicable rules, in conjunction with training and experience as part of a process of applying the best judgment under the circumstances.

1. To incapacitate a person who poses an immediate threat of physical injury to himself or others. This may or may not involve an emotionally disturbed person and may or may not involve the physical possession of a weapon by the subject.
2. When an officer is engaged in a physical confrontation with a combative individual or reasonably believes one is imminent.
3. Against aggressive animals posing a threat of physical injury to the Officers or others.
4. To display the CED laser and “warning alert” in an attempt to gain compliance of a subject who is actively resisting, assaultive and/or from whom the officer reasonably anticipates violence.
5. During authorized training and related events.

Sec. 7.3. Lethal Force Situation. When an officer deploys a CED under conditions where there is a possibility that the encounter could rapidly become a lethal force situation, a second officer should be designated as “lethal cover,” and should be appropriately armed and positioned to employ deadly force if required.

Sec. 8 DEPLOYMENT OF CED

Sec. 8.1. Instances of Deployment. Deployment of a CED includes any time it is removed from the holster, the safety is turned off and:

1. The trigger is squeezed and full probe deployment occurs; or
2. Any accidental deployment occurs (not including inspecting and testing).

Sec. 8.2. Verbal Warning Prior to Deployment. If tactically safe and feasible, the deploying officer shall issue a verbal warning prior to full deployment. The officer may then use the CED in a manner consistent with his/her training until the subject is subdued or secured.

Sec. 8.3. Duration of Deployment. A full five second cycle should be applied without interruption unless circumstances dictate otherwise. During this cycle officers should take the opportunity to control, handcuff or otherwise contain the suspect as quickly as possible. Subsequent cycles may be necessary if the suspect remains a threat and no behavior change has been observed during assessing the suspect. Officers should be aware that a suspect may not be able to respond to commands during or immediately after exposure to a CED cycle. A CED deployment should not exceed 15 seconds (3 cycles of 5 seconds each) and the fewest number of CED cycles should be used to accomplish the objective unless a reasonably perceived immediate threat and justification is needed for further deployments.

Sec. 8.4. Restricted Target Areas. Officers shall not intentionally aim at the head or neck unless the encounter justifies a lethal force response and exigent circumstances preclude standard lethal force options.

Sec. 9 RESTRICTED USE AND SUSCEPTIBLE POPULATIONS

Sec. 9.1. Restricted Uses. Officers shall not use a CED:

1. In an environment where the incapacitation of the suspect is reasonably likely to result in death or serious injury to the suspect or others;
2. By intentionally aiming the laser light at a person's eyes; or
3. On persons who are handcuffed unless there are significant extenuating circumstances and the suspect cannot be controlled by other means;

Sec. 9.2. Vulnerable Subjects. Officers should remain aware of the greater potential for injury when using a CED on certain categories of people. CEDs should not be used on the following people unless they pose an imminent threat of serious bodily harm to themselves or others:

1. Children;
2. The elderly;
3. Women believed to be pregnant based on information received;
4. Individuals believed to be equipped with a pacemaker or have other serious health conditions based on information received.

Sec. 9.3. Restricted Circumstances. Unless lethal force is justified, officers are prohibited from deploying a CED on a person in the following circumstances:

1. Where a person is susceptible to severe falls;
2. When a person is driving a motor vehicle;
3. When a person is riding bicycle;
4. When a person is in or adjacent to a body of water;
5. When a person is climbing or jumping to or from a fence, wall or other elevated structure; or
6. When a person is in an environment where combustible material (flammable liquid, gasoline, propane etc.) is present and in close proximity to the person.

Sec. 10 DEPLOYMENT OF A CED ON AGGRESSIVE ANIMALS

A CED can be effective on aggressive animals when necessary to protect officers, other persons, or other animals from the actions of an aggressive animal. The CED deployment will depend upon the circumstances, and shall be documented as a CED deployment. Officers who deploy a CED on an aggressive animal should consider how to control the animal as the incapacitating effect of the CED dissipates.

Sec. 11 MEDICAL EVALUATION

Boston EMS shall be called to evaluate the subject of a full deployment. The evaluation may occur on scene or at the district station if there is no obvious medical distress on scene, and evaluation at the station is not likely to delay the medical evaluation significantly. EMS personnel will be advised of the nature of the force used during the event, including the number of CED cycles, the duration and if more than one CED was used or if a barb may be broken with a portion remaining under the subject's skin. Due to potential medical issues post-deployment monitoring is crucial. EMS shall be requested immediately if one or more of the following conditions exist

1. Disorientation;
2. Hallucinations/delusions;
3. Intense paranoia;
4. Violent or bizarre behavior;
5. Elevated body temperature or diminished sensitivity to pain;
6. A CED was used on a person classified as “vulnerable” in Sec 9.2;
7. More than one CED was used on a person; or
8. The person was exposed to three or more cycles or 15 seconds or longer continuous exposure to a CED.

Sec. 12 PROBE REMOVAL

Sec. 12.1. Officer Probe Removal. Probes may be removed after the subject is restrained and secured. Officers shall protect themselves and others from exposure to blood and shall not attempt to remove probes from an uncooperative subject. Probes shall be removed in accordance with training and with due consideration for universal precautions for biohazards, including securing the probes in an appropriate container.

Sec. 12.2. EMS Probe Evaluation. Officers shall not remove probes from the head, neck, groin, or female breasts. Officers will not attempt removal of probes that are deeply imbedded, or from persons who are combative, or where it appears the tip of the barded probe broke and remains under the skin. EMS shall be requested for a medical evaluation of the probes and to make a determination or referral for removal of the probes by a medical professional in the above-referenced circumstances.

Sec. 13 POST DEPLOYMENT INVESTIGATION AND RESPONSIBILITIES.

INVESTIGATION OF USE OF FORCE: This Department will thoroughly investigate every incident in which an officer deploys a Conducted Electrical Device (CED) not as a part of a training exercise.

All such CED deployments shall be immediately reported verbally to the involved member's patrol supervisor. By the end of the tour of duty, an officer who has deployed a CED shall make out a written report describing the incident including the names of the officer and other persons concerned, the circumstances under which such CED was deployed, the nature of any injury inflicted and the care given afterwards to the injured party. Failure to cooperate with the investigation shall be grounds for disciplinary action. The foregoing does not prevent an officer from exercising their constitutionally protected rights to remain silent or to speak with legal counsel.

Upon receipt of verbal notification, the Patrol Supervisor shall respond to the scene and make an initial assessment of the incident. During this assessment if the officer(s) involved are assigned to and working in a capacity for a Division/Unit out of the chain of command of the Patrol Supervisor, the Patrol Supervisor shall make contact with a supervisor from that Division/Unit if available and request he/she respond to the scene. The investigation of the incident shall then be the responsibility of that Division/Unit supervisor. Prior to the end of the tour of duty the Patrol/Unit Supervisor shall conduct a complete investigation on the use of such non-lethal force and submit a report to the Commanding Officer of the District or Unit where the officer(s) is assigned. Such report shall include the Supervisor's findings and recommendations based upon the assessment of facts known, as to the justification for the use of force. A complete Supervisor's investigation shall consist of the following, where applicable:

1. Supervisor's investigative report;
2. A copy of the incident report;
3. Reports from the officer(s) alleged to have deployed the CED
4. Reports from all Department personnel that were present;
5. Reports on all interviews of civilian witnesses to the incident.
6. Use of Force Tracking Form (0027-BFS-0123), with above information attached.
7. Available video of the use of force incident, including but not limited to Body Worn Camera footage.

At the discretion of the involved member's Commanding Officer, further investigation of the incident may be undertaken. Once all the facts have been compiled and substantiated, the Commanding Officer shall submit a report of the incident through the chain of command to the Office of the Police Commissioner within ten (10) days.

Once the Police Commissioner indicates that the report and the associated investigation is satisfactory, copies of every such report shall be forwarded to the Bureau of Professional Standards, and the Training and Education Division. The Bureau of Professional Standards shall maintain a comprehensive file of all use of force reports. Further, the Bureau of Professional Standards, acting on its own authority may, or at the request of the Police Commissioner shall, investigate all incidents involving the use of less-lethal force that, based on the information at hand, indicate non-compliance with Department policy.

The Bureau of Professional Standards shall forward the results of all investigations undertaken to the Police Commissioner, who may accept it and act upon its recommendations, in total or in part, or return the report with a request for further information or clarification. In every case, the authority and responsibility for final departmental disposition of a Use of Less-Lethal Force incident rests solely with the Police Commissioner.

Sec. 14 EVIDENCE COLLECTION

The probes shall be handled as appropriate for a biohazard to safeguard against any contamination by bodily fluids, while preserving evidence if necessary. If there is no evidentiary value, the probes and cartridges may be disposed in the appropriate fashion

Sec. 14.1. CED Data Download. The patrol supervisor shall ensure The CED data is downloaded prior to the end of the tour of duty.

Sec 15. TASER CONTROL MANAGER DESIGNATION. The Police Commissioner shall designate a Taser Control Manager who shall:

1. Coordinate with the Bureau of Field Services, or Boston Police Academy Staff, to ensure basic certification, annual training, and recertification training, as well as maintenance of accurate records and notification of commanders of officers whose certifications are approaching expiration;
2. Receive, inspect and audit CEDs, and account for their issuance to authorized personnel and oversee maintenance of department CEDs and related equipment;
3. Develop and maintain a system to comply with all reporting requirements of all applicable Massachusetts General Laws and Code of Massachusetts Regulations.

4. Monitor the overall CED program to ensure compliance with all requirements of the Executive Office of Public Safety and Security, the Massachusetts Municipal Police Training Committee and Axon.

Michael A. Cox
Police Commissioner