

WATERTOWN POLICE DEPARTMENT

Detective Division

ACKNOWLEDGMENT OF THE LIMITS REGARDING THE USE OF DEADLY FORCE

In accordance with the authority granted by Massachusetts General Laws chapter 140 section 131, the licensing authority of the Town of Watertown has determined that every applicant for a license to carry firearms and every licensee shall be familiar with the legal limits on the use of deadly force under the laws of the Commonwealth of Massachusetts. Accordingly, all such applicants are required to read this memorandum and sign below certifying that they have read it and understand its contents. A copy of this memorandum shall be provided at no charge.

Deadly Force By A Citizen In Arresting A Felon

The use of deadly force is **not** justified unless:

1. the arrest is in fact for a felony;
2. the person effecting the arrest is authorized to act as a peace officer and
3. the actor reasonably believes that the force employed creates no substantial risk to innocent persons; and
4. the actor reasonably believes that: (a) the crime for which the arrest is made involved conduct including the use of deadly force; and (b) there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.

Deadly Force In Self Defense or Defense of Others

A General Rule:

1. Before a person may resort to Deadly Force the fear of death or serious bodily injury must be imminent.
2. You must take all means to avoid physical combat before resorting to the use of Deadly Force.
3. No more force than is reasonably necessary should be used during the attending circumstances.

Aiding A Third Party:

A person may resort to deadly force to aid a third party when:

1. A reasonable person in the actor's position believes that it is necessary to intervene to protect the third party and;
2. in the circumstances as that reasonable person would believe them to be, the third party would be justified in using deadly force to protect himself.
3. The reasonableness of the belief may depend in part on the relationship between the parties.

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In A Dwelling House:

In the prosecution of a person who is an occupant of a dwelling charged with killing or injuring one who was unlawfully in said dwelling, it shall be a defense that the occupant was in his dwelling at the time of the offense and that he/she acted in the reasonable belief that the person unlawfully in said dwelling was about to inflict serious bodily injury or death upon said occupant or upon person lawfully in said dwelling, and that said occupant used reasonable means to defend himself or such other person lawfully in said dwelling. There shall be no duty on said occupant to retreat from such person unlawfully in said dwelling.

I certify that I have read the above memorandum and understand the limits of the use of Deadly Force.

This is to be signed only in the presence of the licensing authority

Date

Licensee Signature

Printed Name

Witness