

From: Desmarais, Lenny
Sent: Monday, September 14, 2020 4:02 PM
To: Flynn, Jim
Subject: 2019 Annual Use of Force Review

From: Desmarais, Lenny
Sent: Thursday, February 13, 2020 12:10 PM
To: Mageary, Mike <mageary@lynnpolice.org>
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To: Chief Michael A. Mageary
From: Deputy Chief Leonard E. Desmarais
Re: 2019 Annual Use of Force Review (and v. 2018, 2017, 2016, 2015.)
Date: 02 13 2020

Per the Department's Use of Force policy, below is the annual report on all Use of Force incidents occurring in 2019. The breakdowns below are based on a spreadsheet that is continually updated through the year. The updates are based on continuous review of all incidents marked as a Use of Force, all arrest reports and all Daily Reports.

The re-occurring critique to take away from the review is the need for incident reports to be more specific as to what was done that resulted in the incident being marked as a "Use." Once again many incidents could only be classified as "struggled" as the subject's actions were reported as "resisting" "threatening" or "assaulting." As has been pointed out by experts in the field of the Use of Force these ".ed" words and these "...ing" words lack specificity. Reports still need to state what exactly the subject did or said and what the officer then did or said.

Of the 215 incidents that required an officer to use force two (2) were flagged as not being appropriate for the circumstances set forth in the officer's report. When each officer met with the Training Unit to discuss the incident both stated that the incident report, that they wrote, did not fully reflect everything that was occurring when force was used.

The referenced referrals to the Training Unit which were done for the first time in 2019 will continue to be part of the Use of Force review process going forward.

During the past year we participated in the FBI Use of Force Data Collection Program. This program requires participating departments to report any incident in which:

- An officer's use of force results in a death.
- An officer's use of force results in serious bodily injury.
- An officer discharges their firearm at a person.

We had no incidents which met the reporting requirements.

A full five years under our current Use of Force Policy shows that percentages, and breakdowns by Use as Reported, by Race, and By Primary Offense show consistent numbers from year to year. It also shows a continued decrease in total incidents, arrests and protective custodies.

(The Use as Reported, by Race, By Primary Offense, and By Officer charts are attached.)

Use of Force has been reviewed as a percentage of all incidents in 2019 and as a percentage of all subjects taken in to custody in 2018. The percentages are also included for 2018, 2017, 2016 and 2015:

PERCENTAGE of INCIDENTS: 2019

68333 Incidents of all types.
215 Use of Force Incidents
.314 percent of all incidents resulted in a Use of Force.

PERCENTAGE of SUBJECTS: 2019

1474 Arrests
153 Protective Custodies
250 Pink Papers

1877 Total

238 Use of Force Subjects

12.67 percent of all Arrests, Protective Custodies, and Sec. 12's resulted in a Use of Force.

PERCENTAGE of INCIDENTS: 2018

71817 Incidents of all types.

198 Use of Force Incidents.

.275 percent of all incidents resulted in a Use of Force.

PERCENTAGE of SUBJECTS: 2018

1763 Arrests

162 Protective Custodies

214 Pink Papers

2139 Total

219 Use of Force Subjects

10.23 percent of Arrests, Protective Custodies, and Sec. 12's resulted in a Use of Force.

PERCENTAGE of INCIDENTS: 2017

73455 incidents of all types.

215 Uses of Force.

.292 percent of all incidents resulted in a Use of Force.

PERCENTAGE of SUBJECTS: 2017

2372 Arrests

223 Protective Custodies.

303 Pink Papers

2898 Total

225 Use of Force Subjects in 2017.

7.76 percent of Arrests, Protective Custodies, and Sec. 12's resulted in a Use of Force.

PERCENTAGE OF INCIDENTS: 2016

84104 incidents of all types.

253 Use of Force Incidents.

.300 percent of incidents resulted in a Use of Force.

PERCENTAGE OF SUBJECTS: 2016

2591 Arrests.

243 Protective Custodies.

311 Section 12's.

3145 Total

290 Use of Force Subjects.

9.2 percent of all Arrests, Protective Custodies and Sec. 12's resulted in a Use of Force.

PERCENTAGE of INCIDENTS: 2015

87803 incidents of all types.

220 Uses of Force incidents.

.250 percent of incidents resulted in a Use of Force.

PERCENTAGE of SUBJECTS: 2015

3464 Arrests and Protective Custodies (PC)

321 Pink Papers (Sec. 12)

3785 Total.

233 Use of Force Subjects.

6.25 percent of Arrests, Protective Custodies, and Sec. 12's resulted in a Use of Force.

Use of Force is also broken down by how the Use of Force was reported.

The initial "use" was listed and then any other significant "use."

Below shows the Use as Reported in 2019 along with 2018, 2017, 2016 and 2015:

USE AS REPORTED: 2019

Struggled, Wrestled	64	29.77%
Display of Firearm	35	16.28%

Brought to the Ground	28	13.02%
Compliance	27	12.56%
Hand Strikes	21	9.77%
Taser	13	6.05%
O.C.	9	4.19%
Deployment of Patrol Rifle	8	3.72%
Use of Baton	6	2.79%
Knee Strikes	2	0.93%
Restrained	1	0.47%
Use of Firearm	1	0.47%
Deployment of SAGE	0	0.00%

USE AS REPORTED: 2018

Wrestled	76	38.38%
Display of Firearm	38	19.19%
Brought to the Ground	24	12.12%
Compliance	21	10.61%
O.C.	12	6.06%
Hand Strikes	11	5.56%
Knee Strikes	9	4.55%
Use of Baton	3	1.52%
Restrained	1	0.51%
Deployment of Patrol Rifle	1	0.51%
Use of Firearm	1	0.51%
Deployment of SAGE	1	0.51%

USE AS REPORTED: 2017

Display of Firearm	53	24.65%
Compliance	34	15.81%
Brought to the Ground	36	16.74%
Wrestled	43	20.00%
Restrained	15	6.98%
O.C.	13	6.05%
Hand Strikes	13	6.05%
Deployment of Patrol Rifle	1	0.47%
Use of Baton	4	1.86%
Knee Strikes	1	0.47%
Use of Firearm	1	0.47%
Deployment of SAGE	1	0.47%

USE AS REPORTED: 2016

Display of Firearm	63
Compliance	60
Brought to the Ground	38
Wrestled	24
Restrained	15
O.C.	14
Hand Strikes	9
Deployment of Patrol Rifle	7
Use of Baton	6
Knee Strikes	5
Resistant to Handcuffing	4
Use of Firearm	3
Tackled	3
Deployment of SAGE	2

USE AS REPORTED: 2015

O.C.	34
Display of Firearm	34
Use of Baton	8
Deployment of Patrol Rifle	4
Deployment of SAGE	1
Wrestled	26
Brought to the Ground	45
Hand Strikes	14

Knee Strikes
Resistant to Handcuffing
Tackled

5
7
6

All Use of Force was tracked by the race of the subject of the force. Race was determined in the majority of incidents based on the subject's response to inquiry on same. Or, based on the judgement of the officer recording the data. As there is not a Hispanic option in NIBRIS any subject later identified as Hispanic was done so based on a review of their booking information. Below is the breakdown by Race for 2019 along with 2018, 2017, 2016 and 2015:

BY RACE: 2019

W/M	70	29.41%
H/M	58	24.37%
B/M	58	24.37%
W/F	31	13.03%
B/F	8	3.36%
H/F	7	2.94%
N/A, Unknown , No Race	5	2.10%
A/M	1	0.42%
A/F	0	0.00%

BY RACE: 2018

W/M	49	22.37%
H/M	53	24.20%
B/M	40	18.26%
W/F	42	19.18%
B/F	16	7.31%
H/F	12	5.48%
UNK		0.00%
A/M	6	2.74%
A/F	0	0.00%
No Subject/Race	1	0.46%

BY RACE: 2017

W/M	73	32.44%
H/M	42	18.67%
B/M	45	20.00%
W/F	42	18.67%
B/F	10	4.44%
H/F	6	2.67%
UNK	2	0.89%
A/M	3	1.33%
A/F	1	0.44%
Deer	1	0.44%

BY RACE: 2016

W/M	82
H/M	73
B/M	55
WF	49
B/F	13
H/F	8
UNK	5
A/M	3
U/F	2

BY RACE: 2015

W/M	76
H/M	56
B/M	42
W/F	32
B/F	19
A/M	4
H/F *	2
U/M	1
AI/M	1

Each Use of Force documented the Primary Offense committed by the Subject contemporaneous with the "use." Ex: If officers went to place a party under arrest for a Domestic and in doing so needed to respond with force then the Domestic was the Primary Offense. Even though Resisting Arrest and Disorderly Conduct may have followed the Primary Offense was the initial charge that required force to place the Subject in custody.

Primary Offense by Subject for 2019 is below along with the same categories for 2018, 2017, 2016 and 2015:

PRIMARY OFFENSE BY SUBJECT: 2019

Sec. 12, Person in Crisis	37	17.21%
Disorderly Conduct	36	16.74%
Warrant	23	10.70%
Domestic	21	9.77%
Armed Assault, Armed Robbery, Attempted Murder	21	9.77%
Illegal carrying of a Firearm, Firearm, Armed Party, Murder Suspect	16	7.44%
A&B	11	5.12%
M/V Charges	11	5.12%
Narcotics	7	3.26%
Protective Custody	7	3.26%
B & E	6	2.79%
A&B P.O.	5	2.33%
Robbery, Larceny, Receiving Stolen Property	4	1.86%
Shooting, Shots Fired, Discharge Firearm	4	1.86%

Trespassing	2	0.93%
Resisting Arrest	1	0.47%
Euthanasia	1	0.47%
John Law, Prostitution, Indecent Exposure	1	0.47%
Suspicious Person	1	0.47%
Malicious Destruction of Property	0	0.00%

PRIMARY OFFENSE BY SUBJECT: 2018

Sec. 12	37	18.69%
Warrant	22	11.11%
Narcotics	19	9.60%
Domestic	17	8.59%
Disorderly Conduct	16	8.08%
A&B	14	7.07%
Armed Assault, Armed Robbery	13	6.57%
Protective Custody	11	5.56%
M/V Charges	9	4.55%
Illegal carrying of a Firearm, Firearm, Armed Party	8	4.04%
A&B P.O.	7	3.54%
Resisting Arrest	7	3.54%
Trespassing	4	2.02%
B & E	4	2.02%
Malicious Destruction of Property	4	2.02%
Robbery, Larceny, Receiving Stolen Property	3	1.52%
Disturbance	2	1.01%
Shooting, Shots Fired, Discharge Firearm	1	0.51%
John Law, Prostitution, Indecent Exposure	0	0.00%
Arson	0	0.00%

PRIMARY OFFENSE BY SUBJECT: 2017

Sec. 12	46	21.40%
Disorderly Conduct	23	10.70%
Warrant	20	9.30%
Domestic	20	9.30%
Armed Assault, Armed Robbery	19	8.84%
A&B	16	7.44%
Protective Custody	14	6.51%
M/V Charges	13	6.05%
Narcotics	11	5.12%
Illegal carrying of a Firearm, Firearm, Armed Party	7	3.26%
Trespassing	5	2.33%
Robbery, Larceny, Receiving Stolen Property	5	2.33%
Shooting, Shots Fired, Discharge Firearm	4	1.86%
B & E	4	1.86%
A&B P.O.	3	1.40%
John Law, Prostitution, Indecent Exposure	2	0.93%
Arson	1	0.47%
Disturbance	1	0.47%
Euthanasia	1	0.47%

PRIMARY OFFENSE by SUBJECT: 2016

Warrant	40
Sec. 12	39
Armed Assault, Armed Robbery	35
M/V Charges	23
Domestic	22
Disorderly Conduct	19
Narcotics	14
Trespassing	9
Disturbance	7
Protective Custody	7
Shooting, Shots Fired	7
A&B P.O.	6
Illegal carrying of a Firearm, Firearm	5
John Law, Prostitution, Indecent Exposure	5
Malicious Destruction Property	5
Robbery, Larceny, Receiving Stolen Property	4

A&B
B & E

3
3

PRIMARY OFFENSE BY SUBJECT: **2015**

Disorderly Conduct	27
Warrant	27
Domestic	21
M/V Charges	14
Narcotics	10
A&B	
P.O.	12
Sec.	
12	24
