

~~103 CMR:~~
COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 CMR 505.00:_____

USE OF FORCE

~~Section~~

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505.01:- Purpose_____

—The purpose of 103 CMR 505.00 is to establish principles and rules ~~and procedures~~, governing the

use of force by Department of Correction (Department or DOC) employees.

505.02:- Cancellation

—103 CMR 505.00 cancels all previous Department policy statements, bulletins, directives, orders, notices, or regulations on the use of force, to the extent they are inconsistent with 103 CMR 505.00.

505.03:- Applicability

—103 CMR 505.00 is applicable to all employees of the Department, provided, and all Department institutions; however, ~~that~~ 103 CMR 505.00 shall not apply ~~when instruments of restraint are applied to inmates that have been admitted or committed to the Bridgewater State Hospital under the provisions of M.G.L. c.123. It shall apply when instruments of restraint are applied to those inmates who have been placed at (BSH) or the Bridgewater State Hospital via the classification process for the purpose of assignment to the permanent inmate workforce. Provided, further, that 103 CMR 505.00 shall not apply to employees of the Department when restraints are applied to inmates housed at the Lemuel Shattuck Hospital.~~ Massachusetts Alcohol and Substance Abuse Center (MASAC).

505.04:- Access to ~~Regulations~~ Regulation

—~~Copies of~~ 103 CMR 505.00 shall be ~~posted and maintained in prominent places within the Central Policy File of the Department and shall be~~ accessible to all Department employees ~~and inmates~~. A copy of 103 CMR 505.00 shall also be maintained in each Superintendent's Central Policy File and at each inmate library and shall be accessible to all inmates.

505.05: Responsible Staff For Implementing And Monitoring Regulation

Commissioner
Deputy Commissioners
Assistant Deputy Commissioners
Superintendents
Division Heads

505.06 ~~given to each employee at the time of initial orientation. A copy:~~ Effective Date

103 CMR 505.00 shall be kept on file in the institution's central policy file, inmate law library, and effective upon publication in the Central Office policy file. Massachusetts Register.

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505.05-07: Definitions

Administrative Review: Review of use of force matters submitted to the Director of Operational Services, or another designated individual, as determined by the Commissioner.

Ammunition: The projectile(s), along with the casing and primer that can be fired from a firearm.

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Business Hours: Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays.

Cell/Area Extraction: A pre-planned, organized process for gaining cell/area entry to remove disruptive or non-compliant inmate(s) utilizing physical force.

Cell/Area Extraction Team: A team of staff members who have been trained in Cell/Area Extractions. If necessitated by the number of inmates in a cell or area, the Shift Commander may increase the number of staff members necessary for the team.

Chemical Agents: Device or instrument that contains or emits a liquid, powder, or any other substance designed to incapacitate. This includes chemical compound designed to incapacitate. This includes secure inmate compliance with orders, that may cause tearing of the eyes, and involuntary eye closure.

Chief of the Office of Investigative Services: A senior level manager who reports to the Assistant Deputy Commissioner of Field Services, and whose duties include, but is/are not limited to, the management of the Office of Investigative Services.

Chief of the Professional Standards Unit: A senior level manager under the direction of the Commissioner whose duties include, but are not limited to, the management of the Professional Standards Unit.

Chlorobenzylidene Malononitrile (CS): A chemical agent commonly referred to as “tear gas cartridges and self-contained sprays” which is designed to be an irritant agent that can be deployed in several forms, including but not limited to canisters and aerosols.

Commissioner: The Commissioner of the Massachusetts Department of Correction.

Contraindication: A documented medical condition which may present an unreasonable hazard to the health or safety of an inmate if chemical agents are used.

Debriefing: A discussion facilitated by the Shift Commander after a use of force focused on gaining understanding and insight regarding specific actions taken during the use of force.

De-Escalation: Use of proactive tactics, communication skills, and other interventions with the

goals of achieving voluntary compliance and the reduction or elimination of the need to use force. De-Escalation techniques may include verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, creating distance between a correction officer and a threat, and requesting additional resources to resolve a situation.

Department: The Massachusetts Department of Correction.

Department Duty Officer Station: Designated site that assists the processing of information for the Duty Officer System.

Deputy Commissioner of Administrative Services: One of three Department ~~Deputy Commissioners~~ whose duties include, but are not limited to the management of the Special Operations Division. For the purposes of 103 CMR 505.000, the Deputy Commissioner acts as the Tactical Operations Commander and is in the chain of command during the review process of all tactical uses of force.

Deputy Commissioner of the Prison Division: ~~One of three Deputy Commissioners of the Department of Correction.~~ The Deputy Commissioner is in charge of all facility operations as well as the Central Transportation Unit, Inmate Disciplinary Unit, Office of Investigative Services and executive staff person who reports to the

Commissioner, and whose duties include, but are not limited to, the management of: Assistant Deputy Commissioner(s) of the Prison Rape Elimination Act (PREA) and Field Services Divisions.

Director, ~~Special Operations Division,~~ of Operational Services: The Department staff person responsible for the daily operations ~~of the Special Operations Division of the Department of Correction.~~

Director, Health Services: The staff person charged with the administration of the Health Services Division of the Department of Correction.

of the Special Operations Division and Inmate Transportation/Vehicle Maintenance Unit.

Division Head: The administrative head of each of the following units:

- (a) The Office of Investigative Services;
- (b) The Division of Staff Development;
- (c) The Inmate Transportation/Vehicle Maintenance Unit;
- (d) The Special Operations Division;
- (e) The Central Inmate Disciplinary Unit; and
- (f) The Community Work Crew Division.

Division of Staff Development: The office, under the Deputy Commissioner of Career and Professional Development, responsible for employee training.

Duty to Intervene: An employee's responsibility to intervene to the extent possible when they reasonably believe they are observing another staff member using excessive force. Employees shall intervene to the extent possible, based upon the totality of circumstances, to stop the use of excessive force.

Electronic Control Devices (ECD): A device that uses electricity to override voluntary motor responses or applies pain in order to gain compliance or overcome resistance. ECDs are designed

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to incapacitate without causing serious physical injury or death.

Emergency-: Any situation where the failure of an individual to take immediate action would place that individual or another at imminent risk of death or serious bodily injury.

Employee-: An employee/staff member of the Department of Correction. For the purposes of 103 CMR 505.00 only, employee shall also refer to individuals paid for services performed within a correctional institution for or through a contracted service or agency.

Excessive Force-: Force applied that exceeds objectively reasonable force, or force which was reasonable and/or proportionate at the time its use began but was then used beyond the need for its application.

Exigent Circumstances: Circumstances that create an unacceptable risk to the safety of any person.

Firearm-: A pistol, revolver, or other weapon of any description, loaded or unloaded, from which ammunition can be fired. Electronic Controlled Devices, Pepper Ball and Specialty Impact Munitions are explicitly excluded from this definition.

Force-: The use/imposition of one's physical power. ~~The use of a weapon, a chemical agent, specialty impact device or instrument of restraint will upon another person~~ to compel, restrain, protect, impede or otherwise subdue a person.

~~Four- Point Restraint—Any combination of instruments of restraint such that the four limbs of an inmate are restrained at any one time, in any manner, to a fixed object.~~

Joint Triage Committee (JTC): A Committee consisting of the following individuals or their designee: Chief of Staff, Chief of the PSU, Director of the Policy Development and Compliance Unit (PDCU), Director of the Division of Staff Development (DSD), Director of Operational Services, and the responsible Assistant Deputy Commissioner (for the purpose of the JTC, only an ADC or higher may be considered as an ADC's designee).

Impartial Staff Member: Preferably a staff member trained in crisis intervention and de-escalation techniques; however, may be any staff member who is not immediately involved in the use of force who engages an inmate in de-escalation/dialogue in an attempt to gain voluntary compliance and avoid the use of force.

Inmate: For the purposes of 103 CMR 505.00 only, an individual confined at or committed to a correctional institution, excluding patients admitted to the Bridgewater State Hospital and the Massachusetts Alcohol and Substance Abuse Center.

Institution Duty Officer-: ~~The:~~ A rotating staff person assigned the specific duties as institution duty officer by the superintendent. Superintendent, usually assigned for a two-week period.

Instruments of Restraint-: Equipment authorized for use to prevent escape, during the transportation of inmates to prevent escape, or to prevent injury to self, others, or property. Instruments of restraint ~~Restraint~~ shall include, but not be limited to: handcuffs, waist chains, leg restraints, soft restraints, flexible restraints, or any other device or equipment authorized by the

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Commissioner.

K-9 Unit: A unit consisting of canines and a K-9 Handler. Canines as used in this CMR, does not include any canine that is used for programming and/or therapy purposes.

Medical Director: Physician designated by the Contractual Medical Provider ~~as responsible~~ with supervisory authority for health services and medical judgments at each Department institution.

~~505.05: continued~~

Objectively Reasonable: For the purpose of 103 CMR 505.00, objectively reasonable is the review standard applied to each use of force. This means that, the force is reasonable and proportionate given the totality of the circumstances. In determining the necessity for and appropriate level of force, reviewers shall evaluate each situation in light of the known circumstances to the staff member using force, including, but not limited to, the seriousness of the infraction, the level of threat or resistance presented by the inmate, and the danger to staff members, inmate and/or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable staff member on scene. Determining reasonableness of force must allow for the fact that staff members are forced to make split second judgments in circumstances that are tense, uncertain, and rapidly evolving.

Office of Investigative Services~~/Apprehension Unit. The unit of~~ (OIS): The office, under the Office of the Deputy Commissioner of Field Services Division, which provides centralized investigative support and services throughout the Department ~~of Correction that conducts investigations.~~

Officer in Charge: Ranking staff member who assumes control and supervisory responsibilities of all staff at a scene. If no supervisor is present, the correction officer with the most seniority shall be designated as the Officer in Charge.

Oleoresin Capsicum (OC): OC is a natural, oily resin derived from capsicums and designed to be an inflammatory agent that can be deployed in several forms, including but not limited to canisters, aerosols, and projectiles. OC is designed to cause tearing of the eyes, and involuntary eye closure

Planned Use of Force: A planned use of force is the extraction of an inmate from a cell, exercise yard, or other area where the inmate presents no immediate threat to staff.

Professional Standards Unit: The investigative unit under the direction of the Deputy Commissioner of the Prison Division, and which is responsible for the apprehension investigating allegations of staff misconduct.

Qualified Mental Health Professional: Treatment providers who are psychiatrists, psychologists, psychiatric social workers, psychiatric nurses, and others who by virtue of ~~escaped~~ their education, credentials and experience are permitted by law to evaluate and care for the mental health needs of inmates.

Reasonable Force. The use of physical power, a weapon, a chemical agent, specialty impact device, or instrument of restraint applying the least amount of force necessary in a manner to carry out the actions listed in 505.07(2) (a) through (j).

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Qualified Healthcare Professional: Professionals include physicians, advanced practitioners, nurses, dentists, and others who by virtue of their education, credentials, and experience are permitted by law to evaluate and care for inmates.

Reasonable Force: The amount of force that is proportionate to subdue an attacker, protect another person, overcome resistance, effect custody, or gain compliance with a lawful order, given the totality of the circumstances as experienced by an objective, trained, and competent correctional employee, faced with particular facts and circumstances.

Serious Bodily Injury: Any injury which creates a substantial risk of death or any injury which is likely to cause serious permanent disfigurement, or the loss or extended impairment of any limb, organ, or other part of the body.

Shift Commander: The staff member responsible for the supervision of all security staff during a given tour of duty, ensuring that ~~said~~ staff maintain the safety and security of the institution, and provide for the care and custody of all inmates housed within the institution, in accordance with all Department policy statements, bulletins, directives, orders, notices, rules, and/or regulations. The ~~shift commander~~ Shift Commander may also be responsible for institutional operations during the absence of higher-ranking staff.

Specialty Impact Device: Any device or munitions authorized by the Commissioner designed to deliver enough energy to cause sufficient discomfort ~~in order~~ to gain voluntary compliance, mental distraction, or temporary incapacitation.

Special Unit Director: The administrative head of the following units:

- (a) The Office of Investigative Services
- (b) The Department Staff Development Division;
- (c) The Department Central Transportation Unit; and
- (d) ~~The Special Operations Division.~~

Superintendent: The chief administrative officer of a Department of Correction institution.

Visitor (Inmate): Any person requesting entrance into a correctional institution's visiting room or other approved visiting area for the sole purpose of conducting a social visit with an inmate incarcerated within any state correctional institution.

Visitor (Institutional): Any person requesting entrance into a correctional institution to conduct official business such as, but not limited to: contractors; vendors; repairmen; facility tours; media; volunteers; and persons wishing to provide services to inmates or to examine or report on inmates' conditions. Spontaneous

505.06 Philosophy

It is the Department's philosophy to train staff to use only the amount of force necessary to: gain control of an inmate; to protect and ensure the safety of all inmates, staff and others; to prevent significant property damage; and, to ensure institution safety, security and good order. ~~Force shall never be used as a form of punishment.~~ Staff shall also be trained in methods of de-escalating a conflict whenever feasible, and instructed that force shall only be used as a last resort in resolving any conflict. By using de-escalation techniques the Department recognizes that safer alternatives to force are sometimes available, which shall prevent injuries to staff and inmates. Moreover, the Department recognizes that de-escalation does not compromise staffs' authority over inmates; rather, it allows staff to deal with the disruption on their terms.

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505.07: Use of Force

~~(1): A spontaneous use of force occurs whenever staff physically imposes their will on an inmate. If an inmate voluntarily complies with an order to be restrained, including placement in four point restraints, a use of force has not occurred and should not be reported as such.~~

505.07: continued

~~(2) An employee may use reasonable force when it is necessary to:~~

- ~~— (a) prevent the commission of a felony, including escape;~~
- ~~— (b) prevent an act which could result in death or serious bodily injury to himself/herself or another person;~~
- ~~— (c) defend himself/herself or another against a physical assault;~~
- ~~— ~~(a)~~ (d) prevent significant damage to property;~~
- ~~— (e) prevent or control a riot or disturbance;~~
- ~~— (f) move an inmate who has refused a proper order by an employee;~~
- ~~— (g) apprehend an escaped inmate;~~
- ~~— (h) conduct the search of an inmate who has refused a proper order by an employee to submit to said search;~~
- ~~— (i) preserve the overall order and security of the institution; and~~
- ~~— (j) preserve the safety of any employee, inmate, or visitor.~~

~~(3) There are two types of use of force, spontaneous and planned.~~

~~(a) A spontaneous use of force occurs whenever there is an immediate need to control or restrain a person for the protection and safety of all concerned, e.g. when the inmate is participating in self harm, for self defense or the protection of another who is at risk of imminent harm, to prevent an escape, or to prevent property damage which compromises institution safety.~~

Superintendent: The chief executive officer of a Department of Correction institution.

Team Leader: A staff member, preferably of supervisory rank, assigned to supervise a Cell/Area Extraction team and is responsible for giving all verbal commands to the team and inmate, briefing the team, and deployment of lachrymatory agents.

Use of Force Pyramid: A visual training tool used to assist staff in assessing situations to determine perceived circumstances, perceived subject actions, and reasonable officer response(s). The Department shall maintain a Use of Force Pyramid consistent with that used by the Massachusetts Municipal Police Training Committee.

Video Operator: A staff member trained in the operation of video recording equipment who is responsible for recording all aspects of a Cell/Area Extraction.

505.08: Philosophy

(1) De-Escalation Requirement: It is the Department's philosophy and practice to train staff to attempt to de-escalate any situation involving conflict where the need for use of force may arise. Staff shall attempt to employ de-escalation techniques prior to any use of force. Staff shall only use the amount of reasonable and proportionate force, given the totality of the

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circumstances, necessary to gain control of an inmate; protect and ensure the safety of all inmates, staff, and others; prevent significant property damage; and ensure institution safety, security, and good order. Force shall never be used as a form of punishment. Staff shall be trained in methods of de-escalation, and instructed that force may only be used as a last resort. By using de-escalation techniques, the Department recognizes that safer alternatives to force may be available, which in turn may prevent injuries to staff and inmates.

(2) Scope: The application of Oleoresin Capsicum (OC) and chemical agents, and use of firearms, electronic control devices, instruments of restraint equipment (when force is used to apply restraints), and canines (when used to physically apprehend, impede, or subdue an inmate) shall constitute a use of force and are therefore subject to 103 CMR 505. The Department shall develop internal policies and requirements consistent with 103 CMR 505 for the purpose of internal management, establishing administrative procedures, and providing more detailed guidance for employees. The policies are available to the public upon request.

505.09: Use of Force

(1) Staff shall attempt to use De-Escalation tactics prior to any use of force. Where De-Escalation tactics are unsuccessful or are not possible, an employee may use reasonable and proportionate force in the manner stated in the Use of Force Pyramid, and given the totality of the circumstances, when it is necessary to do the following:

- (a) prevent an act which could result in death or serious bodily injury to themselves or another person;
- (b) defend themselves or another against a physical assault;
- (c) prevent or control a riot or disturbance
- (d) prevent an escape or apprehend an escaped inmate;
- (e) preserve the overall order and security of the institution, or preserve the safety of any employee, inmate, or visitor;
- (f) prevent significant damage to property;

~~—When a spontaneous use of force occurs, staff may defend themselves using a number of techniques illustrated by a Pyramid of Force (Standard Operating Procedure available at <http://www.mass.gov/doc/policy>, and at each inmate library attached to 103 CMR 505.00: *Use of Force*).~~

~~(b) A planned use of force occurs when the level of threat by the inmate is not immediate, e.g., refusal to be put in restraints and exit a cell, threatening behavior, possession of a weapon, and property damage. There is time to activate a team, suit up in full extraction gear, and brief team members on strategy to be used. Every attempt should be made to diffuse the situation prior to a planned use of force.~~

- ~~(g) (e) conduct a search of an inmate who has refused an employee's order to submit to said search; or~~
- (h) move an inmate who has refused an employee's order to move.

(2) Whenever possible, any staff member involved in a ~~spontaneous or planned~~ use of force that results in injury to ~~the~~that staff member ~~shall remove himself/herself, should be removed~~ from the situation as soon as possible. ~~It is, either voluntarily or by the responsibility of the team leader~~Officer-in-Charge (OIC), Team Leader, or any other supervisory personnel to remove a staff member from continued involvement in a use of force when that staff member has been injured, ~~whenever possible.~~

(3) Where feasible, any spontaneous Use of Force will be videotaped.

505.10(4) Prior: Duty to Intervene

Any staff person who reasonably believes they are observing another staff member using excessive force, has a duty to intervene to the extent possible to stop the use of excessive force. The level of such intervention shall be dependent on the totality of the circumstances known to the staff member observing excessive force.

505.11: Planned Use of Force

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- (1) Prior to a Planned Use of Force, staff shall use all available means to find an alternative to a use of force in order to gain the inmate's voluntary compliance to a lawful order.
- (2) Prior to a Planned Use of Force, the Superintendent/designee shall ensure that it is practicable, staff shall an Impartial Staff Member speaks with the inmate in an attempt to de-escalate the achieve voluntary compliance and avoid the use of force. Whenever possible, this staff member shall be someone who was not involved in the situation in hopes of eliminating the need with the inmate with the goal of de-escalating the situation without using force.
- (3) A Planned Use of Force should only be conducted when the Shift Commander has assembled and outfitted the designated Cell/Area Extraction Team and developed and communicated a strategy for force the Cell/Area Extraction, assigned a Team Leader, and ensured that a Qualified Health Care Professional is present.
- (4) (5) Whenever a disruptive inmate's inability to communicate in English hinders attempts to de-escalate the conflict, if at all possible, a staff person fluent in the language of the inmate should be utilized. The Team Leader shall communicate the appropriate course of action for the Cell/Area Extraction to the Team. Procedures shall be developed to ensure that the briefing of all team members is video recorded.
- (5) All planned Cell/Area Extractions shall be video recorded.

505.12: Use of Force Involving Inmates on Therapeutic Supervision or in Certain Specialized Housing Units

In a Planned Use of Force situation involving an inmate who is on Therapeutic Supervision, or who is in a specialized unit for inmates with mental health needs, such as the Secure Treatment Program or Behavioral Management Unit, the Superintendent/designee shall ensure that a Qualified Mental Health Professional (QMHP) or an Impartial Staff Member if a QMHP is not available, and it is deemed safe to do so, speaks with the inmate prior to a Cell/Area Extraction in an attempt to achieve

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voluntary compliance and avoid the use of force. The goal is de-escalation of the situation without using force.

505.13:

~~505.08~~ Prohibitions on the Use of Excessive Force

- (1) ~~(1) An employee~~ A staff person shall not use or permit the use of excessive force. ~~It is the responsibility of an employee who witnesses an excessive use of force to report any such force to a supervisor.~~
- (2) ~~(2) An employee~~ A staff person shall not use or permit the use of force as inmate punishment or discipline.
- (3) Any staff person who observes excessive force shall submit a comprehensive incident report which sets forth their observations and the nature of their intervention to the supervisor or Shift Commander using the fastest means available. Such report shall be consistent with the requirements of 103 CMR 505.18.
- (4) A failure to comply with the following requirements shall be considered excessive force:
 - (a) Staff members shall not use their body weight for longer than necessary to gain control of and/or restrain the inmate in situations involving an unrestrained inmate who is resisting efforts of staff members to gain control.
 - (b) Staff members shall never sit or put their body weight on an inmate's back, chest, or abdomen once an inmate is secured in restraints.
 - (c) Staff members shall never connect handcuffs to leg restraints.
 - (d) Staff members shall not intentionally sit, kneel, or stand on an inmate's chest or spine, and shall not force an inmate to lie on their stomach except when necessary to gain, regain, or maintain control of an inmate and apply restraints. Staff members shall not intentionally sit, kneel, or stand on an inmate's neck or head.
- (5) Lethal Force shall never be used except to prevent imminent death or serious bodily injury to any person.

505.14 ~~505.09~~ Emergency Entry of Cell Procedure

~~The following procedures are to be utilized for an emergency entrance of a cell within a special management unit, or any other unit as deemed appropriate by a superintendent, when time is of the essence, due to a medical or other emergency. These emergencies consist of an inmate who appears to be in distress within a cell and/or when an inmate is physically harming himself/herself.~~

- ~~(1) An Emergency Response shall be initiated.~~

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505.09: continued

~~(2) Evaluate the cell and the condition of the inmate.~~

~~(3) If the window of the cell door is covered, make an effort to see in the cell, using any technology available.~~

~~(4) In order to determine whether it is safe to enter the cell, staff on site shall report to supervisory staff their observations of all available information, including but not limited to the presence of a visible weapon. The shift commander shall make the final decision to conduct an emergency entry into the cell.~~

~~(5) When the decision to enter a cell has been made by the shift commander, there shall be at least three staff members present when the door opens. One of these staff members shall be of supervising rank, if possible.~~

~~(6) Each institution shall place intervention carts throughout the facility. The superintendent or designee shall determine the location of the intervention carts, taking into consideration where uses of force are most likely to occur. Each intervention cart shall include a minimum amount of extraction equipment, including a poly capor shield, three vests, three pair of gloves and three helmets. During an emergency entrance of cell procedure, if staff members are unable to suit up in extraction equipment, they may utilize any equipment contained in the intervention cart. A shield shall be utilized during an emergency entrance of cell procedure, if possible.~~

~~(7) In an effort to maintain safety, staff shall proceed with extreme caution when conducting an emergency entry of a cell, especially when there is a visible weapon.:~~ Requirements Governing the Use of OC, Chemical Agents, Specialty

Impact Munitions/Distracton

Devices, Batons, and Electronic Control Devices

(1) The Department shall maintain a public policy, consistent with this regulation, containing the requirements governing the use of OC, Chemical Agents, Specialty Impact Devices, Distracton Devices, Batons, and ECDs, titled 103 DOC 509, *Chemical Agents, Specialty Impact Munitions/Distracton Devices, Batons, and ECDs*.

(2) The successful application of OC, Chemical Agents, Specialty Impact Munitions, Batons, or ECDs shall be considered a use of force and the reporting requirements of 103 CMR 505.18 shall be followed. Only OC, Chemical Agents, Specialty Impact Munitions, Distracton Devices, Batons, and ECDs approved by the Commissioner and issued by the Department shall be used.

(3) Specialty Impact Munitions, Distracton Devices, Batons, and ECDs shall not be used as a prod; to rouse an unconscious, impaired, or intoxicated inmate; against any inmate using passive resistance when there is no immediate threat of bodily harm; or to enforce an order after an inmate has been immobilized or a threat has been neutralized.

505.15: Requirements Governing the Use of Instruments of Restraint

(1) The Department shall maintain a public policy, consistent with this regulation, containing the requirements governing the use of Instruments of Restraint, titled 103 DOC 520,

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Instruments of Restraint.

- (2) The use of Instruments of Restraint shall only be considered a use of force when force is required by an employee to apply said restraints, in which case the reporting requirements of 103 CMR 505.18 shall apply.
- (3) The use of instruments of restraint may only be used to control an inmate who presents an immediate risk of self-injury or injury to others, to prevent serious property damage, or when necessary, as a security precaution, or during transfer or transport.
- (4) The use of Instruments of Restraint shall not be used as a form of punishment or retaliation and an inmate should not be restrained in any manner that causes unnecessary physical pain or extreme discomfort, or that restricts the inmate's blood circulation or obstructs the inmate's breathing or airways. Inmates should not be hog-tied or restrained in a fetal or prone position.
- (5) The manner and method of restraint shall take account of the known special needs of inmates who have physical or mental disabilities, and of inmates who are under the age of eighteen or are geriatric, as well as the limitations of a pregnant inmates or those who have recently given birth.

Only Instruments of Restraint

~~505.10~~ Requirements Governing the Use of Chemical Agents

- ~~(1) Only those chemical agents approved in writing by the Commissioner are authorized for use.~~
- ~~(2) Chemical agents shall not be used in state institutions without the prior authorization of the superintendent, or in the absence of the superintendent, a designee. Where the timely authorization of the superintendent or designee cannot be obtained and the failure of an employee to act would constitute a risk to the employee, inmates or others; the shift commander shall have the authorization to approve the use of chemical agents. All authorizations noted in 103 CMR 505.10(2) shall be documented in writing after the incident and within the time limits of 103 CMR 505.13 (1).~~
- ~~(3) When time and circumstances permit, before the use of chemical agents, the Medical Director or designee, shall review the inmate's medical file to determine if any medical contraindications exist in using chemical agents. After the review, the Medical Director shall complete and sign the "Use of Chemical Agents" form (available at <http://www.mass.gov/doc/policy> and at each inmate library attached to 103 CMR 505.00: *Use of Force*). Inmates in adjacent cells shall also be checked for contraindications. If necessary, the inmate(s) shall be moved to a non-affected area before chemical agents are used unless an emergency exists requiring the immediate use of chemical agents.~~
- ~~(4) Chemical agents shall not be used as punishment.~~
- ~~(5) Chemical agents shall only be used by employees trained and certified in their proper use, and only after a clear verbal warning has been conveyed to the inmate that he/she needs to comply with the order, unless an emergency exists that requires the immediate application of chemical agents to prevent injury to staff or inmates or property damage which may compromise institutional safety.~~
- (6) Chemical agents shall only be used following the manufacturer's recommendations and in compliance with the training program plan as approved by the Commissioner and issued by the Department shall be used.

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~~Decontamination of contaminated areas(s) shall be in accordance with the manufacturer's recommendations and in compliance with the training program plan as~~

505.16: Requirements Governing the Use of Firearms

(1) The Department shall maintain a public policy, consistent with this regulation, containing the requirements governing the use of Firearms, titled 103 DOC 508, *Firearms*.

(7) The use of a Firearm shall be considered a use of Lethal Force and the reporting requirements of 103 CMR 505.18 shall be followed. Only Firearms approved by the Commissioner.

~~505.10: continued~~

~~(8) The use of chemical agents shall be considered a use of force. The reporting requirements of 103 CMR 505.13 shall be followed.~~

~~(9) Following the application of chemical agents, the Deputy Commissioner of the Prison Division or a designee shall be notified and issued by normally acceptable means of communication as soon as possible. the Department~~

~~505.11~~ Requirements Governing the Use of Instruments of Restraint

~~(1) Only instruments of restraint approved by the Commissioner and issued by the Department shall be used. Gags are not authorized as instruments of restraint and their use is a violation of 103 CMR 505.00.~~

~~(2) Instruments of restraint shall not be used as punishment.~~

~~(3) The following uses of instruments of restraint shall not be considered to be a use of force:~~

~~—(a) during the transportation of inmates;~~

~~(b) routine movement of inmates from one point to another within a correctional institution;~~

~~—and;~~

~~(c) application of restraints, including four point restraints, on an inmate who voluntarily complies with being restrained. Although a use of force has not occurred if an inmate voluntarily complied with a directive to be restrained, the superintendent must document each instance by utilizing the Use of Force Four Point Restraint Checklist, the Four Point Restraint Medical Examination Checklist, the Observation Check Sheet as well as the Mental Health Review, each is available at <http://www.mass.gov/doc/policy>, and at each inmate library attached to 103 CMR 505.00: *Use of Force*.~~

~~(4) Except as described in 103 CMR 505.11 (3) (a) and (b), instruments of restraint shall only be used when all other reasonable methods of control have been considered and deemed inappropriate. The shift commander may authorize the use of restraint for up to two hours, but must contact the superintendent, or in the absence of the superintendent, a designee, by normally accepted means of communication as soon as possible to gain documented approval for continued use of instruments of restraint beyond two hours. In all other cases, the superintendent, or in the absence of the superintendent, a designee, must authorize the use of restraints prior to their application. This includes inmates who voluntarily comply with orders to be restrained.~~

~~(5) Instruments of restraint shall only be used by employees trained in their proper use. Such training shall be documented.~~

~~(6) Instruments of restraint used for purposes other than as described in 103 CMR 505.11 (3)(a) and (b) shall only be used until the restrained inmate has exhibited through actions or statements that he/she will not resume~~

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~~the conduct which resulted in the decision to use instruments of restraint. This includes inmates who voluntarily comply with being restrained. In no event shall an inmate be restrained beyond an eight hour period without the documented review by a member of the mental health staff. This also includes inmates who willingly agreed to be restrained. Such a review shall occur at the end of each eight hour period. The superintendent shall notify the appropriate Assistant Deputy Commissioner immediately if an inmate is to be restrained longer than eight hours.~~

~~(7) All restrained inmates, except those restrained under 103 CMR 505.11 (3) (a) and (b), shall be examined by a member of the Institution's medical staff at regular and frequent intervals. Except in unusual circumstances, intervals shall not be greater than two hours in duration. Any examination pursuant to this section shall be documented. This does not include inmates restrained at the Lemuel Shattuck Hospital Outpatient Department for medical treatment.~~

~~(8) At no time shall an inmate under restraint be out of the constant visual observation of staff.~~

~~505.11: continued~~

~~(9) The application of instruments of restraint shall be such that it provides the least amount of physical restraint necessary for the situation. This may include the use of handcuffs, waist chain or leg restraints, separately or in combination.~~

~~(10) At no time shall handcuffs or waist chains be connected together with leg restraints.~~

~~(11) If four point restraints are authorized by the superintendent, or a designee, or the shift commander as allowed by 505.11(4), the appropriate Assistant Deputy Commissioner shall be notified immediately. In those instances where the use of four point restraints have been ordered as medically necessary by a member of the medical or mental health staff, the Director of Mental Health Services, or a designee, shall be notified during business hours. Such notifications shall be made within two hours of an inmate being placed in four point restraints, be documented, and shall include but not be limited to:~~

~~—(a) inmate's name and commitment number;~~

~~—(b) reason for placing the inmate in four point restraint;~~

~~—(c) time placed in restraints;~~

~~—(d) what other actions were taken or considered before placing the inmate in four point restraints; and~~

~~(2) —(e) four point restraints are being used in cases involving self mutilation or attempted self mutilation, the expected time of examination by mental health staff.~~

~~(12) The use of instruments of restraint except when used as described in 103 CMR 505.11 (3) (a) and (b), is a use of force and the reporting requirements of 103 CMR 505.13 shall be adhered to.~~

~~505.12 Requirements Governing the Use of Firearms~~

~~(3) (4) An employee qualified to use a firearm~~Firearm ~~may use a firearm~~Firearm ~~only as a last resort when all other means have been attempted or it is reasonable to believe that they would be ineffective, and only in the following situations:~~under the limited circumstances specified in the Department's policy governing use of Firearms.

~~(a) to prevent an act which is likely to create an imminent risk of death or serious bodily injury to the employee or another person.~~

~~(b) to prevent an escape of an inmate whom the employee reasonably believes to be a convicted felon and the use of force does not pose a risk of harm to innocent persons.~~

~~(c) to carry out the arrest of an escaped inmate on a charge of escape as defined by M.G.L. c. 268, §. 16, but only if:~~

~~1. the employee holds a valid special state police commission pursuant to M.G.L. 127, §. 127;~~

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- ~~2. the employee reasonably believes that the use of firearms creates no substantial risk of injury to innocent persons; and,~~
- ~~3. the employee reasonably believes that there is substantial risk that the escaped inmate will cause death or serious bodily injury if the apprehension is delayed.~~

(2)

(4) Firearms shall not be used without the prior authorization of the Commissioner, or a designee; the ~~superintendent~~Superintendent, or a designee; the ~~special unit director~~Division Head, or a designee; unless an emergency exists requiring the immediate use of ~~firearms~~Firearms.

~~(3) There may be rare situations where an employee will have to use a firearm without prior authorization. In this situation, the employee should notify the superintendent, special unit director, or a designee immediately afterwards using the quickest mode of communication available. The superintendent, special unit director, or a designee shall then immediately notify the appropriate Assistant Deputy Commissioner and the Deputy Commissioner of the Prison Division via the fastest means available. Any such use of a firearm shall be strictly reviewed to determine if:~~

- ~~(a) it was not possible to get timely authorization; and,~~
- ~~(b) it was reasonable for the employee to believe that an emergency existed requiring the immediate use of a firearm to prevent death, serious bodily injury or escape of a convicted felon as described in 103 CMR 505.12 (1) (B).~~

~~505.12: continued~~

(5) ~~(4)~~ Anyone who is injured ~~as a result~~because of the discharge of a ~~firearm~~Firearm shall receive immediate medical care. Such care shall be documented.

~~(5) Except in emergency situations, firearms are prohibited in minimum and pre-release institutions. Firearms shall not be used to prevent escapes from minimum or pre-release institutions. Nor shall firearms be used to prevent escapes of individuals recognized and known to be a civil commitment to the Bridgewater State Hospital, the Treatment Center at the Bridgewater Complex, the Massachusetts Alcohol and Substance Abuse Center, or detainees committed to MCI Framingham under pre-trial or civil commitment status, except when necessary to prevent an act which is likely to create an imminent risk of death or serious bodily injury to the employee or another person.~~

505.17: Requirements Governing the Use of K-9 Units

- (1) The Department shall maintain a public policy, consistent with this regulation, containing the requirements governing the use of K-9 Units, titled 103 DOC 558, K-9 Units.
- (2) The Department utilizes specially trained canines, working with trained K-9 officers who are subject to the supervision of the K-9 Unit Commander. There are several K-9 Units and, with the exception of the K-9 Patrol Unit, they are used for contraband detection. The use of canines is governed by the Department's K-9 policy.

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(3) Canines, when used to physically apprehend, impede, or subdue an inmate, shall constitute a use of force.

(4) The K-9 Patrol Unit shall not enter a correctional institution without prior permission from the Commissioner and may only be used in order to regain control during a major disorder. The Commissioner's permission shall not preclude an inmate from filing a complaint alleging excessive force, which shall be investigated by the Professional Standards Unit under 505.15(3).

(5) Only K-9 Units approved by the Commissioner shall be used within any correctional institution.

505.13-18: Reporting Requirements for the Use of Force

(1) ~~(1)~~ After an employee uses force, the ~~superintendent, or a~~ Superintendent/designee, or the ~~special unit director, or a~~ Division Head/designee shall be notified immediately. In addition, the employee and any witnesses shall submit a comprehensive written report to the Superintendent or the Division Head, as soon as possible, and in no event later than the end of the employee's tour of duty, unless otherwise authorized by the ~~superintendent or Special Unit Director, shall submit a written report to the superintendent, or the Special Unit Director,~~ Superintendent/designee or Division Head/designee. Such authorization shall be documented in the Superintendent's/Division Head's Cover Letter. The report shall include the following:

The report shall include:

(a) An accounting of the events leading up to the use of force;

(b) The threat perceived by the reporting officer and the need for force as the appropriate response to the perceived threat;

~~(b)~~ A precise description of the ~~incident and the reasons for employing force;~~

(c) ~~A description of the~~ type of force used, amount of force used, and how ~~if~~ force was used;

(d) A precise description of any de-escalation technique(s) utilized, and efforts made to temper the severity of the forceful response;

~~(e)~~ (e) A description of the injuries suffered, if any, and the treatment given, if known, along with attached photographs, if any, ~~and~~;

(f) An assessment of the severity of the security problem at issue when force was used;

(g) A description of the inmate's actions that are interpreted by the staff member as resistance; and

~~(e)~~ (h) A list of all participants and witnesses ~~to~~ involved in the incident ~~who are~~ known ~~by~~ to the reporting officer.

~~(2)~~ The ~~superintendent~~ designee for the Superintendent for the purposes of this section shall be either a Deputy Superintendent or ~~Special Unit~~ the Director ~~shall also require a written report containing matters listed~~

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~~in 505.13(1) (of Security. The designee for the Division Head shall be a) through (e), from any employee who witnessed the Deputy Director or Captain.~~

(2) Once all use/assisted/witness use of force reports have been reviewed and signed-off on by the Shift Commander, which shall be within five (5) business days of the incident, staff shall have the opportunity to review available video recording(s) associated with the use of force. The reports authored before video recording review shall never be re-opened under any circumstances. Staff who wish to clarify or provide additional information shall do so via an addendum to their original incident report.

(3) ~~(3)~~ All reports relating to a use of force incidents, including witness reports, as well as any corresponding videotapes audio and video recording(s), shall be reviewed by the ~~superintendent~~ Superintendent/designee or a special unit director or Division Head/designee within five (5) business days following receipt, absent exigent circumstances. Any exigent circumstances shall be documented in the Superintendent's/Division Head's Cover Letter. The designee for the ~~superintendent~~ Superintendent for the purposes of this section shall be either a Deputy Superintendent or Director of Security. ~~If there is an injury to staff or inmate~~ The designee for the Division Head shall be a Deputy Director or Captain. The Superintendent may utilize an additional ten (10) days to obtain further information and to review any other materials which have been completed after the submission of the reports by the Shift Commander to the Superintendent.

505.19: Use of Force Package

(1) The Use of Force Package, which shall be compiled by the Superintendent or designee, must be completed and forwarded to the Special Operations Division (SOD) within twenty (20) business days of the date of the incident. In addition, an electronic notification shall be sent to the Professional Standards Unit. The Use of Force Package shall include:

- (a) A Cover Letter authored by the Shift Commander;
- (b) A Cover Letter authored by the Superintendent or Division Head, or in their absence a designee (designee for the purpose of this section shall be a Deputy Superintendent or Deputy Director);
- (c) The completed Electronic Summary Reporting Form from the Use of Force Database;
- (d) All relevant employee incident reports reviewed by the Shift Commander;
- (e) Video recording(s) (if available), necessary to assist with determining the reasonableness of a use of force, which may include video recording(s) before, and/or during a use of force, any corresponding tape;
- (f) Photographs (if available); and
- (g) Any additional documentation the Superintendent or Division Head determines is necessary for a complete review of the incident.

(2) The Shift Commander's Cover Letter shall include the following:

- (a) The date, time, location, inmate(s), and employee(s) involved (using or

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- witnessing) in the use of force;
 - (b) A brief synopsis of the incident, as summarized through employee written reports, video recording(s) (when available), and photographs (when available);
 - (c) Injuries to inmates (if any) and treatment provided/refused;
 - (d) Injuries to employees (if any) and treatment provided/refused;
 - (e) Decontamination protocols for Chemical Agents/OC (if applicable);
 - (f) Documentation pertaining to a debriefing with employees, to include any corrective action discussed;
 - (g) A statement regarding what the Shift Commander reviewed relative to the use of force incident; and
 - (h) Identification of any discrepancies the Shift Commander believes should be reviewed further by the Superintendent or Division Head.

(3) The Superintendent's or Division Head's Cover Letter shall include the following:

- (a) The date, time, location, inmate(s), and employee(s) involved in the use of force;
- (b) A statement regarding what the Superintendent or Division Head reviewed relative to the use of force incident;
- (c) Documentation regarding any corrective action taken as a result of the use of force incident;
- (d) Documentation regarding whether the inmate filed a complaint, the outcome of an inquiry and/or whether the use of force incident has been submitted for further investigation via intake (including intake number); and
- (e) Identification of any discrepancies the Superintendent or Division Head believes should be reviewed further by the Director of Operational Services.

(4) Upon receipt of a Use of Force package, the Director of Operational Services shall complete a substantive review of the Use of Force Package within ninety (90) business days of receipt which will determine if the Use of Force was:

- (a) Reasonable with No Further Action, where the force used is objectively reasonable and proportionate considering the totality of the circumstances.
- (b) Reasonable with Further Action, where force used is objectively reasonable and proportionate considering the totality of the circumstances, but there are components that require additional attention, e.g., the UOF package was submitted one (1) day late without an approved extension request. Where the Director of Operational Services has determined that the Use of Force Package is Reasonable with Further Action, the Director shall further specify the further action to be taken.
- (c) Excessive, where force used is not objectively reasonable or proportionate considering the totality of the circumstances; or
- (d) Administratively Closed, where any of the above findings cannot be made due to missing information affecting a final determination of reasonableness (e.g., witness unavailability).

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- (5) In the event the Director of Operational Services requires more than ninety (90) business days, they shall submit a Request for Extension Form to the Deputy Commissioner of the Prison Division. The request shall state the reason(s) for the request and the expected time of completion. All approvals/denials shall be included with the Use of Force Package.

505.20: Death and Serious Bodily Injury

- (1) Whenever a use of force results in serious bodily injury or the death of an inmate, the Superintendent or Division Head shall immediately notify the Chief of the Office of Investigative Services and the Commissioner by the fastest means available. The Chief of the Office of Investigative Services or designee shall notify the applicable District Attorney's Office by the fastest means available.
- (2) Whenever a use of force results in a serious bodily injury or death, the Use of Force package shall be submitted to the Joint Triage Committee (JTC) for review to determine whether the Use of Force should be Cleared, Closed, and Filed, or referred to as "Reasonable with Further Action," or referred to the Professional Standards Unit for a full investigation.

505.21 ~~by the superintendent or designee within two business days. This process shall include a review by the superintendent or a special unit director of all video/audio tapes, and the completed written reports. Any inappropriate behavior:~~ Staff Misconduct and Inmate Allegations or Complaints

- (1) Staff misconduct discovered during ~~this~~the review of a use of force incident shall be documented and reported immediately to the ~~respective~~responsible Assistant Deputy Commissioner and documented or supervisor, and the Professional Standards Unit. In the case of a ~~special unit director~~Division Head, the matter shall be referred to ~~his/her~~their supervisor. An intake for a formal investigation shall be submitted through the Office of Investigative Services if this review documents any serious staff misconduct. ~~In the event of a spontaneous use of force, the superintendent shall insure that any corresponding video recordings of the event be downloaded by Inner Perimeter Security personnel by the end of the respective shift.~~ to the Professional Standards Unit.
- (4) ~~Whenever the death of an inmate occurs as a result of a use of force, the superintendent or special unit director shall immediately notify the Commissioner through the quickest mode of communication available and the District Attorney's Office responsible for the institution or location where the death occurred.~~

(5) A copy of the report described in 103 CMR 505.13 (1), and a completed Use of Force Reporting form 505-1 (available at <http://www.mass.gov/doc/policy>, and at each inmate library attached to 103 CMR 505.00: *Use of Force*) shall be submitted to the Director of the Special Operations Division, by the superintendent or special unit director within 20 business days from the time of the incident. In addition, the superintendent shall include a cover letter to the Director of Special Operations Division with a brief description of the use of force, along with any findings and corrective action he/she has taken. In the case where the staff reporting to the Director of Special Operations is involved with reporting a use of force, the package shall be submitted to the Deputy Commissioner of Administration. In the event additional time is required, the superintendent or Special Unit Director shall seek written approval from the Commissioner. The request to the Commissioner for additional time shall state the reason(s) for the delay and the expected time of completion. The Director of the Special Operations Division shall review the reports and may request additional information or may submit an intake to the Office of Investigative Services for official investigation.

(2) (6) The Director of the Special Operations Division shall conduct an analysis of all uses of force, which occur within the Department. Each quarter the Director of the Special Operations Division shall submit written findings to the Commissioner, detailing the number of uses of force conducted, as well as a synopsis of established performance measures. Any allegations or complaints filed by an inmate or on behalf of an inmate regarding a use of force shall be investigated in accordance with the Professional Standards Unit's procedures.

(3) The Professional Standards Unit shall have access to the Use of Force database.

505.22:

~~505.14~~ Debriefing

~~(1) The shift commander and the team leader should schedule a debriefing for all staff members involved in the use of force by the end of the shift, including the intervention specialist. If this is not possible, the superintendent should make every effort to assemble those involved in the use of force for some method of debriefing as soon as possible.~~

(1) (2) After staff The Shift Commander and the Team Leader/OIC, including any Impartial Staff Member used, shall hold a debriefing for all staff members involved in a use of force by the end of the shift. The debriefing shall be documented in the Shift Commander's Cover Letter. In exigent circumstances, if a debriefing cannot be held before the end of the shift, the Superintendent/designee or Division Head/designee may authorize the debriefing to take place at a later date, provided that the debriefing take place before the submission of the Use of Force Package (designee for the purpose of this section shall be a Deputy Superintendent or Deputy Director). Such circumstances and authorization shall be documented in the Shift Commander's and Superintendent's/Division Head's Cover Letters.

Staff members involved in a planned or spontaneous use of force have written their reports, as part of a debriefing, they (use/assisted/witness) shall have the opportunity to review the videotape/video recording(s) with the shift commander Shift Commander and/or team leader in order to critique their performance.

— If information is learned from reviewing the videotape that was not included Team Leader/Officer in a report, an addendum to the report shall be written and submitted.

(2) Charge to evaluate their performance in accordance with 103 CMR 505.15(3+).

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- (3) A summary of the debriefing, with any corresponding recommendations of corrective action (if applicable), including training, ~~should be submitted to the superintendent by the shift commander within 48 hours of the debriefing. This information shall be included in the submission of the Use of Force Reporting form 505-1 (available at <http://www.mass.gov/doc/policy>, and at each inmate library attached to the 103 CMR 505.00: Use of Force).~~ shall be submitted to the Superintendent/Division Head by the Shift Commander via the Shift Commander's Cover Letter. Any immediate concerns shall be reported to the Superintendent/Division Head or designee by the Shift Commander via the fastest means available and later documented in the Shift Commander's Cover Letter. The designee for the Superintendent for the purposes of this section shall be either a Deputy Superintendent or Director of Security. The designee for the Division Head shall be a Deputy Director or the Shift Commander's immediate supervisor.

505.15—23: Medical Treatment

- (1) ~~(1)~~ Medical staff Qualified Healthcare Professionals shall examine any inmate involved in a use of force as soon as possible. ~~This examination and any treatment performed, or refusal shall be communicated directly to a Qualified Healthcare Professional and shall be documented in an inmate's medical file as well as in an incident report. Medical examinations that take place more than thirty (30) minutes from the time force was last utilized will require an explanation in the Shift Commander's and Superintendent's Cover Letters to determine if such a delay was reasonable.~~

- (2) ~~(2)~~ In the case of a use of force involving an inmate who is on Therapeutic Supervision, or who is in a specialized unit for inmates with mental health needs, such as the Secure Treatment Program or Behavioral Management Unit, a Qualified Mental Health Professional (QMHP) shall examine the inmate as soon as practicable.

Any ~~person~~ employee injured during a use of force shall be examined as soon as possible by a ~~medical staff member~~ Qualified Healthcare Professional. Such care ~~or treatment shall be documented.~~

- (3) ~~(3)~~ Any inmate refusals of medical examinations or treatment or refusal shall be made directly to medical staff a Qualified Healthcare Professional and shall be documented in an incident report by medical staff the Qualified Healthcare Professional. These reports shall be marked as confidential and may only be disseminated in accordance with state or federal laws.

505.16—24: Sanctions for Violation of 103 CMR 505.00

—Any employee who violates ~~or permits the violation of 103 CMR 505.00 or who fails to report any violation or suspected violation and/or any of 103 CMR 505.00~~ the policies referenced in this regulation shall be subject to disciplinary action up to and including termination.



505.17–25: Training in the Use of Force

—The Department shall provide all employees with standardized training in approved methods of using physical force, and de-escalation techniques. The Department shall utilize training materials consistent with those used by the Massachusetts Municipal Police Training Committee. The Department shall also provide all employees charged with the care and custody of inmates with standardized training in approved methods of using physical force, de-escalation techniques, instruments ~~the use of restraint, chemical agents~~ Instruments of Restraint, OC or Chemical Agents, and firearms, to control inmates where necessary. In addition, each ~~superintendent~~ Superintendent/ Division Head shall identify staff members from each shift, who shall also receive standardized training in ~~the area of~~ video recording. Any of the above-mentioned training received shall be documented in each employee's permanent training file as maintained by the Division of Staff Development.

505.18–26: Data Collection and Tracking

- (1) —All uses of force occurring throughout the Department of Correction shall be entered into ~~the~~ Use of Force Database. The information shall be tracked to ~~ensure~~ promote compliance with 103 CMR 505.00 and consistency in the reporting of these ~~events. The Special Operations Division shall review use of force packages~~ incidents.

505.19 Emergencies

- (2) —~~Whenever in the opinion of the Commissioner or designee, an emergency exists which requires suspension of all or part of the 103 CMR 505.00, he/she may order such suspension.~~ The Director of Operational Services and Professional Standards Unit shall conduct an analysis of all uses of force which occur within the Department when requested by the Commissioner and generate reports to measure the Department's performance against benchmarks as determined by the Commissioner.

505.27:

505.20 Responsible Staff

~~—The Director of the Special Operations Division shall be responsible for implementing 103 CMR 505.00 throughout the Department. Each superintendent and Special Unit Director shall be responsible for implementing and monitoring 103 CMR 505.00 within the institution or unit, and for the development of necessary and appropriate procedures as required, which shall be reviewed and signed off by the reviewing authority.~~

505.21 Annual Review

—103 CMR 505.00 shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall ~~submit~~ develop a memorandum ~~indicating that the review has been completed. A to the Commissioner with a copy of this memorandum shall be filed in the Department's to the Central Policy File. Recommendations for~~ indicating revisions, additions, or deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

505.22-28: Severability Clause

—If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause, or phrase of 103 CMR 505.00.

REGULATORY AUTHORITY

~~103 CMR 505.00~~ M.G.L. c. 123, M.G.L. c. 124, §§ 1(b), (c), and (q); M.G.L. c. 127, ~~s. §§~~ 33 and 118; M.G.L. c. 140, § 131J; M.G.L. c. 268; and Chapter 69 of the Acts of 2018.