



The Commonwealth of Massachusetts

OFFICE OF THE

DISTRICT ATTORNEY

BRISTOL DISTRICT

218 South Main Street
Fall River, MA 02721
(508) 997-0711

THOMAS M. QUINN III
DISTRICT ATTORNEY

DISTRICT ATTORNEY'S FINDINGS AND CONCLUSIONS REGARDING THE POLICE SHOOTING DEATH OF PAUL CODERRE, JR. IN FAIRHAVEN ON DECEMBER 29, 2023

BACKGROUND

On Friday, December 29, 2023 at approximately 4:50 P.M., officers from the Fairhaven police department were called to the Bayside Lounge regarding an intoxicated man in the parking lot. A 911 caller reported that several civilians were trying to prevent the man from driving. Three Fairhaven police officers in separate cruisers responded to the call.

The first Fairhaven police officer parked his cruiser in the middle of the parking lot. The cruiser had a dash mounted camera which recorded the events. The first Fairhaven officer saw a group of people in the parking lot. One of the people was later identified as Paul Coderre, Jr. As the officer approached, Mr. Coderre took an aggressive stance and moved his hand towards his hip. The officer believed that Mr. Coderre was reaching for a weapon. He drew his firearm and retreated to his cruiser. He was quickly joined by two other Fairhaven officers. Mr. Coderre refused to surrender his weapon and mutual aid was requested from the Acushnet and Mattapoisett police departments. Numerous officers responded to the Bayside Lounge and formed a perimeter around Mr. Coderre.

Officers repeatedly attempted to deescalate the situation. Several friends of Mr. Coderre were allowed to speak with him in an attempt to end the standoff. All attempts to verbally convince Mr. Coderre to surrender his weapon failed. Mr. Coderre appeared intoxicated, and he repeatedly threatened to shoot himself. He told officers that he would not fire at them. He would either shoot himself or make officers shoot him. The standoff in the parking lot lasted approximately thirty minutes.

The police developed a plan to use several less lethal weapons to apprehend Mr. Coderre. First, they planned to deploy a taser. If the taser failed, they planned to use a BolaWrap device.¹ The police also had a shotgun loaded with bean bag rounds. When Mr. Coderre turned his back, an officer fired his taser. The taser struck Mr. Coderre but was ineffective. The officer deployed a second taser at Mr. Coderre. The second taser also struck Mr. Coderre but he pulled the prong out of his sweatshirt with his hands. A second officer fired the BolaWrap at Mr. Coderre, but it failed to wrap around him as intended. A third officer fired a bean bag round at Mr. Coderre. The bean bag struck Mr. Coderre but failed to incapacitate him. The officer attempted to fire a

¹ BolaWrap is a "hand-held remote restraint device designed to provide an effective and safe way to restrain an individual." "BolaWrap deploys a durable seven and a half-foot Kevlar tether to temporarily restrain subjects." <https://wrap.com/bolawrap/> visited 7/22/2024.

second and third bean bag round at Mr. Coderre, however both bean bags misfired in the shotgun.

When all three less lethal devices failed, Mr. Coderre pulled a firearm from a holster on his right hip. Mr. Coderre began firing the weapon directly at several police officers who had been standing by, ready to tackle Mr. Coderre when the less lethal devices were deployed. An Acushnet officer was shot in the leg. Four police officers deployed their firearms and Mr. Coderre fell in the parking lot. He had been shot five times. Medical attention was rendered to the injured officer and Mr. Coderre. The injured officer was transported to St. Luke's hospital for a minor gunshot wound. He was released the same night. Mr. Coderre was also brought to St. Luke's hospital where he was declared deceased at approximately 6:10 P.M.

THE INVESTIGATION

Multiple police officers from Fairhaven, Acushnet and Mattapoisett responded to the Bayside Lounge for the initial calls for service and mutual aid. After the shooting, additional police officers arrived on scene. These included Massachusetts State Police troopers assigned to the Bristol County District Attorney's Office, the Crime Scene Services Section and the Firearms Identification Section. All evidence from the scene was photographed and secured. A Fairhaven police cruiser dash camera video was downloaded along with several other body worn cameras. Cellular telephone video was recovered from a bystander who saw the events leading up to the police being called. Investigators interviewed several witnesses. These included Mr. Coderre's wife and several friends who were with Mr. Coderre at the Bayside Lounge before he was shot and all of the officers who fired lethal or less lethal rounds at Mr. Coderre. Because the period of time beginning with the police response through the aftermath of the shooting is well documented by video, the factual description of the shooting draws largely on what was recorded.

PAUL CODERRE, JR.

Paul Coderre, Jr. was a fifty-five-year-old Dartmouth resident. He lived with his wife of two years and her two sons from a prior marriage. Mr. Coderre had a valid license to carry firearms. He was known to carry a firearm at all times, and he had thirty-nine firearms registered to him. He was a former firearms instructor and former part owner of a firearms store.

Mr. Coderre was a retired New Bedford firefighter. Several years prior, he was accused of feigning an injury to avoid work and claim disability while serving as the acting fire chief. Mr. Coderre was involved in two years of litigation with the City of New Bedford and the Civil Service Commission. He had recently won a ruling with the Civil Service Commission when the commission found that his termination and denial of pension was unlawful. On December 29, 2023, the City of New Bedford filed an appeal of that decision in the Bristol Superior Court.

Mr. Coderre was an active member of the Bristol County Fire Chiefs Association. Some members of the group met every Friday at the Bayside Lounge for lunch and drinks. On December 29, 2023, Mr. Coderre was at the Bayside Lounge with several friends and fellow members of the association.

INTERVIEW WITH FIRST CIVILIAN WITNESS

On the evening of December 29, 2023, investigators spoke with a civilian witness at the Fairhaven Police Station. The witness is a retired former Fire Chief of the New Bedford Fire Department. He and Mr. Coderre were good friends and were co-workers together at the New Bedford Fire Department. The witness stated that on December 29, 2023, he met Mr. Coderre at the Bayside Lounge around 11:30 AM. It was apparent that Mr. Coderre was not his normal self. Mr. Coderre was upset about a recent decision by the City of New Bedford regarding his termination from the fire department. At some point during lunch, Mr. Coderre ordered a round of Jameson shots and stated it was in memory of a former Somerset Fire Department Chief. That chief died from a suicide in January 2020. By 3:00 PM and after a few more drinks, Mr. Coderre ordered another round of shots for the group. The witness contacted Mr. Coderre's wife to tell her that her husband would need help getting home due to his drinking and mental state.

The civilian witness stated that he left the Bayside Lounge but returned after receiving a call from Mrs. Coderre. At the time of his return, the police had Mr. Coderre surrounded in the parking lot. The civilian witness tried to talk to Mr. Coderre and calm him down. He was not successful. The witness did not see the gunshots but heard what he believed was the first shot followed by a flurry of multiple shots. Following the gunshots, Mr. Coderre dropped to the ground. The civilian witness stayed with Mrs. Coderre for the rest of the evening and assisted the family in any way that he could.

INTERVIEW WITH SECOND CIVILIAN WITNESS

On Thursday, January 11, 2024, investigators conducted an interview with a second civilian witness. This witness was also a member of the Bristol County Fire Chiefs Association with Mr. Coderre. The witness stated that on December 29, 2023, he met Mr. Coderre prior to the Bayside Lounge at Jake's Diner in Fairhaven for breakfast around 9:00 A.M. Mr. Coderre was acting normally and spoke of winning his recent Civil Service case. Mr. Coderre was positive about the decision during the morning conversation. After breakfast, the group met for lunch at the Bayside Lounge. The group arrived around 12:30 PM and had a couple of cocktails. Mr. Coderre received a call from his attorney notifying him that the city of New Bedford was appealing the Civil Service decision. This caused Mr. Coderre to get "a little pissed off." Mrs. Coderre subsequently arrived at the Bayside Lounge. The second civilian witness observed that Mr. Coderre became upset by her presence.

The second civilian witness followed Mr. and Mrs. Coderre as they left the bar. Mrs. Coderre was attempting to drive her husband home and had taken Mr. Coderre's keys. The second civilian witness saw Mr. Coderre punch out the driver's side window of his own GMC pickup truck. This was an attempt by Mr. Coderre to get a spare set of keys that he kept inside. The second civilian witness explained that Mr. Coderre was upset that someone called his wife. Mr. Coderre blamed the second civilian witness and proceeded to grab him by the throat. The second civilian witness and Mrs. Coderre tried to calm Mr. Coderre, but he was enraged.

During this altercation, Mrs. Coderre asked Mr. Coderre if he had his gun on him. Mr. Coderre replied "yes." Mr. Coderre took out his gun and fired a shot into the air. The second civilian witness added that Mr. Coderre made a statement to the effect of, "the three of us are not going to go home today." When the police arrived on scene, the second civilian witness walked away from Mr. Coderre and told an officer that Mr. Coderre had a gun.

INTERVIEW WITH MRS. CODERRE

On January 03, 2024, investigators interviewed Mrs. Coderre. On the morning of the shooting, Mr. Coderre went to breakfast with several other fire chiefs from local towns. After breakfast, Mr. Coderre called his wife and said he and several of the other chiefs were going to the Bayside Lounge for lunch and drinks. That was their normal Friday routine. Later in the afternoon, Mrs. Coderre received an email from Mr. Coderre's attorney notifying her that the city of New Bedford had filed an appeal of that decision that morning. Mrs. Coderre called Mr. Coderre and spoke with him about the appeal. Mr. Coderre later invited his wife to join him for lunch at the Bayside Lounge, but she declined because she had appointments regarding an upcoming trip to Florida.

Later in the afternoon, Mrs. Coderre received a text message from Mr. Coderre's friend. The text message said that Mr. Coderre was buying rounds of alcohol for people at the bar. The text continued that he was in a good place right now but that she might want to head over. Mrs. Coderre sent several texts to Mr. Coderre, but he did not respond. After her appointments, Mrs. Coderre went to the Bayside Lounge to see her husband. Mr. Coderre was sitting in his normal spot at the bar with two friends. Mr. Coderre asked her what she was doing there and did not seem happy to see her. This was unusual as he was normally happy when she joined him.

Mrs. Coderre sat down beside her husband and ordered a soda. Mr. Coderre asked one of his friends, "did you rat me out." Mr. Coderre seemed agitated with his wife and turned his back to her. Mrs. Coderre noticed the key fob was sticking out of her husband's back pocket. Mrs. Coderre took the key fob which Mr. Coderre failed to notice. After a while, Mrs. Coderre told her husband she wanted to go home, and the pair left the Bayside Lounge together.

Mrs. Coderre believed her husband was too intoxicated to drive. When they got outside, Mr. Coderre began looking for his key fob. Mrs. Coderre told her husband that they should take her vehicle home together. Mr. Coderre refused and insisted that he wanted to drive. Mr. Coderre began yelling and demanding the keys. Mrs. Coderre told him that he could either get in her car or walk home.

Mr. Coderre kept a spare set of car keys in his truck. Mr. Coderre punched out the driver's window of his truck with his fist. Mr. Coderre injured his hand and arm as a result. Mrs. Coderre asked him, "what did you do?" Mr. Coderre raised his arms with clenched fists and gritted his teeth in anger. Mr. Coderre became verbally aggressive and began swearing at her. This was highly concerning and unusual to Mrs. Coderre as she told investigators that her husband had never spoken to her in that manner.

Mrs. Coderre texted one of her husband's friends who was still at the bar and asked him for help. That friend came outside, and Mr. Coderre again accused him of calling Mrs. Coderre. Mrs. Coderre told her husband that a different friend had called her. Mrs. Coderre and the friend tried to calm Mr. Coderre down as Mr. Coderre still had his fists clenched in anger. Mr. Coderre grabbed his friend by the throat and began to strangle him. Mr. Coderre slammed his friend against the truck which caused the remaining glass from the driver's side window to shatter. Mrs. Coderre tried to intervene, and Mr. Coderre eventually released his friend. Mrs. Coderre stated that she had never seen her husband behave that way. Mrs. Coderre explained that her husband was not normally an angry drunk, so his behavior was atypical. Mrs. Coderre believed that Mr. Coderre had a psychotic break.

Another firefighter friend who was at the Bayside Lounge came outside and asked what was going on. Mr. Coderre became more agitated and "went at" both of his friends. Mr. Coderre pulled out his firearm and pointed it at Mrs. Coderre. Mrs. Coderre and the two friends told Mr. Coderre to put the gun away. Mr. Coderre fired a shot into the air. Mrs. Coderre indicated that she became afraid that her husband might shoot them. Mrs. Coderre stated that she hid behind her vehicle and then saw a police cruiser pull into the lot. She heard her husband yell, "I'm gonna die today." Mrs. Coderre saw people at the side door to the lounge calling for her to come inside. She left the lot and went into the building. While inside the bar, she heard multiple gunshots outside and everyone in the bar got on the ground.

Mrs. Coderre explained that her husband had gone through a two-year process of being fired from the New Bedford Fire Department. This caused Mr. Coderre to almost lose his pension. His pension was ultimately approved by the retirement board, and he filed an appeal with the Civil Service Commission over his termination. Mr. Coderre won his appeal and had his position reinstated. However, the city of New Bedford was now appealing that decision. Mrs. Coderre described the litigation and publicity over the civil service appeal as being stressful and upsetting to Mr. Coderre. Mrs. Coderre also explained that Mr. Coderre was recently informed that he could not have any further surgeries to help with his back problems and was instead referred to pain management. Mrs. Coderre described the different injuries and treatments that her husband had gone through during his career. He was prescribed prescription medication for his pain and mood. Mr. Coderre had recently switched medications. Mrs. Coderre noted that since the medication switch, her husband seemed more agitated.

911 CALL

On Friday, December 29, 2023, at 4:50 PM, the Fairhaven Police Department received a 911 call from a patron at the Bayside Lounge. The caller reported an intoxicated male was attempting to drive himself from the bar. Three Fairhaven police officers were dispatched in response to the 911 call. The 911 caller did not report the presence of a firearm during the 911 call.

TWO CELL PHONE VIDEOS FROM 911 CALLER

When investigators interviewed the 911 caller, he told them that he heard someone in the parking lot say "don't pull out your gun." He also told the police that he heard a gunshot in the parking lot before the police arrived. The 911 caller provided investigators with two short videos he

filmed on his cellphone. Both were approximately one minute in length and captured activity before the police arrived.

CELL PHONE VIDEO 1

The first video starts with Mr. Coderre outside of his truck and in the parking lot. Mr. Coderre yells at his wife and friend to “go the f--k away.” He adds that he doesn’t need either of them and, that “if they f--k with him anymore, they are done.” Mr. Coderre grabs his friend by the throat as his friend attempts to calm him down. Mrs. Coderre tried to intervene, and Mr. Coderre became angrier. Mr. Coderre’s friend tried to convince him that he was drunk. Mr. Coderre denied being drunk and it appears that Mr. and Mrs. Coderre both saw the 911 caller filming the scene on his cell phone.

CELL PHONE VIDEO 2

The second video continued with Mr. Coderre’s friend attempting to calm him down. Mr. Coderre pushed his friend into the truck and glass can be heard falling from the broken window. Mr. Coderre stated to his friend “if they called the cops here, I’m going to kill some cops.” Mr. Coderre’s friend asked Mr. Coderre to “give me your firearm” and Mr. Coderre told him to go away. The video ends when another patron walked outside and asked the 911 caller what was going on.

REVIEW OF POLICE BODY WORN CAMERA AND CRUISER CAMERA VIDEO

Body worn camera (BWC) footage from the Mattapoisett Police Department and cruiser camera footage from the Fairhaven Police Department recorded portions of the police response. All videos were downloaded and reviewed. There is approximately 30 minutes of video with audio prior to the shooting incident.

FAIRHAVEN CRUISER CAMERA

The first responding Fairhaven officer’s cruiser camera footage began with him driving to the Bayside Lounge. He arrived approximately 2 minutes and 30 seconds into the video. As he approached Mr. Coderre in the parking lot, Mr. Coderre appeared to have his right hand on his right hip and his left hand extended outward. The first responding officer is then seen retreating away from Mr. Coderre².

During the standoff, Mr. Coderre spoke to officers. He told the officers that “there is no coming back from this” and “I don’t want to hurt anyone.” Mr. Coderre told officers that he had a Ruger 9MM on his right side. Mr. Coderre was enraged that someone called the police, and he made repeated suicidal statements. He told the officers that “someone else decided for me, this is how it is going to be” and “this isn’t going to end well for me, I know this isn’t going to end well for me.” Mr. Coderre was especially adamant that he was not going to jail and that the police were not going to take his firearms.

² The cruiser camera video has no audio for approximately nine minutes and twenty-six seconds. Once the audio activates, the cruiser camera records audio and video for several hours until the cruiser is moved.

Several other officers and the Chief of the Fairhaven police department also spoke to Mr. Coderre. Repeated requests for Mr. Coderre to lay on the ground, put up his hands and surrender his firearm were refused. The officers repeatedly offered to get Mr. Coderre help and told him that they didn't want anything to happen to him. Mr. Coderre told the officers that "he's not stupid" and that "he knows he's not going home from here." Mr. Coderre warned officers that if they put "anyone behind me, it's a threat," but reiterated that he would not harm a law enforcement officer.

In addition to the police, Mr. Coderre also spoke with two friends who had been with him at the Bayside Lounge. He became even more enraged when he talked to these friends. He blamed his friends for calling his wife and told them that he "was dying tonight." He told the police that the situation was going to end "one of two ways, you guys are going to shoot me or I'm going to shoot me." He added that "this is how this is going to end." He told the police, "Don't lose any sleep over this, this is my decision." Mr. Coderre became increasingly insistent that he was either going to kill himself or force the police to shoot him.

The police formulated a plan to use less lethal tools to end the situation. Approximately 39 minutes and 59 seconds into the video, a Fairhaven officer attempts to tase Mr. Coderre as Coderre turned his back to the officer. Two taser volleys failed to incapacitate Mr. Coderre. Coderre pulled the probes off his body. A different Fairhaven officer unsuccessfully deployed the BolaWrap device. A beanbag projectile also struck Mr. Coderre, but it had little to no effect. Attempts to re-engage Coderre with the beanbag were unsuccessful because of misfires. Approximately seven seconds later, Mr. Coderre took out his firearm, turned, and pointed the gun towards officers on the north side of the parking lot.

Mr. Coderre fired his weapon repeatedly and in rapid succession. The gunfire was directed at officers, including an Acushnet officer who was shot in the leg. In response to Mr. Coderre firing his weapon, officers returned fire. Mr. Coderre dropped to the ground with his weapon appearing to fall to his side.

The time from the first taser deployment to Mr. Coderre falling to the ground after being shot was approximately twelve seconds. After the shooting, officers rendered aid to Mr. Coderre.

MATTAPOISETT BODY WORN CAMERA 1

A responding Sergeant from the Mattapoissett Police Department was wearing a body worn camera. Footage showed him inside the Bayside Lounge interacting with Mrs. Coderre. He walked outside into the parking lot where he spoke with another officer. His BWC recorded officers talking with Mr. Coderre, requesting that he end the standoff. Mr. Coderre continued to question "how we got here" and reiterated several times that he wished to cause no harm to the officers. Mr. Coderre mentioned having an issue with the city going after his pension and confirmed that he consumed a couple of drinks. Additionally, Mr. Coderre is heard saying "we're not going home." Coderre later added, "I'm either going to put a bullet in my head or you're going to shoot me." As the interaction progressed, Mr. Coderre's demeanor appeared to become increasingly agitated. At approximately 5:20 PM, Mr. Coderre stated that he would not raise a

gun at the police, but if they tried to take him, there would be a problem. He would shoot himself. Furthermore, Mr. Coderre stated that if the police put anyone behind him, it would be a threat. Mr. Coderre repeatedly stated that he was "dying tonight." At approximately 5:31:58 P.M., the Fairhaven officer's taser attempts are heard. The body worn camera is obscured by officers standing in front of him. At approximately 5:32:05, someone yelled "gun" several times. At that point, multiple shots were fired and the body worn camera showed an officer firing his weapon. Following the shooting, the body worn camera depicted the Mattapoissett Sergeant giving aid to Mr. Coderre.

MATTAPOISETT BODY WORN CAMERA 2

A second Mattapoissett Sergeant also responded to the Bayside Lounge while wearing a body worn camera. Footage from this camera began at approximately 5:08 PM, which showed him at the west side of the Bayside Lounge parking lot standing with fellow officers. The Sergeant appeared to remain on the west side of the parking lot during the interaction with Mr. Coderre. During the video, the Mattapoissett Sergeant armed himself with a patrol rifle but did not fire his weapon. Following the shooting, he assisted with aid to Mr. Coderre. He also helped secure the scene by placing yellow crime scene tape around the parking lot.

MATTAPOISETT BODY WORN CAMERA 3

A responding Mattapoissett police officer was also wearing a body worn camera during the incident. This officer's body worn camera footage began at approximately 5:12 PM, which showed him at the west side of the Bayside Lounge parking lot armed with a patrol rifle. The officer can be heard communicating with Mr. Coderre and attempting to de-escalate the situation by offering him assistance. At approximately 5:31:45, someone can be heard shouting, "bola", followed by, "beanbag," and "drop the gun." At approximately 5:31:52, this officer appears to fire multiple shots from his patrol rifle. Following the shooting, the officer advances to Mr. Coderre's position, stating, "gun's down, gun's down." The officer then ran over to the Acushnet officer who suffered a gunshot wound to his lower leg after someone on scene yelled out, "officer down." During the remainder of the video, the officer is in the parking lot identifying potential ballistics evidence to other officers on scene.

POLICE OFFICER INTERVIEWS

Investigator interviews included the three Fairhaven Police Department Officers initially dispatched because of the 911 call, two Acushnet Police Officers, one of whom was shot in the leg, an off-duty Fairhaven Police Department Sergeant who responded to scene after being summoned by one of the Fairhaven Police Officers, and a Mattapoissett Police Department Officer.

They provided observations from their positions throughout the parking lot and their interactions. They described the attempt to use less lethal means to subdue Coderre and then tackle him. The Acushnet Officer positioned himself, along with some other officers, behind the cover of a vehicle in the parking lot. When the use of less lethal means failed, Coderre drew his firearm. He pointed it at a group of officers, including the Acushnet Officer, and fired multiple times.



Figure 1: Screen shot from the Fairhaven Cruiser Camera showing Mr. Coderre firing his weapon towards the Acushnet Officer and other officers on the side of the Bayside Lounge parking lot.



Figure 2: Photo of fourth responding officer's pants with bullet hole.

The Officers described their observations and the roles, to the extent they had any, in the discharging of weapons in response to Coderre firing at the police. The Acushnet Officer was struck in the leg by a projectile fired by Coderre. The projectile passed completely through the Officer's leg and was not recovered. The Officer fired back at Coderre. Three other officers also fired at Coderre.

AUTOPSY RESULTS

On Saturday, December 30, 2023, Trooper Ronald Gagne attended the autopsy of Paul Coderre Jr.. Trooper Gagne is assigned to the Bristol County District Attorney's Office. The autopsy was conducted by Dr. Anand Shah and photographs were taken by Trooper Thomas Loughran of the State Police Crime Scene Services Section (CSSS). Mr. Coderre had five injuries consistent with gunshot entrance wounds to the left side of his body. Mr. Coderre had a penetrating gunshot wound on his left upper back, a perforating gunshot wound of his left lower back, a penetrating gunshot wound of his left flank, a penetrating gunshot wound of the left buttock and a gunshot wound to his left arm. Doctor Shah explained that an entrance wound on the left side of the mid-back indicated the round entered the left lung and continued to travel through the heart and right

lung before it fragmented into the right shoulder. Mr. Coderre's cause of death was gunshot wounds of the torso and extremities. The manner of death was homicide. The Chief Medical Examiner's definition of homicide is a death due to action(s) of another.³ Not all homicide is murder, and some are lawful, including those justified by self-defense or defense of another.

The postmortem toxicology report listed Mr. Coderre's pooled/cavity blood to have a blood alcohol content of 0.202 g%, and the vitreous humor ethanol reading to be 0.227 g%. By comparison, Massachusetts law prohibits driving a motor vehicle with a blood alcohol content of .08 g% or higher. Tests of Mr. Coderre's blood did not detect any fentanyl, cocaine, methamphetamine, methanol, isopropanol, acetone, amphetamine, benzodiazepine, buprenorphine, opiates, cannabinoid, or other organic bases and neutrals.

BALLISTICS EVIDENCE

After Mr. Coderre and the injured Acushnet officer were transported to St. Luke's Hospital, the scene was frozen so that it could be photographed. Once the scene was documented, troopers from the Massachusetts State Police Firearms Identification Section recovered all of the ballistics evidence.

LESS LETHAL DEVICES

The police documented the taser 7, BolaWrap and beanbag shotgun evidence deployed during the incident.

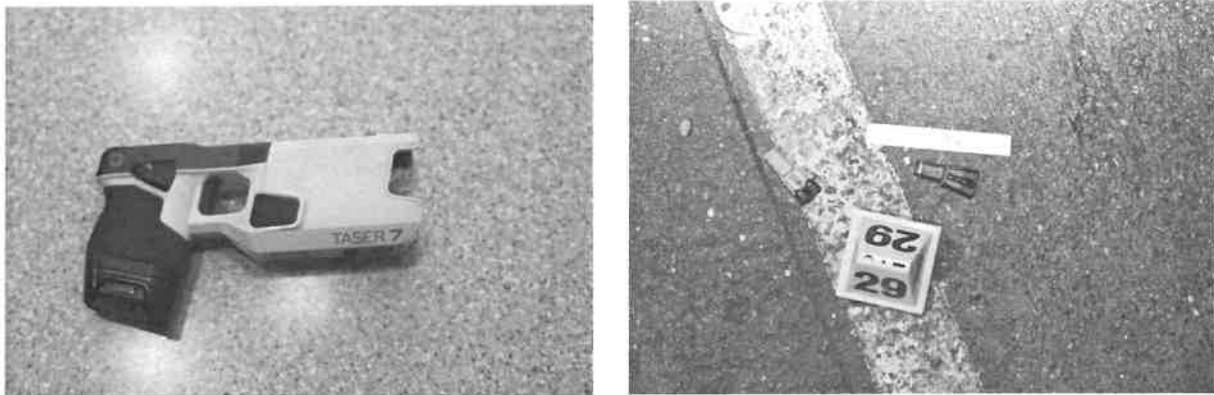


Figure 3: The Taser 7 and the two cartridges fired by a Farihaven Police Officer.

³ OCME's manner of death is a medical determination, not a legal determination concerning the use of force.



Figure 4: The BolaWrap deployed by a Fairhaven Police Officer.



Figure 5: The bean bag shot gun and bean bag shotgun round fired by fifth responding officer.

PAUL CODERRE JR. FIREARM AND MAGAZINES

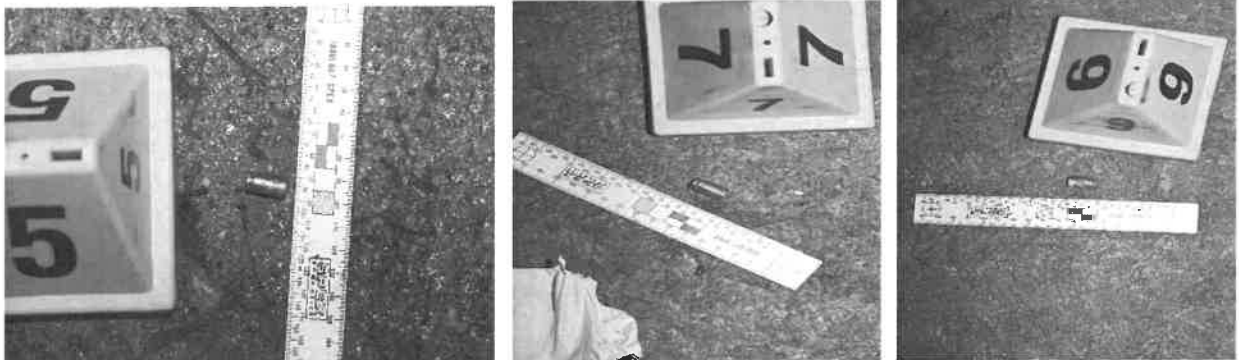
The firearm found next to Mr. Coderre was a 9mm Ruger model LC9s semi-automatic pistol, serial number 459-25677. According to the manufacturer, the weapon is made of glass filled nylon with an aluminum insert and hardened alloy steel slide. The firearm was loaded with one live Luger 9mm round in the chamber and one live Luger 9mm round in the magazine. The magazine had a seven-round capacity. An additional magazine was recovered from Mr. Coderre's person at St. Luke's hospital. That magazine contained seven live rounds and had a nine-round capacity. The firearm was legally registered to Mr. Coderre.



Figure 6: The Ruger 9mm firearm recovered from the Bayside Lounge parking lot.

BALLISTICS EVIDENCE FROM MR. CODERRE'S FIREARM

Investigators recovered eight spent shell casings from the Bayside Lounge parking lot which were consistent with the live ammunition recovered from Mr. Coderre's 9mm Luger firearm. This included the shot fired into the air before the police arrived.



Figures 7-8: 3 of the 9mm Luger Spent Shell Casings consistent with live ammunition recovered from Mr. Coderre's firearm.

BALLISTICS EVIDENCE FROM POLICE WEAPONS



Figure 8: A portion of the Bayside Lounge parking lot with ballistic evidence marked with numbered yellow markers.

Investigators recovered a number of spent shell casings consistent with being fired by police officers. All of the officers' weapons were secured after the shooting. The recovered police ballistics evidence consisted of:

Seven .45 Auto +P spent shell casings fired by the Acushnet Police Officer who was shot in the leg.

Four 9mm Luger +P spent shell casings fired by the Fairhaven Police Sergeant.

Eleven 5.56mm spent shell casings fired by a Mattapoisett Police Officer.

One Remington .223 spent shell casing fired by the first Fairhaven Police Officer to arrive at the parking lot.

SELF DEFENSE/DEFENSE OF OTHERS

The laws of the Commonwealth allow a person to act in self-defense or defense of another.⁴ Self-defense and defense of another, if warranted by the circumstances and carried out properly,

⁴ The law encourages people to aid others when that is necessary. Therefore, a person may use reasonable force when that is necessary to help another person, if it reasonably appears that the person being aided is in a situation where the law would allow that person to act in self-defense. The elements of defense of another are: "An actor is justified in using force against another to protect a third person when (a) a reasonable person in the actor's position would believe his intervention to be necessary for the protection of the third person, and (b) in the circumstances as that reasonable person would believe them to be, the third person would be justified in using such force to protect himself." *Commonwealth v. Young*, 461 Mass. 198, 208 (2012), quoting *Commonwealth v. Martin*, 369 Mass. 640, 649 (1976). "The reasonableness of the belief may depend in part on the relationships among the persons involved."

constitute a complete defense.⁵ The level of force used by a person acting in self-defense or defense of another must be commensurate to the level of the threat. Deadly force may be used to combat deadly force. However, deadly force may not be used to combat non-deadly force. Our laws define deadly force as force intended or likely to cause death or great bodily harm and define non-deadly force as any force less than deadly force.⁶

ACUSHNET USE OF FORCE POLICY

The Acushnet Police Department has a written Use of Force Policy [400A]. This Use of Force Policy was issued on April 26, 2021 and has been revised as recently as August 28, 2023. The Use of Force Policy's purpose "is to establish uniform guidelines for the lawful use of reasonable force by members when necessary. This policy defines levels of force available and provides members with a continuum of force describing possible responses for different situations. It includes procedures for providing medical assistance when necessary after a use of force as well as departmental reporting and investigative procedures.

It is the policy of the Acushnet Police Department that members shall use reasonable force when force is used to accomplish lawful objectives and effectively bring an incident under control. M.G.L. Ch. 41 § 97A grants the authority to municipalities to establish a police department and M.G.L. Ch. 41 § 98 defines police powers and duties. M.G.L. Ch. 41 § 98 also gives police the legal authority to carry and use, within the Commonwealth, such weapons as the Chief of Police or Select Board shall determine, in the performance of their duties. In all instances, members of the Acushnet Police Department shall only use the amount of force necessary and reasonable to control and terminate unlawful resistance or to prevent further physical attack against the member or any other person.

Different situations allow for greater uses of force. However, the use of deadly force requires special conditions. According to the Acushnet Police Use of Force Policy:

"1. A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm. Officers are authorized to use lethal force to:

- a. Defend him/herself or another from unlawful attack which he/she reasonably believes is an imminent threat of death or serious bodily harm, or
- b. Effect an arrest, only when:
- c. The arrest is for a felony; and

Martin, 369 Mass. at 649. "(T)he circumstances must be viewed from the perspective of the intervening [person], not of the third party." Young, 461 Mass. at 209.

⁵ See Commonwealth v. Mejia, 407 Mass. 493, 496 (1990) (self-defense). See also Commonwealth v. Johnson, 412 Mass. at 370-373 (1992) (defense of another).

⁶ "The proper standard for determining whether particular actions were justifiably undertaken in self-defense depends on the level of force he used on his victim and the circumstances that prompted those actions." Commonwealth v. Pike, 428 Mass. 393, (1998). If deadly force was used then the deadly force standard should be applied. See Commonwealth v. Houston, 332 Mass. 687, 690 (1955).

- d. The member reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and
- e. The member has probable cause to believe that:
- f. The crime for which the arrest is being made involved the use, attempted use, or threatened use of lethal force; and
- g. There is substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed; and
- h. There is no reasonable alternative.
- i. Where feasible, members shall identify themselves and give some warning before using lethal force.
- j. Qualified with that weapon under the direction of a certified instructor.

FAIRHAVEN POLICE DEPARTMENT USE OF FORCE POLICY

The Fairhaven Police Department has a written Use of Force Policy [300.01]. This Use of Force Policy was issued on May 1, 2012 and is reviewed annually. The Use of Force Policy's purpose "is to establish uniform guidelines for the lawful use of reasonable force by members when necessary. This policy defines levels of force available and provides members with a continuum of force describing possible responses for different situations. It includes procedures for providing medical assistance when necessary after a use of force as well as departmental reporting and investigative procedures".

It is the policy of the Fairhaven Police Department that members shall use reasonable force when force is used to accomplish lawful objectives and effectively bring an incident under control. M.G.L. ch. 41 § 97A grants the authority to municipalities to establish a police department and M.G.L. Ch. 41 § 98 defines police powers and duties. Section 98 also gives police the legal authority to carry and use, within the Commonwealth, such weapons as the Chief of Police or Select Board shall determine, in the performance of their duties. In all instances, members of the Fairhaven Police Department shall only use the amount of force necessary and reasonable to control and terminate unlawful resistance or to prevent further physical attack against the member or any other person. All officers of the Fairhaven Police Department are required to receive annual training on the department's Use of Force policy.

All officers of the 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.

A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.

An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the

circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual.

An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. A supervisor not directly involved in the use of force incident will complete a report, which will include the officer's report.

A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to:

- i. Effect the lawful arrest or detention of a person;
- ii. Prevent the escape from custody of a person; or
- iii. Prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee pursuant to subsection (d) of section 15 of chapter 6E.

Different situations allow for greater uses of force. However, the use of deadly force requires special conditions. According to the Fairhaven Police Use of Force Policy, the use of deadly force is appropriate where:

"1. Officers may use deadly lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. Officers are authorized to use lethal force to:

- i. Defend him/herself or another from unlawful attack which he/she reasonably believes is an imminent threat of death or serious harm, or
- ii. Effect an arrest, only when:
- iii. The arrest is for a felony; and
- iv. The member reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and
- v. That the member has probable cause to believe that:
- vi. The crime for which the arrest is being made involved the use, attempted use, or threatened use of lethal force; and
- vii. There is substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed; and
- viii. There is no reasonable alternative.
- ix. Where feasible, members shall identify themselves and give some warning before using lethal force."

MATTAPOISETT POLICE USE OF FORCE POLICY

The Mattapoissett Police Department has a written Use of Force Policy [9.01]. This Use of Force Policy was issued on April 20, 2023. The Use of Force Policy's purpose "is to provide general

policy and procedure guidance concerning the use of force by Mattapoissett Police Department personnel. Ensuing directives in this section will provide guidance to agency personnel with respect to specific weapons”.

It is the policy of the department that personnel use only the force that is reasonably necessary to accomplish lawful objectives. Officers must constantly re-evaluate their use of force and escalate or de-escalate force as necessary to maintain control or prevent injury to the officer or a third person. This policy requires strict adherence by all personnel. The Mattapoissett 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. When exigent and unforeseen circumstances cause officers to deviate from the provisions of this Policy, officers are still expected to act with intelligence, sound judgement and in full conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this directive shall be examined on a case by case basis.

Different situations allow for greater uses of force. However, the use of deadly force requires special conditions. According to the Mattapoissett Police Use of Force Policy, the use of deadly force is appropriate where:

“1. A sworn member of this Department is authorized to use lethal force only after de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances, and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm. This may include situations in which there are no viable alternatives available and lethal force is necessary for the officer to:

i. Defend himself/herself or another from unlawful attack which he/she reasonably perceives as an imminent threat of death or serious bodily injury; or
ii. Effect an arrest, only when the arrest is for a felony and the officer reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and the crime for which the arrest is made involved the use or attempted use, or threatened use of lethal force; and there is substantial risk that the person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.

iii. Where practical, and if time and circumstances permit, officers shall verbally identify themselves as police officers and give some warning before using deadly force.

iv. In addition to those circumstances addressed above, a police officer may discharge a department-issued and/or authorized firearm in the following instances:

- a. At a firearms range for authorized training, target practice or competition; or
- b. To destroy a dangerous animal or an animal so badly injured that it should be destroyed to prevent further suffering. All other options shall be exhausted, however, before shooting the animal, and the officer shall exercise due care for the safety of persons and property in the area and, where feasible, ensure children are not present.

- v. Warning shots and signaling shots are strictly prohibited.
- vi. Officers shall not discharge a firearm from inside any moving vehicle.
- vii. Officers shall not discharge a firearm at a moving vehicle unless, based upon the totality of the circumstances, such discharge is necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm to a person.
- viii. An officer shall not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer should carry their firearm in a position that will facilitate its speedy, effective, and safe use (Gun Ready or Muzzle Depressed). Officers shall not point firearms at persons in circumstances which are clearly unjustifiable. In the event it is necessary to point a firearm at a subject, officers shall note justification for the use of force within the Use of Force report.”

CONCLUSION

Based on the facts and circumstances described above, the following determinations can be made:

Officers from the Fairhaven Police Department were dispatched to the Bayside Lounge in response to a call of an intoxicated person trying to drive. Upon their arrival they quickly determined that the intoxicated man (Paul Coderre) was armed and that he had already fired a round from his firearm. Acushnet and Mattapoisett police departments responded to provide assistance. In the face of Coderre’s repeated threats to use that firearm on himself or on the officers if they tried to intervene, the police at the scene attempted to bring about a peaceful conclusion by talking with Coderre.

When talking failed to end the incident, officers attempted to use several less lethal weapons on Mr. Coderre. Two attempts were made to incapacitate Mr. Coderre with the taser, however, neither cartridge successfully hit Mr. Coderre. Officers’ attempts to use the BolaWrap to tie-up Coderre similarly failed. Therefore, officers proceeded to another less lethal option with a bean bag round fired from a shotgun. The bean bag round struck Mr. Coderre but did not cause him to fall down. After Mr. Coderre was struck with the beanbag round, he turned towards officers poised to tackle him and drew his firearm. He pointed the firearm at officers and fired several shots in their direction. The Acushnet responding officer was shot as a result. Officers from all three responding departments returned fire. Mr. Coderre was shot five times.

The use of force by officers from the Acushnet, Fairhaven and Mattapoisett police departments was consistent with the severity of the situation and with each department’s internal policies regarding the use of force. It was also consistent with the law of self-defense and/or the defense of others. Due to Mr. Coderre’s unprovoked actions, the use of deadly force in this incident was

reasonable based on the totality of the circumstances. The use of force was not excessive because Mr. Coderre was actively shooting at police officers, striking one of them. Lethal force was necessary to prevent officers from suffering serious bodily injury and/or death. Numerous civilians in the area and patrons inside of the Bayside Lounge were also at risk of serious bodily injury and/or death. Return fire by the police ended promptly after Mr. Coderre fell and treatment was immediately provided to Mr. Coderre. A majority of the incident was captured on dash camera or body camera video confirming the statements of the officers and civilians involved.

The fatal shooting of Paul Coderre Jr. was justified as the result of Mr. Coderre's actions on December 29, 2023. Based on a review of all the facts and circumstances related to this incident, there is no basis to conclude that the responding police officers committed a crime