



Town of Lexington

Police Department

**Subject: USE OF FORCE
-Defensive Actions**

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By Order of: Mark J. Corr, Chief of Police

**Policy &
Procedure**

41-B

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The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chief's of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 1.01, "Use of Force."

GENERAL CONSIDERATIONS AND GUIDELINES

The use of force is a defensive action taken by police officers. Each event of this nature is an issue of great concern to the community, police administration and individual officers. Because of the law enforcement and peacekeeping role, police officers are frequently called upon to take defensive actions to effect arrests and to ensure public safety. An officer's decision, sometimes made in split second life or death situations, is subject to detailed review after-the-fact. The procedures, rules and guidelines outlined in this policy shall limit and control the defensive actions taken by Lexington police officers.

When an officer uses force upon a person, that action is irreversible. It is too late to ponder whether or not the action is legally and justifiably correct. On the other hand, an officer who hesitates and acts indecisively is potentially risking injury or death to themselves and/or another person. If a life-threatening situation should arise, then officers must be prepared to act decisively and correctly.

The variety and dynamics of police encounters makes it difficult to categorize and define the levels of force appropriate in every situation. However, it is possible to define and order the levels of defensive actions that an officer will be allowed to use. When an officer determines that a defensive action is necessary and appropriate, he/she shall utilize an escalating level of force as determined by the particular needs of the situation. The rule of thumb to guide an officer is to use the least amount of force necessary to overcome the subject's level of resistance.

When determining what defensive action is appropriate, officers should be guided by the principle that only objectively reasonable force is permissible. Using force to overcome the unlawful resistance to a legitimate police purpose or to affect the safety of the officer or another is justifiable. The unnecessary or improper use of force cannot be justified.

The authority to take defensive actions while serving the community is the most powerful responsibility vested in the police officer by the citizens of Lexington. This authority is based on trust and the understanding that Lexington Police Officers place the highest value on the lives and safety of the public. Consequently, the manner in which a police officer applies force may have significant bearing on the Department's ability to effectively achieve its mission. Reckless or careless acts cause public indignation and erodes citizen trust and support. Without the confidence, respect and cooperation of the community, the total police effort will be seriously handicapped. It is imperative for officers to use the highest level of judgment and professional competence when using force.

Police officers will only use deadly force as a means of last resort to protect themselves and others from the immediate threat of death or serious bodily injury. The basic responsibility of police officers to protect life also requires that they exhaust all other reasonable means before resorting to the use of deadly force. Although officers must be prepared to use deadly force when necessary, they should always do so with the highest degree of restraint. Consequently, no officer will be disciplined for not using deadly force when it may threaten the life or safety of an innocent person, or if it is not clearly warranted by the policy and rules of this Department. Just as important, no officer will be disciplined for using deadly force in self-defense or in the defense of another when faced with a situation that immediately threatens life or serious bodily injury.

Typically, firearms are the primary means through which officers will defend themselves or others using deadly force. However, the unpredictability of police encounters and/or the unavailability of a firearm may make it necessary for an officer to use other means to inflict deadly force. Unless specifically related to the use of firearms, the procedural guidelines in this policy are meant to apply to any use of deadly force.

PROCEDURES

A. Definitions

Force: 1) a: Strength; power. b: The exertion of such power. 2) Intellectual vigor or persuasiveness.¹

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

Kinetic Energy Impact Projectiles: flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury, when compared to conventional projectiles.

Deadly Force: A defensive act likely to result in death or great bodily injury. The discharge of a firearm toward a person constitutes the use of deadly force even if there is no express intent to kill or cause great bodily injury.

Non-Deadly Force: Any defensive act other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another. It is neither likely nor intended to cause great bodily harm.

Serious Bodily Injury: Serious or great bodily harm or injury, bodily injury which creates a substantial risk of death or which is likely to cause serious injury, permanent disfigurement or loss, or extended impairment of the function of any bodily member or organ.

Reasonable Belief: A conclusion made from the personal knowledge and reasonable inferences drawn from practical police experience (including reliable information from others), which causes a reasonably cautious police officer to believe that the information was more likely true than not true.

Imminent Danger of Death or Serious Bodily Injury: Circumstances under which (1) such a danger exists in reality, or (2) such a danger is apparent, and the officer is unable to affirm or disaffirm its actual existence.

Objectively Reasonable Force: The reasonableness of a particular defensive action must be judged from the perspective of a reasonable officer on the scene in light of the facts and circumstances confronting the officer without regard to the officer's underlying intent or motivation.²

Passive Resistance: The non-cooperation with commands or instructions, passive resistance is frequently used in demonstrations and does not involve overt acts of aggression.

Active Resistance: The physical resistance to an officer's attempts to detain or arrest an individual, defensive resistance, normally, is not intended to harm the officer and is generally associated with a subject's efforts to flee.

B. Use of Non-Deadly Force

1. Non-Deadly Force includes verbal commands, the use of hands, handcuffs or other restraining devices, chemical substances, agents or similar devices or instruments for the emission of gas or pepper spray (pepper spray being used generically to refer to these commonly used sprays) and defensive batons.
2. A police officer is justified in using non-deadly force upon another person when it is necessary to:
 - a. Preserve the peace, prevent the commission of crimes, or to prevent suicide or self-inflicted injury; OR
 - b. Overcome resistance to arrests, to conduct searches, seizures and investigative stops, or to prevent escapes from custody; OR
 - c. Defend oneself, or another, from unlawful violence against one's person or property.

C. Escalating Defensive Actions

1. The defensive action used shall be no greater than is necessary and objectively reasonable in a given situation. The amount and degree of force that may be employed will be determined by the surrounding circumstances including, but not limited to:
 - a. The nature of the offense;
 - b. The degree of violence used or threatened by the subject (including the subject's past reputation for using violence);
 - c. The presence of other persons who might interfere or be endangered;
 - d. The physical characteristics and abilities of the subject and the police officer;
 - e. The numeric ratio of offenders to police officers;
 - f. The presence of weapons;
 - i. In the offender's hand(s);
 - ii. Within reach of the offender(s); or
 - iii. The action of the offender(s) trying to take a weapon from an officer.
 - g. The feasibility or availability of alternative actions.
2. Force that is objectively reasonable and necessary in any situation is the greatest amount of force that is permissible. An officer should exhaust every reasonable means of employing lesser amounts of force before escalating to a more severe application of force. However, some situations will require the immediate

application of higher levels of force particularly when there is an imminent threat of serious bodily injury or death.

D. Defensive Action Levels; Defined

1. Verbal Instructions

- a. The most desirable method of achieving compliance from a subject is through the use of simple instructions and directions. An attempt to control a subject through advice, persuasion, and warnings should be used in appropriate circumstances.
- b. The display of courtesy and respect, coupled with a firm control of the situation, should encourage understanding and cooperation on the part of the subject(s) involved.
- c. Touching, Escorting and Voluntary Compliance – Verbal instructions may accompany touching or escorting when a person is voluntarily complying with officer instructions. This includes handcuffing a compliant detainee.
- d. An officer acting alone may be required to resort to defensive actions sooner than would be necessary if additional officers were available. Therefore, when involved in a confrontational situation or one that may necessitate the use of physical force, an officer should request additional police assistance as soon as possible, and preferably before a physical confrontation develops.
- e. At each level, when tactically feasible, verbal warnings and/or instructions should be given.

2. Physical Strength and Hand Control

- a. This is the first level where a defensive action is used to overcome a subject's resistance to arrest or detainment. This resistance may be in the form of passive resistance or active resistance.
- b. Good judgment is expected of every officer when deciding which tactics to use and how much force should be applied. Various hand control tactics are a part of each officer's academy training, with additional training at in-service.

3. Intermediate Defensive Weapons

- a. The defensive police baton and certain non-lethal agents shall be the only intermediate weapons issued and authorized for use by members of the Lexington Police Department. All officers will receive training in the use of the defensive baton and non-lethal agents as determined by the Chief of Police. The training

will be consistent with the Massachusetts Municipal Police Training Committee (MPTC) standards. The Department currently subscribes to the course of instruction and use of the Monadnock® expandable baton. The non-lethal agent authorized and issued by the Department shall be pepper spray or a combination of pepper spray and CS Tear Gas.

- b. **All personnel must adhere to the philosophy that the defensive police baton and pepper spray are to be used for defensive and control purposes.** The use of a defensive baton or pepper spray against persons passively resisting arrest is prohibited. The use of the defensive baton or pepper spray is justified and authorized in the following situations:
 - i. In self-defense or in the defense of another;
 - ii. When it is necessary to subdue a person who is resisting arrest with physical force;
 - iii. To control persons engaged in riotous or violent conduct.
- c. The defensive baton and pepper spray are defensive weapons. They should not be displayed or brandished as a threat unless their use in the situation would be proper. They are not recommended for use against **armed assailants.**
- d. Officers regularly assigned to patrol duties should always have the baton on the duty belt.
- e. All on-duty patrol personnel should carry the pepper spray on their duty belt. Officers who are not assigned to patrol may be issued compact canisters, which may be carried on their person.
- f. When practical, the use of pepper spray should be considered before the use of the defensive baton since pepper spray is less likely to inflict injury to a person.
 - i. Pepper spray should be used in a manner, which is consistent with in-service training.
 - ii. Absent extenuating or dangerous circumstances, pepper spray should not be used on very youthful offenders, senior citizens, and when other officers are physically engaged with the assailant.
 - iii. Whenever possible, pepper spray should not be discharged within three (3) feet of an assailant's face, since damage to the assailant's eyes, can be caused by the force of the spray at close distance.
 - iv. After the pepper spray has disabled the assailant, and the assailant is appropriately restrained, the officer affecting the arrest should, as soon as practical, provide care for the prisoner. That care should include:

- (a) Reassuring the person that he/she will be fine after a brief period of time;
 - (b) Explaining what has happened;
 - (c) Facing the person into the wind or other cool air; and
 - (d) When possible, allowing the person the opportunity to flush affected areas with cool water.
 - (e) Arrange medical treatment if the situation warrants it.
- g. When the use of the defensive baton is necessary, these guidelines shall apply:
- i. Blows capable of inflicting lethal or permanent injuries **should be avoided**. A strike to the head, temple, throat, spine, upper abdomen, groin or kidney areas can result in serious injury or death;
 - ii. The defensive baton should not be raised above the head to deliver a blow. Overhead swings of the baton are easily blocked and also make it possible for the baton to be taken from the officer;
 - iii. A strike from the baton shall be directed to the appropriate body areas in accordance with the Monadnock® baton chart.
 - iv. If an officer is confronted with the use or threatened use of deadly force, and a human life is endangered, an officer must consider using deadly force as a counter measure. The defensive baton will not be sufficient in these situations.
- h. The carrying of unauthorized intermediate weapons is prohibited. In extraordinary cases of self-defense where no other weapon is available, officers using anything other than authorized weapons must thoroughly document the circumstances.

□

REFERENCE MONADNOCK® BATON CHART³ (next page)

MONADNOCK BATON CHART

Escalation Of Trauma By Vital And Vulnerable Striking Areas

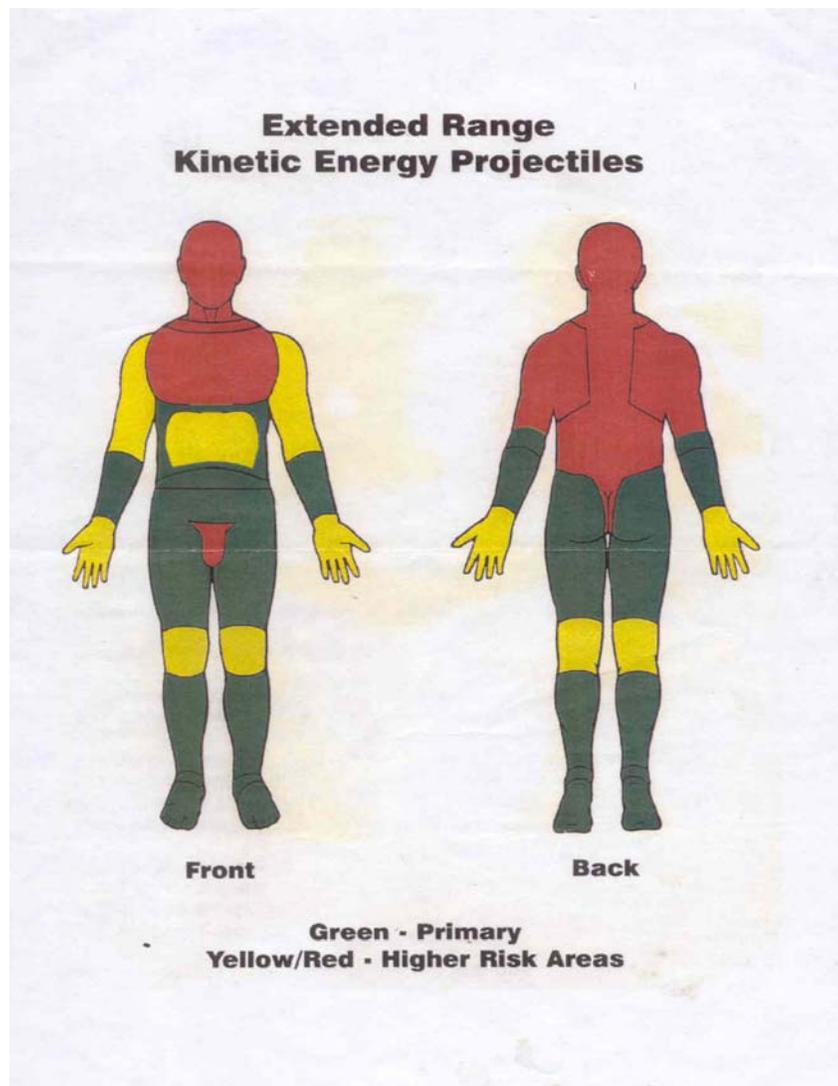
S T R I K I N G

GREEN TARGET AREAS	YELLOW TARGET AREAS	RED TARGET AREAS
<p>REASONING: Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, and SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p>REASONING: Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p>REASONING: Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

4. Less Lethal Force. The Department recognizes that armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus, the Department has adopted the use of less lethal force i.e. Super Sock™⁴ round, also known as an “extended range less lethal projectile”. Fired through a 12-gauge shotgun, the less lethal application meets operational objectives, with **less potential** for causing death or serious physical injury than the use of deadly force. The less lethal force philosophy **shall not** preclude the use of deadly force. The extended range less lethal projectile is approved for use when:

- * Lethal force is justified and available for backup but lesser force may subdue the aggressor
- * Lethal force is justified but its use could cause collateral effects, such as injury to bystanders

- a. **Potential for causing death or serious physical injury.** The potential for causing death or serious physical injury with such projectiles is real. This potential is greatly reduced when impacts to the head, neck, heart and spine are avoided, and when appropriate medical examination is provided when a person is struck with a less-lethal projectile.



- b. **Deployment areas.** The less lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities and the level of force authorized. The less lethal target known as (BPD-LL) is the recognized model for determining contact areas for kinetic energy impact weapons, based on potential energy. The target has green, yellow and red impact areas.
 - i. **Green areas** – These areas will be considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.
 - ii. **Yellow/Red areas** – These areas will be considered when an escalation of force above green (areas) is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
- c. **Force Continuum.** The Department recognizes five distinct levels of force.
 - A. Verbal Instructions (Touching, Escorting, Voluntary Compliance)
 - B. Physical Strength and Hand Control
 - C. Intermediate Defensive Weapons
 - D1. Less Lethal Force
 - D2. Deadly Force

The use of kinetic energy impact projectiles are considered a level “D1” self defense when deployed to areas to the suspects body that are considered unlikely to cause death or serious physical injury. The use of kinetic energy impact projectiles is considered a level “D2” (deadly force), if **intentionally** deployed at any areas other than green.

- d. **Dedicated system** – The issued Remington 870, 12-gauge shotgun will be dedicated to less lethal projectiles and will be marked with an orange stock. Prior to use, officers shall ensure that only the authorized and department approved less lethal round be used, by physically and visually inspecting each round prior to loading so as to ensure the total absence of other ammunition. For deployment, kinetic energy impact projectiles are the only authorized ammunition for these dedicated shotguns.

- e. **Deployment techniques.** When deploying less lethal munitions, the following procedures should be adhered to:
 - i. Only qualified department personnel shall use the less lethal projectiles.
 - ii. Whenever, less lethal projectiles are utilized, a backup officer will be in the immediate vicinity as a cover officer, in case deadly force is immediately needed.
 - iii. The optimal ranges of less lethal munitions are between 15 to 45 feet. Less lethal munitions should not be used at a distance of less than 15 feet from the target. The maximum effective range is 60 feet.
 - iv. When practical, other officers should be advised of the deployment prior to the discharge of the shotgun -- the officer firing the less lethal munition shall announce in a loud voice, "**Bean Bag**" immediately prior to discharging the weapon.
 - v. During the deployment of the less lethal munitions, the officer in charge of the incident should constantly evaluate the option selected against changing circumstances.
 - vi. A shotgun loaded with less lethal munitions shall be treated with the same care and caution as shotguns loaded with lethal munitions.
 - f. **Transportation to a Medical Facility.** Subjects who are struck by a less-lethal round **SHALL** be transported to a medical facility for examination.
 - g. **Investigation.** An investigation will be conducted into any situation involving the firing of a less-lethal round at a suspect. The depth of the investigation will be determined section G; Defensive Action and Use of a Firearm Reporting.
 - h. **Training.** Training in the use of extended range kinetic energy impact projectiles will consist of the approved department program modeled after the Boston Police / National Tactical Association training course, and annual qualification guidelines.
5. **DEADLY FORCE.** The use of deadly force is the highest level defensive action permitted. **A police officer is authorized to use deadly force in self-defense, or in defense of another person, from unlawful attack when the officer has objectively reasonable cause to believe there is imminent danger of death or serious bodily injury.**

6. Medical Attention
 - a. After any defensive action is taken, the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
 - i. That person has a visible injury; or
 - ii. In the case of use of pepper spray, immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness; or
 - iii. That person complains of injury or discomfort and requests medical attention.
 - b. Any person requesting and/or deemed in need of immediate medical attention shall be transported (in accordance with the Departmental policy) to the appropriate hospital or medical facility. All medical treatment received shall be noted in the officer's report.

E. Deadly Force; Legal Authority

1. A police officer may use deadly force in **self-defense** when the officer has "reasonable apprehension of great bodily harm and a reasonable belief that no other means would suffice to prevent such harm." **Commonwealth v. Klein**⁵.
2. When **defending another person**, the police officer may use deadly force as a last resort to arrest the subject whom the officer reasonably believes poses a significant threat of death or serious bodily injury to another person.
 - a. Massachusetts's law allows the use of deadly force in arrest situations in very limited circumstances. These circumstances are defined in the **Klein** decision and reaffirmed by the Supreme Judicial Court in **Julian v. Randazzo**⁵, __ Mass. __, 403 N.E.2d 931 (1980).
 - b. The **Klein** and **Julian v. Randazzo** decisions established standards relating to the use of deadly force in arrest situations by adopting the Model Penal Code of Pre-Arrestment Procedures, section 120.7 (1975). The United States Supreme Court adopted the same guidelines in **Tennessee v. Garner**⁶; generally, do not shoot at fleeing felons.

3. The **MODEL PENAL CODE**⁷ as adopted by case law states: "A law enforcement officer authorized to make an arrest may use such force as is reasonably necessary to effect the arrest, and the officer may use deadly force **only if**:
 - a. The arrest is for a felony;
AND
 - b. The officer reasonably believes that the force employed creates no substantial risk to innocent persons;
AND
 - c. The officer reasonably believes that:
 - i. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force;
OR
 - ii. There is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed." (Fleeing Felon Rule)

F. Deadly Force; Firearms

1. A police officer shall avoid the unnecessary display of firearms unless:
 - a. There is reasonable cause to believe that a felony situation exists;
OR
 - b. There is a potential risk of serious bodily injury or death to the officer or other persons.
2. A police officer is authorized to use a firearm in the following circumstances if there is no other reasonable alternative available:
 - a. **Self-defense.**
 - b. To affect an arrest **only when it is necessary to protect another person from imminent death or serious bodily injury.**

- c. To kill a dangerous animal or an animal so badly injured that humanity requires that it be removed from further suffering. Whenever possible, the permission of the animal owner should be obtained. In addition, great care should be taken to protect the public from a ricocheting bullet. The presence of children should also be avoided whenever an animal needs to be destroyed.
 - d. For authorized target practice or competition, with weapons issued or authorized by the Department.
3. **Rules and Regulations.** In addition to the procedural guidelines outlined in this policy, the following rules and regulations shall guide officers in all cases involving the use of force and firearms.
- a. Officers **may** discharge their firearms **only** when doing so will not unreasonably endanger innocent persons.
 - b. Officers **shall not** discharge their firearms to threaten or subdue persons whose actions are destructive to property or injurious only to them **unless** such actions are an imminent threat of death or serious bodily injury to the officer or others.
 - c. Officers **shall not** fire warning shots.
 - d. Officer **shall not** fire at or from a moving vehicle **unless** there is imminent threat of death or serious injury to the officer or others **and** there is no opportunity to escape the path of the moving vehicle.
 - e. **Injuries.** If any visible injury results from the use of force, or if an individual complains of any injury, appropriate measures shall be taken to have the person examined by EMS personnel and/or transported to a medical treatment facility.
 - f. No officer shall be authorized to carry a firearm until he/she has qualified at the police range **and** has received instruction on the "**Use of Force**" and "**Firearms**" policies. Each officer will be required to sign a receipt indicating that they have received and understood these two policies.

G. Defensive Action and Use of A Firearm Reporting

- 1. An officer shall immediately notify and fully inform the Commanding Officer, followed by a written report, whenever he/she:
 - a. Discharges a firearm for any reason except for training or competition on an approved range.
 - b. Takes **any** action that results in, or may result in claims of, injury or death of another person.
 - c. Takes a defensive action to overcome a subject's resistance to a lawful police purpose. This typically will not include verbal

- commands, mere touching, escorting, and handcuffing of compliant individuals.
- d. Draws and points a firearm.
2. **Written reports** need to be accurate and complete. Information pertinent to an incident may not be immediately available and officers may need time to collect their thoughts and organize their notes. Officers are encouraged to review any available audio or videotapes, and consult with other officers and supervisors immediately involved in the incident. Reporting should begin on the duty shift and, if necessary, the officer(s) should return on extra duty to complete the report without unnecessary delay or interruption. An officer who is unable to submit a report due to injury shall file the report as soon as he/she is physically able. Off-duty officers should be given direction by the Commanding Officer whether or not to report for extra duty to complete the report, or appear on a regular duty shift.
 3. The report shall explain in detail the circumstances surrounding the event. It is important to use descriptive language. Terms such as “intoxicated”, “belligerent”, “resisted” and “detained” are far less effective than specifically citing the signs of intoxication; actual words, quotes and mannerisms; or a step-by-step explanation of the resistance or how someone was detained. **It is expected**, given the emotional and physical exertion of defensive actions that officers may not remember everything that took place. It is important to include only that information that can be accurately and truthfully attested to.
 4. The report shall be reviewed immediately by the Commanding Officer to insure that the report is complete. The Commanding Officer will then submit the report, related documentation and, if requested, a report of findings to the Chief of Police. The report of findings shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the use of force was consistent with Department policy.
 5. A narrative report is not required when a firearm is discharged to put down a sick or injured animal. The action code 443 “ANIMAL CONTROL – FIREARM USED” will be used to document in the log the complete circumstances of the animal being put down. The number of rounds fired and what was done to dispose of the animal should be included. Unusual circumstances should be documented with a full report.

5. **DEFENSIVE ACTION DATA REPORTS (DADR)** will be used to collect statistical data on the demographics and types of incidents where force was used for supervisory review and training.
 - a. Each officer who is directly involved in a defensive action will complete a DADR. Witness officers are not required to complete a DADR.
 - b. One DADR will be submitted for each person upon whom force was applied. When multiple individuals are involved in an incident, each person is unique and the defensive actions identified in the DADR should be specific to that person.
 - c. DADR data is based on the best information known to the officer. When checking off conditions, pick the best answer that fits the incident. Descriptive data should be brief.
 - d. The DADR is not a substitute for a full incident report and should be given priority after the incident report has been submitted. Each completed DADR will be reviewed by a Commanding Officer.

H. Defensive Actions Resulting in Death or Serious Bodily Injury

1. If a defensive action results in death or serious bodily injury, the Commanding Officer shall:
 - a. Immediately assign the officer(s) to temporary administrative duties pending the review of the event.
 - b. Take control of the firearm or weapon used until the proper reports have been filed and a preliminary investigation has been completed.
 - i. The Patrol Supervisor or Commanding Officer responsible for taking control of an officer's weapon should do so in a discrete manner and outside of the public view.
 - ii. Whenever possible, the officer's firearm should be replaced by another firearm.
 - c. Contact the Chief of Police, Captain of Operations & Administration and Detective Commander. The Middlesex County District Attorney's Office, State Police Unit shall be immediately notified whenever the defensive action results in the death of any person. As necessary other agencies with jurisdiction to investigate (depending on the circumstances of each event) will also be contacted.

2. The Chief of Police shall have the discretion of placing the involved officer(s) on administrative duty or administrative leave pending the completion of an investigation of the incident.
 3. Any officer(s) involved in an incident resulting in the death or serious bodily injury of another may be ordered to attend psychological debriefing(s).
- I. Defensive Action Review
1. The Chief of Police, his designee, or an appointed Review Board, shall investigate every instance where an officer's defensive action resulted in the actual or alleged death or serious bodily injury of another person. The Review Board may include Captain of Administration, Captain of Operations, Detective Commander, Department Firearms Instructor, the officer's Commanding Officer and/or any other officer appointed by the Chief of Police.
 2. When appointed, the Review Board shall review and, if necessary, investigate the incident in order to determine if the defensive action was in compliance with departmental policy. The report of findings will be submitted to the Chief of Police for appropriate action.
 3. The report of findings should include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the defensive action was consistent with Department policy. The report of findings shall be submitted to the Chief of Police within five days of the incident. The Chief may waive the five-day time limit in unusual circumstances.
 4. Annually, the Defensive Action Data Reports will be tabulated and reviewed by the Captain of Administration or a designee. Training staff to improve annual training programs will use this information.

¹ Page 275, The American Heritage Dictionary, New Second College Edition, (1985), Dell Publishing Co.

² Graham v Connor 490 U.S. 386 (1989)

⁴ "Super-Sock" bean bag is a trademark of Combined Tactical Systems, Jamestown, PA

⁵ Com. v. Klein, 372 Mass. 823, 363 N.E.2d 1313 (1977)

⁵ Julian v. Randazzo, __Mass.__, 403 N.E.2d 931 (1980).

⁶ Tennessee v. Garner, 471 U.S. 1 (1985)

⁷ As adopted at the 1962 Annual Meeting of The American Law Institute