


<b>LYNN POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>43.2</b>
<i>Subject:</i>  <b>Use of Force</b>		
Massachusetts Accreditation Standards Referenced: <b>1.2.2 1.3.1 1.3.2 1.3.3 1.3.4 1.3.5 1.3.6 1.3.7 1.3.9 1.3.10 1.3.11 1.3.12 1.3.13 41.3.4</b>		
<b>Effective Date:</b> <b>June 18, 2020</b>  <b>References:</b> <b>Order # 94-36</b> <b>PP 43.0</b> <b>PP 43.1</b>	<b>Issuing Authority</b>  <hr/> <b>Michael A. Mageary</b> <b>Chief of Police</b>	

#### **43.1 PURPOSE**

**43.1.1** The Lynn Police Department places the highest value on the life and safety of its officers and on the safety of the public. The department's regulations, policies and procedures are designed to ensure that this value guides officers in their use of force.

**43.1.2** This order promulgates the department's policy and procedures on the use of force. It is intended to provide officers with guidelines for the legal application of force, consistent with concerns for citizen and officer safety, under the broadest number of circumstances possible.

**43.1.3** This policy is effective immediately and supersedes all previous policy on this topic.

#### **43.2 POLICY STATEMENT**

**43.2.1** All Officers of the Lynn Police Department shall use only that force that is reasonable and necessary. **[1.3.1]** The use of force in all cases should be directed towards minimizing the risk to the officer, the subject, and the general public by overcoming any unlawful resistance offered and gaining control of the

subject as quickly as possible. The use of force in excess of that necessary to gain control of the subject, or for the purpose of punishing a subject, is never appropriate. Officers may carry or use only those weapons and ammunition issued and authorized by the Chief of Police in the performance of their duties pursuant to MGL 41 § 98. [1.2.2], [1.3.9]. Officers shall not carry or use any weapon until they have received proper training in accordance with established Municipal Police Training Committee (MPTC) guidelines and Department policies and procedures [1.3.10]. All officers must qualify for, keep, and maintain a "License To Carry" Class "A" firearms permit, issued by the Chief of Police of the Lynn Police Department. Periodic computer checks will be conducted for appropriate compliance. [1.2.2]

**43.2.2 DUTY TO INTERVENE:** All officers of the Lynn Police Department should be aware of their personal responsibility during a use of force encounter. Officers shall have an affirmative duty to intervene should they observe a situation in which they perceive more than the necessary use of force is being deployed by a fellow officer.

**43.2.3** With regard to firearms, the citizens of the Commonwealth have vested in their police officers the power to carry and use firearms in the exercise of their service to society. The legal authority to carry and use lethal or non-lethal weapons by agency personnel in the performance of their duties is authorized through the Chief of Police and defined in MGL Chapter 41 Section 98. [1.2.2]

**43.2.4** All new hires and any veteran officers who are issued new weapons will be issued a copy of the department's Use of Force Policy and will receive instruction on the policy. The policy issuance and instruction will occur during the new hire orientation at the Lynn Police Department upon completion of a Police Academy and will be documented in the accreditation file. [1.3.12]

### **43.3 DEFINITIONS**

**43.3.1 NON-DEADLY FORCE:** the force that is neither likely nor intended to cause serious bodily injury or death. This includes but is not limited to the use of approved defensive physical tactics, O.C./pepper spray, K-9 (if utilized by assisting agencies), and the authorized baton.

**43.3.2 LESS-LETHAL FORCE:** that force which is likely to have less potential for causing death or serious bodily injury than the use

of deadly force. This includes but is not limited to the use of approved delivery systems and respective munitions (i.e. Conducted Electrical Weapons (Tasers), Sage 37MM launcher and related projectiles).

**43.3.3 DEADLY FORCE:** that degree of force likely to result in death or serious bodily injury. This includes but is not limited to the use of department-approved firearms.

**43.3.4 FORCE:** the amount of physical effort required by officer(s) to gain compliance from a person. This includes any use of force by an officer(s) occurring in an official law enforcement capacity whether on or off-duty.

**43.3.5 WEAPONLESS PHYSICAL FORCE:** includes, but is not limited to, the MPTC Use of Force Model and Defensive Tactics areas of Contact Controls, Compliance Techniques, and Personal Weapon Techniques. Examples of weaponless force includes, but not limited to: escorts, wristlocks, armbars, headbutts, hand, elbow, feet and knee strikes. [1.3.6d]

**43.3.6 OBJECTIVELY REASONABLE:** in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

**43.3.7 SERIOUS BODILY INJURY:** described as an injury that would create a substantial risk of death, cause serious permanent disfigurement, require the subject to be admitted into a hospital, and/or result in extended loss or impairment of the function of any bodily member or organ.

**43.3.8 USE OF FORCE MODEL:** force options that are divided into five (5) levels to guide the officer during a use of force situation.

**43.3.9 COMPLIANT SUBJECT:** a subject who submits to the officer's authority and direction through either words or actions.

**43.3.10 PERCEIVED SUBJECT ACTION:** the subject's actions as perceived by the reasonable officer that designate the subject at one or more of the Use of Force Model's compliant and/or non-compliant categories.

**43.3.11 PERCEIVED CIRCUMSTANCES:** the reasonable officer's

perspective of the severity of any crime, the existence of any and all safety threats to the officer or others, and the degree of compliance and/or non-compliance from the subject at the time of the encounter.

**43.3.12 CONTROL SUPERIORITY PRINCIPLE:** a recognized officer advantage, and a recognized subject disadvantage.

#### **43.4 USE OF FORCE - GENERALLY**

**43.4.1** Because there are an unlimited number of varied circumstances that could arise, no written policy can offer definitive answers to every situation in which the use of force might be appropriate. Rather, the goal of this policy is to set forth specific guidelines for the exercise of sound judgement and reasonable, prudent decision-making.

**43.4.2** The force used by an officer shall be no greater than is necessary and reasonable under the circumstances. In determining the level of force that may be necessary in any given situation officers should consider the following: [1.3.1]

- the nature of the offense
- the behavior of the subject against whom force is used
- the apparent skill level of the subject
- your prior knowledge about the subject
- actions of any third parties who may be present
- physical odds against the officer
- your physical condition (injured, exhausted etc.)
- your physical position (on the ground, surrounded, no escape route etc.)
- subjects ability to rapidly escalate his/her force with nearby weapons
- the feasibility or availability of alternative actions

**43.4.3** Unless exigent circumstances require otherwise, officers shall employ force only with authorized or issued equipment or otherwise in accordance with department training (e.g. the use of empty hand control techniques, etc.).

**43.4.4** A decision by a member of this department to employ force carries with it the responsibility to select the appropriate level of force necessary to affect a lawful purpose without

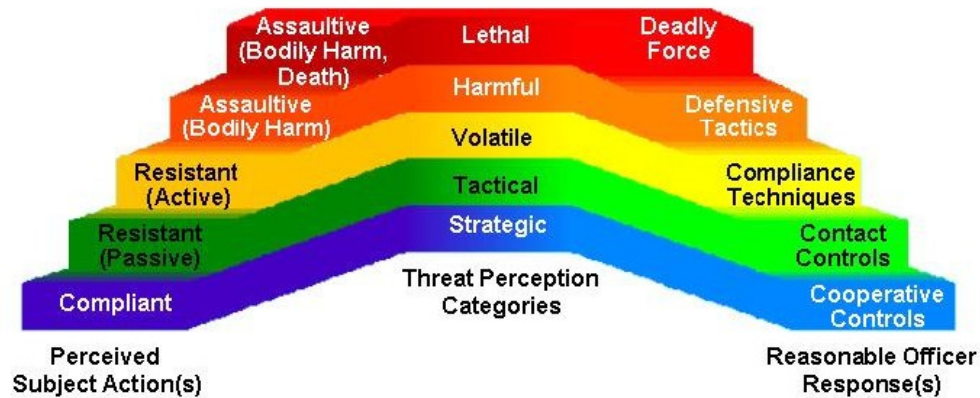
compromising the safety of the officer or others involved. As a general guideline, officers should consider the MPTC Use of Force Model described below.

### **43.5 PROGRESSION OF FORCE**

**43.5.1** The officer’s response options within each of the five force levels identified in the Use of Force Model are not necessarily listed in the order of use and/or need. The officer may de-escalate, stabilize or escalate his/her response based upon his/her risk assessment and the perceptions of the subject’s degree of compliance or non-compliance.

**43.5.2** The force tactics listed in each of the five force levels identified in the Use of Force Model are those tactics that officers are trained in. The Department recognizes that there are other methods and tactics that can be used at each of the levels of authority. If a tactic is used that is not listed it must be objectively reasonable as it relates to the officer’s risk assessment and the subject’s action.

### **MPTC USE OF FORCE MODEL**



#### **USE OF FORCE MODEL:**

LEVEL ONE: The Compliant Subject:

**Perceived Subjects Actions**

The officer perceives the subject’s actions as cooperative and control is maintained via public acceptance, officer presence, verbalization skills, etc.

**Perceived Circumstances Are: *STRATEGIC***

The officer must maintain a minimum level of awareness and preparedness to enhance the overall and ongoing status of officer safety anytime he/she is working.

**The reasonable officer responses are *COOPERATIVE CONTROLS*.**

The cooperative controls would include, but not be limited to those force tactics listed below.	
<b>COOPERATIVE CONTROLS</b>	
Officer Presence:	Appearance
Communication Skills:	Dialogue Verbal commands
Approach Techniques:	Relative positioning Contact/cover officer tactics Control Superiority Principle
Frisk Techniques:	1 officer on 1 subject 2 officers on 1 subject
Searching Techniques:	1 officer on 1 subject 2 officers on 1 subject
Restraining Techniques:	Handcuffing 1 officer on 1 subject 2 officers on 1 subject
Transporting Techniques:	One officer unit Patrol wagon

LEVEL TWO: The Resistant (passive) Subject:

<b>Perceived Subjects Actions</b> This is the preliminary level of subject non-compliance. The subject offers no physical or mechanical energy enhancement toward the resistant effort. The subject has not directed his or her physical strength and energy in establishing, achieving, and/or maintaining a posture of resistance.	
<b>Perceived Circumstances Are: TACTICAL</b> The officer perceives an increase in the threat potential within the confrontational environment, which would initiate the process where specific tactics and procedures would now be deployed.	
<b>The Reasonable Officer Responses is CONTACT CONTROLS:</b> These would include, but not be limited to those force tactics listed below.	
<b>CONTACT CONTROLS</b>	
Officer Presence:	Appearance
Contact Controls:	Escort position Handcuffing control position

LEVEL THREE: The Resistant (active) Subject:

<b>Perceived Subjects Actions</b> The subject's non-compliance has increased in scope and intensity and now includes energy enhanced physical or mechanical defiance. The individual has directed his or her physical strength and energy in establishing, achieving and/or maintaining a posture of resistance.	
<b>Perceived Circumstances Are: VOLATILE</b> The officer is now confronted with the presence and/or potential of an increase in the threat intensity, severity, etc. The officer recognizes this increase in the threat potential and must deploy techniques and tactics that would overcome and/or control this increased risk.	
<b>The reasonable officer responses are COMPLIANCE TECHNIQUES.</b> These compliance techniques would include, but not be limited to those force tactics listed below.	
<b>COMPLIANCE TECHNIQUES</b>	
Compliance Techniques:	Front wristlock Rear wristlock Arm bar Bent wristlock

Non-Chemical Agents:	Oleoresin Capsicum (O.C.) Spray Sage OC/CS Projectile Taser Drive Stun, Spark Display & Laser Activation
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LEVEL FOUR: The Assaultive (bodily harm) Subject:

<b>Perceived Subjects Actions</b>	
The officer's attempt to gain lawful compliance has concluded in a perceived or actual attack on the officer or another person(s). The officer makes the reasonable assessment that such actions by the subject would result in bodily harm to him/herself or another.	
<b>Perceived Circumstances Are: <i>HARMFUL</i></b>	
The officer perceives an accelerated assessment of danger. The situation has reached a degree where the physical well-being of the officer or another person is in jeopardy if the subject is not stopped and controlled.	
<b>The reasonable officer responses are <i>DEFENSIVE TACTICS</i>.</b>	
These defensive tactics would include, but not be limited to those force tactics listed below.	
<b>DEFENSIVE TACTICS</b>	
Personal Weapons Techniques:	Head Elbows Knees Feet Hands
Impact Weapons Techniques:	Expandable Straight Baton Taser Probe Deployment Sage Projectiles

LEVEL FIVE: The Assaultive (serious bodily harm, death) Subject:

<b>Perceived Subjects Actions</b>	
The officer is now confronted by an assaultive act that reaches the ultimate degree of danger. The officer perceives that if these actions are followed through with, that the officer or others would be subject to death or serious bodily harm.	
<b>Perceived Circumstances Are: <i>LETHAL</i></b>	
The officer perceives the highest degree of threat towards his/her or another's safety. The officer's reasonable assessment would be that if this situation were allowed to continue that he/she or another could be seriously injured or killed. A maximized system of defense must be initiated.	
<b>The reasonable officer responses are <i>DEADLY FORCE</i>.</b>	
These deadly force tactics would include, but not be limited to those force tactics listed below.	
<b>DEADLY FORCE</b>	
Service weapons:	Handgun Shotgun Patrol Rifle Sub Machine Gun

#### **43.6 USE OF NON-LETHAL FORCE**

**43.6.1** Non-lethal force may be used by a member of this department in the performance of his duty when reasonably necessary to:

- preserve the peace
- prevent the commission of crimes
- prevent a suicide or other self-inflicted injury
- overcome resistance to lawful arrest, searches and seizures, or to prevent escapes from custody
- place a person into protective custody
- in self-defense of the officer or defense of another against unlawful violence to his/her person or property

**43.6.2** Department training in the use of Non-Lethal Force shall conform to MPTC guidelines. Any deviation from these guidelines must be approved by the Chief of Police.

### **43.7 USE OF OLEORESIN CAPSICUM SPRAY**

**43.7.1** OC spray has been demonstrated to be a safe, humane, and effective tool for controlling violent, or potentially violent, subjects while reducing the risk of injuries to both the subject and officers.

**43.7.2** OC spray may be used in those instances where non-lethal force is reasonably necessary:

- To protect an officer from assault;
- To subdue a person who resists arrests;
- To deter persons engaged in riotous conduct;
- To be used against an active resistant subject.

**43.7.3** Department training in the use of OC spray shall conform to MPTC guidelines. Any deviation from these guidelines must be approved by the Chief of Police.

**43.7.4** Unless an officer reasonably believes that it would be ineffective or would compromise the personal safety of officers or others present, a verbal warning must be given to a subject before OC spray is used.

**43.7.5** It shall be the responsibility of an officer using OC to inform the Commanding Officer at the time of booking that OC spray was used on the subject.

**43.7.6** Officers using OC spray on a subject shall also arrange for treatment as soon as practicable under the circumstances. Recommended treatment for OC spray shall consist of simple water



flushing of the subject's eyes. Subjects wearing contact lenses should be instructed to remove them before flushing their eyes. In the event that no water is immediately available the subject should be instructed to face the direction the wind is blowing and not to rub his eyes. If the recommended treatment is not successful in relieving the subjects discomfort medical aid should be sought. [1.3.5] [1.3.9]

### **43.8 USE OF SERVICE BATON**

**43.8.1** The service baton may be used by an officer when reasonably necessary: [1.3.9]

- As a restraining or come along tool in instances where verbalization and physical strength have failed or would obviously be futile.
- As a defensive weapon to ward off strikes.
- As a defensive weapon to deliver disabling blows to non-vital areas of the body as a means to halt or deter a subject when all lessor means of applying defensive force have failed or would obviously be futile. An officer is justified in using this type of force under the following circumstances:
  - o in self-defense of the officer or defense of another;
  - o to subdue a person violently resisting arrest; or
  - o To deter persons violently engaged in riotous conduct
- Any time a service baton is used to strike a person or a subject is injured when applying a take down or come-along hold medical treatment shall be provided and the appropriate reports must be completed. (1.3.6c)

**43.8.2** Unless an officer reasonably believes that it would be ineffective or would compromise the personal safety of officers or others present, a verbal warning should be given to a subject before the service baton is used.

**43.8.3** Department training in the use of the Service Baton shall conform to MPTC guidelines. Any deviation from these guidelines must be approved by the Chief of Police.

**43.8.4** It shall be the responsibility of an officer using his service baton on a subject to advise the Commanding Officer of such use before that person is placed into the cellblock.

#### **43.9 USE OF A CONDUCTED ELECTRICAL WEAPON (TASER)**

**43.9.1** The conducted Electrical Weapon may be used by an officer when reasonably necessary. Please refer to the Conducted Electrical Weapons Policy NO.60

#### **44.10 PERSON IN CRISIS**

**43.10.1** The Lynn Police Department's Person in Crisis (PIC) policy provides guidance to officers when responding to or encountering persons experiencing a mental health crisis. Please refer to the Person in Crisis Policy NO.56

#### **43.11 USE OF DEADLY FORCE**

**43.11.1** The guidelines for the use of deadly force have been developed with serious consideration for the safety of both the Police Officer(s) and the public, and with the knowledge that Officers sometimes must make split second decisions in situations that are tense, uncertain, and rapidly evolving. The policy and the rules set forth by Lynn Police Department are based on the MPTC's Use of Force Model. Police Officers may use deadly force in accordance with the MPTC Use of Force Model, where an officer reasonably possesses a lethal threat perception and the perceived subject's actions could cause serious bodily harm or death to the officer or others. [1.3.2]

**43.11.2** The use of deadly force, as the ultimate use of force, is permitted to be used only during approved training sessions or when it is reasonably believed that no other lesser use of force would be effective and where at least one of the following circumstances is present:

- self-defense or defense of another against imminent threat of great bodily harm; or
- against certain fleeing felons where an officer has probable cause to believe the suspect poses a threat of serious physical harm to the officer or others; or
- to kill an animal where it poses a threat to the public or where humanity requires the use of deadly force against an injured animal

**43.11.3** Whether the use of deadly force is appropriate shall be determined by the facts and circumstances present or reasonably believed by the officer at the time he/she elects to use such

force. In considering whether or not the use of deadly force is appropriate officers should be guided by the MPTC Use of Force Model noted above.

**43.11.4** While the use of deadly force is most often associated with firearms, officers should realize that any use of force intended, or likely to cause, death or serious bodily injury constitutes the use of deadly force.

**43.11.5 REQUIRE WARNING BEFORE SHOOTING** - Consistent with the standards set forth in Graham v. Connor and Tennessee v. Garner, officers may only use that level of force that is objectively reasonable based upon the totality of circumstances. Officers will always attempt to use the lowest level of force in order to effectuate the lawful objective and will attempt to warn individuals prior to using any level of force, provided that they have the time and opportunity to do so. There may be, however, some very limited instances, where it is impossible for officers to provide a warning prior to using force, such as when doing so is necessary in order to preserve human life.

**43.11.6** Officers using deadly force shall use all reasonable precautions to minimize the risk of injury to innocent citizens.

#### **43.12 DISPLAY OF WEAPONS**

**43.12.1** A weapon should not be displayed or brandished as a threat unless its actual use in the situation would be proper. This does not prohibit an officer from having a weapon readied when it is anticipated that such weapon may be required.<sup>1</sup>

#### **43.13 TRAINING**

**43.13.1** Department training in the use of force shall comply with the MPTC guidelines. Any deviation from these guidelines must be approved by the Chief of Police.

**43.13.2** Officers may carry only that equipment that has been issued or authorized by the Chief of Police. Officers shall be properly trained, and certified when appropriate, in the use of service batons, OC spray, and duty firearms before being

<sup>1</sup> Exception: Officers engaged in a controlled tactical operation (i.e. Special Response Team conducting the execution of a search warrant) will not be subject to reporting requirements as specified in this policy, as these actions will be documented by an involved tactical operations officer(s) in the form of an administrative report.

authorized to carry same and shall utilize such equipment in accordance with such training. [1.3.4] [1.3.10] [1.3.11]

**43.13.3** All officers authorized to carry lethal or less lethal weapons shall be issued copies of, and be instructed in the Use of Force Policy before being authorized to carry any department issued weapon. This training should be documented by the Training Unit. [1.3.12] [1.3.10] [1.3.11]

#### **43.14 WARNING SHOTS PROHIBITED**

**43.14.1** Because of the danger they may pose to innocent members of the public, as well as the risk they have of escalating and confusing a use of force situation, warning shots are prohibited. [1.3.3]

#### **43.15 "SHOOT TO STOP" ONLY**

**43.15.1** Officers using deadly force are authorized to use only that degree of force necessary to stop the threat to them or others. Under this policy officers are authorized to "shoot to stop" only and specifically are prohibited from "shooting to kill". Notwithstanding the above, and consistent with departmental training, officers justified in using deadly force are to shoot at the center of available mass. Such a use of force maximizes the potential of quickly stopping a subject while reducing the risk to the public.

#### **43.16 USE OF CHOKE HOLDS TO THROAT OR NECK**

**43.16.1** The experience of other law enforcement agencies has demonstrated that the use of choke holds to the neck and/or throat, while effective in controlling violent resistance, poses a risk of serious injury or death to a subject. Often the full nature and extent of the injury inflicted by the use of such holds is not immediately apparent, and when discovered, may be irreversible. For these reasons our department has chosen not to train our officers in the use of such holds. The use of such holds under circumstances justifying the use of no more than non-lethal force is strictly prohibited. Officers who elect to employ such tactics under circumstances where the use of deadly force would be permitted will be required to justify the use of same.

#### **43.17 SELF DEFENSE OR DEFENSE OF OTHERS**

**43.17.1** Officers may use deadly force when it is reasonably believed that no lesser use of force would be effective to prevent death or serious bodily injury to himself/herself or another person unlawfully attacked.

#### **43.18 FLEEING FELONS**

**43.18.1** Officers may use deadly force to affect the arrest of a fleeing felon only under the following conditions:

- the officer has probable cause to believe that the suspect has committed a felony involving the use, or threatened use, of deadly force; and
- the officer has probable cause to believe that the suspect poses a threat of serious physical harm or death to the officer or others if his/her apprehension is delayed; and
- the officer reasonably believes that the use of deadly force creates no substantial risk of injury to innocent persons; and
- where feasible, some prior warning has been given to the suspect.

#### **43.19 USE OF DEADLY FORCE AGAINST ANIMALS**

**43.19.1** An officer may use deadly force against an animal whenever he/she reasonably believes such force is necessary to protect the public. An officer may also use deadly force against a badly injured animal where humanity requires it be removed from further suffering.

**43.19.2** Whenever possible an officer shall obtain the permission of the owner before using deadly force against an animal.

**43.19.3** Officers using deadly force against an animal shall take all reasonable precautions to minimize the risk of injury to the public including, but not necessarily limited to, clearing the immediate area of bystanders.

**43.19.4** If at all possible officers should not use deadly force against an animal in the presence of children.

#### **43.20 USE OF DEADLY FORCE AT OR FROM MOVING VEHICLES**

**43.20.1** Officers are permitted to use deadly force at, or from, moving vehicles only in accordance with the MPTC Use of Force Model and this policy.

**43.20.2** Officers considering the use of deadly force at, or from, a moving vehicle should further recognize that various factors likely to be present in such a situation may substantially reduce the likelihood that the suspect can be effectively stopped, while possibly increasing the risk to innocent members of the public. Given these considerations the use of deadly force at, or from, a moving vehicle is strongly discouraged. In situations involving moving motor vehicles officers are most often better served by seeking effective "cover" or "distance" as a means of reducing their risk of injury.

#### **43.21 MAINTAINANCE OF WEAPONS**

**43.21.1** Officers are responsible for keeping their issued weapons clean and in good working order. A weapon, which malfunctions, shall be returned to one of the department armorers forthwith for repair or replacement. [1.3.9d]

#### **43.22 TRAINING AND QUALIFICATION**

**43.22.1** All officers shall qualify with their issued service weapon(s) and any other weapon they are authorized to carry while on duty at least annually. [1.3.10]

**43.22.2** Qualifications shall be under the direction of the department's firearms instructors, who shall be certified by the MPTC or an equal standard, as approved by the Chief of Police. [1.3.11]

**43.22.3** All officers will be expected to qualify in accordance with the standards provided by the MPTC.

**43.22.4** Officers who fail to qualify with their service weapon(s) will be required to turn their weapon(s) over to the Training Unit for safekeeping before leaving the range. Officers will then be assigned to administrative duties and not be assigned, and shall not work, in any capacity requiring the carrying of their duty firearm until such time as they have successfully

completed this training. Officers who have failed to successfully complete firearms qualifications on their regularly scheduled date shall be responsible for returning to the range to complete this training on their own time. Commanding Officers shall have the option to release any officer during his/her regular duty hours for the purpose of a second or subsequent attempt to qualify if such action would not incur any additional cost to the Department or the Unit to which the officer is assigned. Please refer to Lynn Police Department Order #92-72 for additional information in this regard.

**43.22.5** Qualification shall include an inspection of any firearm used by the officer to ensure that it is in good working order, by a qualified departmental firearms instructor/armorer. This inspection will be conducted and documented annually at firearms qualification. [1.3.9c]

**43.22.6** No member of this department will be authorized to carry a firearm until he/she has been issued a copy of the department's Use of Force Policy, received instruction and qualified with the firearm at the range. [1.3.11] [1.3.12]

#### **43.23 WEAPONS TO BE CARRIED OFF DUTY**

**43.23.1** Unless prohibited to do so by the Chief of Police, members of the department are authorized to carry the department-issued pistol and ammunition, Oleoresin Capsicum (O.C.) Spray, and Expandable Straight Baton while off duty. [1.3.9] The department issued sidearm is the only department issued firearm that may be carried while off duty.<sup>2</sup> The use of a personal firearm by an off duty officer for any lawful and appropriate purpose shall not in and of itself be considered to be a grossly negligent act and shall not in and of itself be cause for loss of personal indemnification by such officer. [1.3.9], [1.3.10] [41.3.4]

**43.23.2** This policy shall not be interpreted as restricting any member, who possesses a valid "License to Carry a Firearm" from carrying any firearm under conditions of law while off duty.

#### **43.24 USE OF ALL WEAPONS**

**43.24.1** The policies and procedures contained in this document

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<sup>2</sup> The Glock 30 and Glock 36 are authorized as secondary back-up weapons for on-duty carry only.

shall apply to the use of firearms regardless of the officer's duty status. [1.3.9]

#### **43.25 SAFE HANDLING/SECURITY OF FIREARMS**

**43.25.1** All officers shall be responsible for the safe handling of their firearms at all times. They shall ensure the security of their firearms at all times, both on-and off-duty. Weapons must be secured in such a manner as to prevent theft and unauthorized/accidental use. All department-issued firearms shall be stored in accordance with MGL Chapter 140 Section 131L. Please refer to Lynn Police Department General Order #10-GO-71 for additional information.

#### **43.26 FIRST AID/MEDICAL TREATMENT**

**43.26.1** In an effort to minimize pain and suffering and further injuries, officers shall as soon as possible render first aid to individuals injured as a result of the use of force. Appropriate emergency medical transportation and treatment shall be obtained as appropriate and necessary. This includes treatment of injuries from lethal weapons, less than lethal weapons, weaponless tactics and any other incidents. [1.3.5] Appropriate medical aid does not necessarily mean having the injured person immediately evaluated at a medical facility. It could include observation and monitoring of conditions, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, etc.

#### **43.27 SPECIAL WEAPONS**

**43.27.1** See Lynn Police Department Order #02-40, Policy and Procedures: Special Weapons. [1.3.9]

**43.27.2** See Lynn Police Department Policy #11.0 - Special Response Team (SRT). [1.3.9]

**43.27.3** See Lynn Police Department Policy #39.0 - Patrol Rifles. [1.3.9]

#### **43.28 USE OF DEADLY FORCE - NOTIFICATIONS, INVESTIGATION**



**43.28.1** See Lynn Police Department Policy #35.0 - Officer Involved Use of Deadly Investigations [1.3.8]

**43.29 DUTY TO REPORT USE OF WEAPONS OR THE APPLICATION OF PHYSICAL FORCE**

**43.29.1** A verbal report and a written incident report shall be submitted by an officer to his immediate supervisor whenever:

- An officer has used any authorized lethal or non-deadly weapon or applied physical force as defined by the department. [1.3.6 c]
- An officer has taken action (including weaponless use of force) that results in or is alleged to have resulted in an injury or death to another person. [1.3.6 b, d]
- An officer has drawn and/or displayed a firearm when dealing with a member of the public.
- An officer discharges a firearm, for other than training or recreational purposes. [1.3.6 a]

**43.29.2** Reports should be submitted within a reasonable amount of time, with due regard for the individual and circumstances of each incident. Please refer to Lynn Police Department Policy #35, Officer Involved Use of Deadly Force Investigations, for further information in this regard.

**43.30 REPORTS**

**43.30.1** Officers using any force as described in this document shall be required to check the "Yes" option at the "Use of Force" prompt in QED when completing their incident report. This report will be completed as part of the officer's regular incident report and should detail the circumstances of such use. A copy of this report shall be forwarded by the officer to the Chief, Deputies and the Captain of Patrol. The report shall include:

- the reasons and circumstances that required the use of force
- criminal charges filed against the subject
- the extent and treatment of injuries, if any

- names of treatment facility and doctor administering treatment
- names and addresses of victim and witnesses [1.3.6a]

**43.30.2** Use of Force Reports shall be reviewed by the Deputy Chief in charge of Operations. In his absence, or if he was involved, the Chief or the Deputy Chief in charge of Administration shall conduct the review. [1.3.7]

**43.30.3** An annual analysis of Use of Force Reports will be conducted by the Deputy Chief in charge of Operations to indicate training needs and/or policy modifications. The Use of Force analysis shall be reviewed annually. [1.3.13]

**43.30.4** Use of Force Reports will be electronically filed on the QED server with a hard copy retained in the Administrative Office. [1.3.6]