



LEBANON POLICE DEPARTMENT
36 Poverty Lane, Lebanon, NH 03766

Effective Date 06/18/2020

Number **PR-246**

Title **Use of Force**

PURPOSE: This policy provides guidelines for Lebanon Police Officers. This directive is for Departmental use only and does not apply in any criminal or civil proceeding. This policy should not be considered as establishment of a higher legal standard or conduct for officers in case of third-party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and/or criminal sanctions in a recognized judicial setting.

POLICY:

- A. It is the policy of the Lebanon Police Department to use a reasonable amount of force to conduct the lawful public safety activities of the department.
- B. The response option employed will be reasonable and based on the totality of the circumstances.
 1. Officers involved in the use of force have the responsibility of providing the facts and circumstances they believe justified the use of force by completing the necessary reports, memos etc.
 2. Such circumstances that may govern the reasonableness of using a particular force option include, but are not limited to:
 - a. The severity of the crime
 - b. Whether the suspect poses an immediate threat to the safety of officers or others.
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
 3. Elements of Force- Officers need to consider the following:
 - a. Ability- Suspect has the reasonable ability to carry out the act.
 - b. Opportunity- Suspect has the reasonable opportunity to carry out the act.
 - c. Jeopardy- Suspect creates jeopardy to the officer or others.
- C. All sworn employees will intervene, if a reasonable opportunity exists, when they know or should know that another employee is using unreasonable force. All sworn employees will immediately verbally report excessive force to a supervisor.

DEFINITIONS:

Non-deadly Force (627:9, IV): “Any assault or confinement which does not constitute deadly force.”

Deadly Force (627:9, II): “Deadly force means any assault or confinement which the actor commits with the purpose of causing or which he/she knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a firearm capable of causing serious bodily injury or death in the direction of another person or at a vehicle in which another is believed to be, constitutes deadly force.”

Serious Bodily Injury (625:11, VI): “Any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or the function of any part of the body.”

Reasonable Belief: What an ordinary and prudent person in the same or similar circumstances would believe based upon their knowledge of the facts surrounding the events as they existed at the time of the event.

THE LAW ON THE USE OF FORCE IN RESPONSE TO RESISTANCE BY LAW ENFORCEMENT:

Non-deadly Force (627:5, I): “A law enforcement officer is justified in using NON DEADLY FORCE upon another person when and to the extent that he reasonably believes it necessary to effect the arrest or detention or to prevent the escape from custody of an arrested or detained person, unless he knows that the arrest or detention is illegal, or to defend himself or a third person from what he believes to be the imminent use of non-deadly force encountered while attempting to effect such an arrest or detention or while seeking to prevent such escape.

Deadly Force (627:5, II): “A law enforcement officer is justified in using deadly force only when he/she reasonably believes such force is necessary.”

1. To defend himself/herself or a third person from what he/she reasonably believes is the imminent use of deadly force; or
2. To effect an arrest or prevent the escape from custody of a person whom he/she reasonably believes:
 - a. Has committed or is committing a felony involving the use of force or violence, is using a deadly weapon, is attempting to escape or otherwise indicates that he/she is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay; **AND**,
 - b. He/she had made reasonable efforts to advise the person that he/she is a law enforcement officer attempting to effect an arrest and has reasonable grounds to believe that the person is aware of these facts.
3. Nothing in this paragraph constitutes justification for conduct by a law enforcement officer amounting to an offense against innocent persons whom he/she is not seeking to arrest or retain in custody.

RESPONSE OPTIONS:

When an officer determines that the use of force is necessary and appropriate, they shall, to the extent possible, utilize a level of force as determined by the particular needs of the situation.

De-escalation Techniques

Whenever possible, officers shall use techniques to minimize the need to use force and increase the likelihood of voluntary compliance to include verbal persuasion and warnings, as well as tactical de-escalations techniques such as creating space, slowing down the pace of the incident or requesting additional resources.

Officer Presence

Often the presence of one or more police officers will be enough to bring a potential or actual disturbance under control. When confronted with a situation that would deteriorate without police presence, it is often best to have an officer in the area, visible to all, to act as a deterrent. The presence of a canine at a scene falls under this parameter.

Verbal Persuasion, Negotiation, or Command

Includes instruction or direction from an officer in the form of verbal statements or commands.

Soft Empty Hand Techniques and Restraining Devices

A. Control and restraint techniques include, but are not limited to:

1. Wrist locks
2. Joint locks
3. Pressure points
4. **Handcuffing** (metal, plastic, or soft restraint devices)
 - i. All Officers of the Lebanon Police Department upon placing handcuffs on a subject will, as soon as reasonably possible, check for proper fit and double lock them for safety.
 - ii. Officers should determine the practicality or necessity of using handcuffs in situations such as: transporting juveniles, elderly, mental health patients, or seriously ill or injured persons.
 - iii. Prisoners will be handcuffed with their hands behind their back, when feasible unless using the transport belt.
5. Restraining devices (ankle cuffs, shackles, transport belt).

B. Employees **will not** restrain suspects with their legs behind their back (hog-tying).

C. Employees are prohibited from the use of chokeholds or neck holds -- physical maneuvers that restrict an individual's ability to breathe for the purposes of incapacitation -- except in those situations where the use of deadly force is allowed by law. This includes carotid restraint holds,

a lateral vascular neck constraint, or a hold with a knee or other object to a subject's neck, or any other hold to the neck which would obstruct a person's ability to breath.

Chemical Agent Spray

O.C. is a non-lethal weapon used in the continuum. O.C., being a pepper-based spray, will not cause any injury or long-lasting effect on the person. Its formulation is based on a powerful inflammatory agent that occurs naturally in cayenne peppers. OC acts on the mucous membranes of the eyes, nose, mouth and throat and its effects last 15 to 45 minutes. If OC is used to subdue a person, that person should be exposed to fresh air as soon as possible. The suspect's eyes and other exposed areas should be rinsed with cold water as soon as possible. Soap and water will remove the resin from the skin, and the suspect should be encouraged not to rub the affected area. If a person takes longer than 45 minutes to recover, they should be evaluated by medical personnel. Like any use of force injury, if the subject requests medical treatment, they should be immediately taken to a medical facility for examination.

- A. Officers shall carry their approved OC dispensers while on duty. Department issued OC may be carried off duty should officers have to act in their official capacity as a police officer. This weapon shall be used under the same guidelines that apply for duty use.
- B. OC shall be utilized in compliance with OC training and proper decontamination procedures shall be followed. Officers using OC on a subject must ensure they will have control of the subject when s/he becomes incapacitated. For instance, if the subject is encountered near traffic, s/he must not be allowed to run into traffic while incapacitated and blinded.
- C. Only those officers trained in the use of OC by a certified instructor will be allowed to carry this weapon. Biennial refresher training will be conducted. Anyone not certified as competent in the use of this weapon will not be authorized to use it and will receive remedial training in the use of this weapon.

Note: OC is effective on animals as well as people and may be used to incapacitate an attacking animal.

Taser

- A. The Taser is a less than lethal, hand held conducted electrical weapon (CEW) that uses nitrogen propelled wires at 26 watts and 50,000 volts of electrical waves in short duration. These waves overpower the normal electrical signals within the nerve fibers of the body, thereby controlling and overriding the central nervous system through Electro-Muscular Disruption.
- B. The Taser may be used when a subject has signaled his/her intention to actively resist arrest in an aggressive, hostile manner or when a need arises to incapacitate a dangerous, combative, or high risk subject where other use of force techniques exposes the officer, the subject or the public to unnecessary danger, or when other force techniques have been or may be ineffective. The Taser is not intended to replace the firearm in a deadly force situation.
 - 1. Only those officers who have successfully completed the approved certified training will be authorized to carry and use the Taser, **ONLY** while on duty.
 - 2. Re-certification for users shall occur annually. Re-certification for instructors shall occur every two years.
 - 3. Only properly functioning Tasers shall be carried for use, which is to be the responsibility of the officer carrying such Taser. Officers shall conduct a "spark test" prior to their shift. Any damage sustained to the Taser unit or its components will be documented and

forwarded through the chain of command to the Training Division Supervisor. Annually, a Taser instructor will inspect each Taser unit. Downloading of information will be performed periodically based on usage.

4. After securing the subject in handcuffs, the Taser probes will be removed by the officer pursuant to the methods prescribed by Taser, International. However, if the probes are imbedded in soft tissue such as the neck, face, groin, bone or spinal column, the officer shall require the subject to be treated at a hospital by medical personnel.
5. Each discharge, including accidental discharges, of the Taser shall be documented, as well as non-discharge uses, to include when the threat of the Taser is used. Documentation shall be made in both the officer's report and the Lebanon Police Department's "Use of Force Report."

C. Usage and Deployment Procedures

1. Only properly functioning and charged Taser X26P units shall be carried for use. Officers shall conduct a Taser "spark test" prior to their shift.
2. Always replace air cartridges by their expiration date and use expired cartridges for training only.
3. Prior to the use of the Taser X26P, if practical, broadcast "Taser" indicating the use of the Taser X26P is imminent to prevent unintentional discharges.
4. Sensitive Body Part Hazard: When possible, avoid targeting the Taser on sensitive areas of the body such as the head, throat, chest/breast, or known pre-existing injury areas. The preferred target areas are the lower center mass (below chest) for front shots, and below the neck for back shots.
5. A supervisor shall respond to each incident where a Taser is used, if practical. In the event a supervisor is unable to respond, notification shall be made to the Chief of Police or his designee, informing him of the deployment of the Taser.
6. If a police K-9 is actively biting a suspect, the CEW should not be used unless there is imminent danger to the K-9's life.

D. Post-Use Procedures

1. After securing the subject in handcuffs, Emergency Medical Personnel will be called to each Taser use. Taser probes will be removed using the prescribed methods. However, if the probes are imbedded in soft tissue such as the neck, face, groin, bone or spinal column, the officer shall require the subject be treated at a hospital by medical personnel.
2. A supervisor or assisting officer on the scene shall photograph any area of injury.
3. Officers should be alert for any injury that may or may not have been brought about by police use of force, which left untreated, could become a possible serious problem for both the injured suspect and department.
4. Officers will have a competent and licensed physician at a hospital emergency department examine all suspects who fall under either of the following categories.
 - a. The suspect has an obvious injury, which, in the opinion of the shift supervisor/OIC requires treatment.
 - b. The suspect requests medical treatment for an injury, whether obvious or not.

- c. The suspect does not appear to recover properly after deployment.
 - d. It is later learned that the suspect has a pacemaker or is pregnant.
5. In cases where the Taser is used in the drive stun capacity only, medical attention shall be sought if the subject sustains an injury or requests medical attention.

E. Equipment

1. AFID (Anti-Felon Identification): Every time an air cartridge is fired, it disperses 20-30 identification tags called AFID's. These tags are imprinted with the serial number of the cartridge and can be used to determine who fired the cartridge. At least two AFID's will be placed inside the evidence bag with the air cartridge. The number from the AFID's shall be logged on the "Use of Force Report."
2. At least annually, a certified Taser Instructor will inspect each Taser unit. Downloading of information can be done if necessary.
3. The Chief of Police or his designee will retain all records and any downloaded information.

F. Storage and Maintenance

1. Each Officer is issued a Taser which will be stored in the Officer's locked locker when not on duty. Spare Tasers shall be stored in the firearms room. The officer shall conduct a visual inspection of the Taser and conduct a spark test. If the Taser is found to be not in working order or in need of maintenance, the officer shall notify a supervisor.

G. Restrictions on the use of the Taser

1. Any known or obviously pregnant female.
2. Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquid. Taser use could result in fire or explosion when flammable gases, fumes, vapors, liquids, or materials are present.
3. Any subject who may receive a secondary injury resulting from a fall from its use. Taser users should be reminded to avoid deploying the Taser on persons who are on elevated platforms or other places where a fall can cause injury.
4. The Taser shall not be used as a tool of coercion or punishment.
5. Any subject that is shackled or handcuffed, unless other techniques to gain control are not effective or a substantial physical struggle is likely to result in injury to themselves or other.
6. Use of the Taser on juveniles, elderly, or handicapped persons should only be considered in extreme circumstances.
7. Use of the Taser should not be used on subjects in physical control of a motor vehicle while the engine is running if there is risk of the vehicle going into motion.

Physical Force

Physical force involves actual physical bodily contact with a subject, and forcibly subduing that individual until resistance is overcome. This would include unarmed control and restraint defensive tactics, striking a subject with your body and using a baton for the purpose of gaining anatomical compliance of a subject.

Intermediate Force

A. Expandable Baton

Intermediate force involves the use of a baton to gain compliance and control over a subject.

1. Officers shall only use those techniques that are taught by a certified Expandable Baton Instructor. These techniques include but are not limited to:
 - a. retention techniques
 - b. opening techniques
 - c. striking techniques
2. The expandable baton is capable of delivering lethal or permanently disabling blows. Intentional strikes to the head, throat and groin are prohibited, except in situations where lethal force would be authorized.
3. Officers may carry these batons while on duty. Uniformed officers carrying the batons will utilize the expandable baton in scabbards provided. Officers choosing not to carry their baton on their person may choose to have their expandable baton in their cruiser bag.
4. The baton or may be carried by off duty personnel should they have to act in their official capacity as a police officer. This weapon will be used under the same guidelines that apply for on duty use.
5. Only those officers trained in the use of the baton by a certified instructor will be allowed to carry this weapon. Biennial refresher training will be conducted. Anyone not certified as competent in the use of this weapon will not be authorized to use it and will receive remedial training in the use of this weapon.

Less Lethal Force

Officers are only authorized to carry those non-lethal weapons as outlined in Appendix B

A. Pepperball Projectile System

Pepperball Projectiles are plastic spheres filled with Oleoresin Capsicum (OC) Powder. A high pressure air launcher delivers the projectile with enough force to burst the projectiles on impact, releasing the OC powder.

Pepperball Projectiles subdue suspects with a combination of kinetic impact and OC powder. The impact of the Pepperball Projectiles causes a psychological impression of being shot, followed by the strong irritation by OC powder to the suspect's nose and lungs. When inhaled, the OC powder may cause coughing, shortness of breath, eye irritation, and in some instances, vomiting.

Response to inhaling the OC powder in Pepperball varies among individuals. In most cases, the symptoms last between five and ten minutes. The Pepperball launching system can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises and /or welts.

1. Although classified as less-lethal, the potential exists for projectiles to inflict injury if they strike the face, eyes, neck, and groin. Personnel deploying the Pepperball System shall avoid intentionally striking those areas, unless the level of resistance justifies changes.
2. Some examples where Pepperball may be used are:
 - a. To control violent and aggressive behavior;
 - b. To prevent injury to officers, other persons or the suspect;
 - c. To gain compliance with a lawful command or order;
 - d. In crowd control situations, directed at specific persons posing a threat ;
 - e. For use on animals, in the interest of public safety;
3. Prohibited Use: Pepperball shall never be used for unlawful purposes such as coercion, harassment or any form of abuse or punishment.
4. Effects of Pepperball: Upon exposing a suspect to the Pepperball OC, all immediate care options shall be applied within a reasonable amount of time (i.e., cool water applied to face, remove to fresh air, and if needed, medical attention). Decontamination steps should be followed as with the use of regular OC.

****Effects of impact and exposure to Pepperball vary from person to person. It is not 100% effective all of the time.****

5. **PROCEDURE:**
 - a. Personnel encountering a situation that requires the use of the Pepperball System shall notify the Shift Supervisor as soon as possible. The system may be used before the arrival of the Shift Supervisor if the situation merits. The Shift Supervisor shall respond to all Pepperball deployments and shall make all notifications and reports as required by policy.
6. **STORAGE:**
 - a. The launcher shall be stored empty in its carrying case with projectiles stored on the exterior for easy accessibility. Consideration should be given to the effects of long term exposure to cold weather on the equipment in storing the launcher and equipment in the car.
7. Training shall be performed by certified instructors. Officers shall be trained in the use of the system launcher and shall retrain every two years.

B. **Less Lethal Shotgun**

Deployment of less lethal force options should be determined by considering which technique or weapon would reasonably de-escalate the incident and bring it under control. Officers should always consider the actions of the subject and the desired outcome when considering force options. Use only that force which is reasonably necessary to effect lawful objectives.

1. The use of less lethal projectiles is considered non-deadly force when deployed to areas of the suspect's body that are considered unlikely to cause death or serious physical injury.
2. Before utilizing less-lethal projectiles, the officer should consider:
 - a. The level of resistance being confronted;
 - b. The proximity/access of subject to the officer;
 - c. Potential for causing death or serious injury;
 - d. The desired outcome;
 - e. Other options available.
3. When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired goal and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering and the established department safety priorities.
4. Authorized Projectiles: The only authorized projectiles used by the Lebanon Police Department are manufactured by CTS (Combined Tactical Systems) and/or ALS Technologies and include those rounds described in Appendix C.
5. Under no circumstances shall different munitions be used together in the same gun. If a situation calls for a transition from one type to the other, the shotgun shall be emptied completely of one manufacturer's rounds before any rounds from another manufacturer are loaded.
6. Only authorized less-lethal weapons will be used. Special shotguns will be dedicated, identified by color code with bright orange fore-ends and stocks.
 - a. **At no point in time will any regular ammunition be placed in a less lethal shotgun or will any regular shotgun be placed in a less lethal case.**
7. Officers will only use less lethal munitions after receiving training in their proper use.
8. The use of less lethal munitions is authorized against animals that pose a threat to public safety.

Deadly Force

FIREARMS

It is the policy of the Lebanon Police Department to properly equip its officers to insure uniform, safe, and efficient operations and enforcement. In compliance with this policy and to provide maximum efficiency and safety of all persons concerned, the following procedures shall be adhered to with regards to firearms.

Safe Handling of Firearms

- A. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearms unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- B. Officers who elect to affix a rail-mounted flash light on their Glock service pistol shall not draw or exhibit their firearm solely for the purposes of illumination unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- C. The loading and unloading of firearms within the police station shall only take place in the designated loading/unloading areas. The muzzle is to be pointed at a downward angle into the bullet trap provided for the loading and unloading of firearms until it is safely loaded or unloaded.

Departmental Control of Weapons

- A. All on-duty officers shall be armed with a department approved firearm.
- B. A department approved handgun intended for official use by a police officer must meet the following requirements, whether on-duty or off-duty.
 - 1. On Duty: The Lebanon Police Department issues the Glock 22, or Glock 23, .40 caliber pistol, as the duty firearm. Officers in plain clothes assignments may, upon approval, carry a smaller Glock .40 caliber pistol, such as the Glock 27. If an officer, in plain clothes capacity, is approved to carry an alternative .40 caliber Glock pistol, the officer must first qualify with the firearm utilizing the same pistol qualification standards as for the duty firearm. If the officer elects to utilize a rail-mounted flashlight on their service pistol, the officer must first qualify with the light mounted on the service pistol and while utilizing the light-accommodating holster that will be used on duty.
 - 2. Members of the Lebanon Police Department TAC Team are issued alternate lethal weapon systems to include:
 - a. Colt M-4 Carbine;
 - b. Remington Model 700 rifle for special operations purposes;
 - c. Remington 870 pump shotgun.
 - 3. Other auxiliary weapons approved by the department are the Colt AR15 family of weapons, the Ruger 10/22 model and the Remington Model 700 in .308 caliber Off-Duty: If an officer chooses to carry a firearm off-duty the preferred weapon is his/her departmental issued handgun. Ammunition shall be issued by the department. It shall not be necessary that a member, who chooses to carry a firearm off-duty, carry his/her service weapon, however, any weapon that an officer chooses to carry must be inspected, approved and recorded with the department armorer. All ammunition will be factory loaded and approved by the department armorer and included on approved ammunition list (*See Appendix C*).

- a. Officers are encouraged, but not mandated to carry a handgun when off-duty. An officer who elects not to carry a handgun while off-duty shall not be subjected to disciplinary action if an occasion should arise in which s/he could have taken police action if s/he were armed. However, off-duty officers, while operating a department vehicle, shall be armed with an approved weapon. Off-duty officers must also carry their badge and police identification while armed with an approved off-duty weapon.
4. All firearms shall be inspected, fired and certified safe by a Department Armorer prior to issue or authorization to carry.
5. A record shall be maintained by the department of all firearms. The record will contain the make, model, caliber and serial number of each weapon. A copy of this record will be maintained by a Patrol Lieutenant.
6. Officers shall be certified with all assigned on duty weapons and any approved weapon carried off duty in his/her official capacity as a police officer.
 - a. Certification shall mean the successful completion of an annual mandatory four (4) hour Use of Force training class and the successful completion of an approved qualification course of fire at the range.
 - b. No firearms shall be modified without the specific approval of the Chief of Police and said modification being certified as safe by a Department Armorer.
 - c. Any officer who elects to keep his/her departmental issued weapon at home is to ensure it is done so in a safe manner. These firearms should be stored in a locked safe or locked storage area not readily accessible. If at all possible, the firearms and the ammunition should be stored separately. The department provides trigger locks for department weapons and any department weapon kept at home shall be stored unloaded with a trigger lock installed, or shall be secured in such a manner that prevents access to unauthorized persons.
 - d. All weapons not stored at home shall be store in the officer's personal locked locker, or in the department armory.

Firearms Training

- A. The Department Firearms Training Program and Use of Force training will include comprehensive discussion of the below listed areas:
 1. Department policy on use of force;
 2. The legal aspects of firearms use;
 3. Moral and ethical aspects in firearms use;
 4. Firearms safety on the job and in the home;
 5. Firearms proficiency;
 6. Firearms maintenance;
 7. Use of Force De-escalation techniques;
 8. Police required intervention during excessive force incidents;
 9. Positional Asphyxia

- B. Annually all officers will be certified with their on-duty firearms. This certification will include four (4) hours of classroom instruction in Use of Force and Firearms from a certified instructor, and the successful completion of an approved firearms qualification course of fire at the range in accordance with NHPSTC Rule 404.3. All personnel authorized to carry lethal and less lethal weapons receive all Use of Force policies and related instruction before authorization to carry a weapon. Policy receipt and curriculum must be documented and maintained. All personnel must demonstrate proficiency in the use of any department weapon in order to carry such weapon.
- C. Officers will annually receive training and familiarization in the use of the Patrol Rifle (AR15s or M4's) from a certified instructor. If the officer is found to not maintain proficiency in the use of these weapons, remedial training will occur. If the officer fails to show proficiency, s/he will not be authorized in the use of these weapons systems.
- D. Firearms proficiency training will, as closely as possible, reflect those circumstances and conditions that our police officers will most likely encounter in real life deadly force situations.
- E. Firearms training will be based on a continual year-round on-going training program that may include low light shooting techniques, stress shooting, decision shooting, engaging moving targets and clearing weapons malfunctions.
- F. In the event of any accidental discharges, the officer must complete training prior to returning to full duty. The provisions regarding remedial training listed in sections G and H shall apply as well.
- G. Should a police officer fail to qualify with his/her duty weapon during their annual qualifications, their authority to carry the weapon shall be immediately revoked and the weapon shall be retained by the department instructor. The Chief of Police or his/her designee shall immediately be notified. The officer shall be reassigned to non-uniformed administrative duty and remedial training will begin as soon as possible.
- H. Officers who fail to achieve certification after attending remedial firearms training will be placed on suspension. After thirty (30) days on suspension, if the officer has still failed to achieve certification, he shall be terminated for failing to maintain standards or, in the case of physical or mental disabilities, the officer shall become eligible for disability retirement.
- I. An officer who has taken extended leave or suffered an illness or injury that could affect his firearms ability will be required to re-qualify before returning to full enforcement duties.

Safety/Restrictions

- A. Restrictions on the use of firearms: ***The Use of Deadly Force should be used as a last option and only where allowed by NH RSA 627:5. When possible, officers should use other alternatives (See Response Options on page 3 of this policy) prior to resorting to deadly force.***
 - 1. Warning - When officers are about to invoke deadly force, they will, when possible and/or practicable, issue a verbal warning to the suspect. In this warning, officers will identify

themselves as police officers and instruct the suspect to cease or stop whatever action has caused the officer to consider the use of deadly force.

2. Shoot to stop - Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in this order.
3. At or from moving vehicles - Officers will not discharge a firearm at or from a moving vehicle except when all other reasonable means have been exhausted and it is necessary for the defense of the officer's life or the life of another person, or the officer has probable cause to believe that the officer or others are in immediate danger of death or serious bodily injury.
4. Risk to innocent bystanders - When officers are about to discharge their firearm, they will be cognizant of their field of fire and will not unnecessarily create a substantial risk of harm to innocent persons.
5. Warning shots - Officers will not discharge their firearm for the purpose of a warning shot.
6. While under the influence of alcohol or drugs - Officers will not carry or use any firearm while under the influence of alcohol or drugs.
7. To destroy animals - The killing of an animal is justified for:
 - a. self defense
 - b. to prevent substantial harm to the officer or others
 - c. when the animal is so sick or badly injured that humanity requires its relief from further suffering.

Firearm Certification Records

- A. The Department Firearms Instructors shall maintain a permanent certification log for every officer authorized to carry firearms. The Department Firearms Instructors will furnish a copy of these records to the Training Officer. The log shall consist of the following information:
 1. Officer's name, make, model, caliber and serial number of all on-duty weapons with which the officer has qualified.
 2. The date and times of all firearms training qualifications, the course of fire conducted, the instructor's name and the qualification or test results.

Shoulder Fire Weapons

- A. Sworn Officers shall annually complete the familiarization course with the department's shoulder fired weapon, the AR15. These weapons are mounted in certain patrol vehicles in a locked mount. They may also be placed in other department vehicles within a rifle case located in the trunk of the vehicle. Officers not qualified with the weapon shall remove the weapon and secure it in the department armory prior to driving the vehicle. The shift supervisor shall ensure the shoulder fire

weapon is removed from the vehicle and secured in the armory prior to the vehicle being transported for maintenance.

1. At no time will the officer leave the weapon unsecured and accessible.
2. Whenever the weapon is used or threatened to be used on a subject, a Use of Force Report will be completed.
3. At no time shall the officer chamber a round unless s/he has a strong belief that the use of the weapon is justifiable.
4. At no time will the officer remove the weapon from the vehicle unless there is a reasonable threat of death or serious bodily injury or to secure the weapon in the police department.

B. Method of Storage/Carry

1. All shoulder weapons will be secured in a locked gun mount when carried in a patrol vehicle.
2. All weapons, secured as indicated above, will have the bolt closed with no round in the chamber. The magazine of the weapon may be loaded and inserted in the weapon.
3. All vehicles carrying auxiliary weapons will be secured/locked when the operator is out of sight of the vehicle.
4. If an officer is issued a department owned rifle, the rifle shall be secured in the Officer's locked personal locker, the rifle rack within the department armory or locked within the TAC Team storage area at the end of the shift. An exception to this is TAC Team members who may keep their assigned rifle with them for response and deployment. They may secure these weapons at their home, but only in a manner consistent with best practices for safe weapon storage. An additional exception to this provision are rifles issued to officers who are assigned a take-home cruiser, in which case they can be secured in a rifle bag/case in the trunk.

C. Ammunition

1. See Appendix C.

D. Weapon Maintenance

1. The Chief of Police or his designee will appoint an armorer(s) with the responsibility for ensuring the proper maintenance of all Department weapons. The armorer(s) will be certified in an armorer's course or be a qualified instructor for each weapon he/she is to inspect. OC, baton and handcuffs will be inspected by the certified instructors during the biennial training.

2. It will be the armorer's responsibility to maintain a repair and cleaning log for every weapon that the Department owns. This log will detail the history of every weapon including any malfunctions, repairs or adjustments, including the replacement of parts.
3. Once a year the armorer will take each weapon, disassemble it as needed, check all parts and subassemblies, and reassemble the weapon. Each weapon will be checked for safety functions and operator maintenance. If any unauthorized modifications have been made to the weapon, an armorer will report it immediately to the Patrol Lieutenant, in writing, explaining what he/she observed. The weapon will be taken out of service until it is returned to factory specifications. Any officer who makes modifications to any department weapon, other than an armorer under the direction of the factory, will be subject to disciplinary action.
4. Any weapon found to be in need of repair, or in worn or unsafe condition, shall be removed from service and forwarded to the department armorer for repair.
5. When weapons are requested for maintenance they will be:
 - a. Tagged indicating the officer's name and ID number.
 - b. A spare weapon will be issued if needed.
6. Any officer who has a functional difficulty, however minor, with his duty weapon between inspections, or at any time drops his/her weapon, the officer shall immediately bring the weapon to an armorer or shift supervisor. Any dropped weapon will be considered non-functional until it is checked by an armorer. A spare weapon will be issued for either of the above circumstances.
7. Officers will be responsible for field stripping their issued weapon and cleaning it after firing it. Field stripping is considered only as disassembling the slide from the frame and taking the slide assembly apart (barrel, recoil spring guide rod, recoil spring). Officers are forbidden from disassembling any part of the frame assembly, including grips, unless they are a certified armorer.
8. Shotguns/rifles: These weapons will be cleaned by the officers following use. Any malfunction will be brought to the attention of the armorer immediately. They will be periodically inspected by the armorer for both preservation and operation.

REPORTING USE OF FORCE

- A. A written Use of Force Report (Appendix A) shall be completed in the situations listed below. This report is separate from the required incident reports and shall be completed prior to the end of the officer's tour of duty. When the use of force results in death or serious injury, the officer shall file the report as soon as practical within 72 hours of the incident. The Chief of Police or his designee can make an exception to this requirement.

1. When a firearm is discharged outside of the firing range other than for recreational purposes, such as hunting or competitive shooting.
 2. When a use of force action results in, or is alleged to have resulted in, death or injury of another person.
 3. When a less than lethal weapon is used on a person with the exception of handcuffing under normal arrest circumstances.
 4. When an officer applies physical force to a person.
 5. When a lethal weapon is used on a person, including when a firearm is pointed at a subject for the purpose of officer safety or to take a suspect into custody.
 6. When a Taser is displayed or discharged for the purpose of officer safety or to take a suspect into custody. Each burst cycle delivered to a suspect shall be justified independently within the narrative of the use of force form.
- B. A supervisor will be immediately consulted and will comply with investigative procedures as required by the Department in the following situations:
1. When a firearm is discharged outside of the firing range, with the exception of the use of a firearm to put down an injured animal, or when a firearm is used for recreational purposes such as hunting or competitive shooting.
 2. When a use of force results in death or serious injury.
 3. When a subject complains that an injury has been inflicted.
 - a. Photographs will be taken of the injury using a digital camera.
 - b. The injury should be cleansed as reasonably as possible before photographing it for a clearer photo.
 - c. The photos will be filed with the officer's use of force report.
- C. The investigative procedure will be as follows:
1. The supervisor shall be summoned to the scene.
 2. The incident location shall be secured for the purpose of investigation.
 3. If the officer's weapon was used it shall be taken into custody by the supervisor until such time as it is logged in as evidence.
 4. The supervisor shall ensure the following notifications are made:
 - a. Lieutenant, Captain, Deputy Chief and;
 - b. Chief of Police
 5. The department shall notify the following outside agencies regarding any officer involved shooting:
 - a. New Hampshire Attorney General's Office (follow guideline distributed annually from NH AG's Office)
 - b. New Hampshire State Police Dispatch. Additional notifications shall be made by the New Hampshire State Police Dispatch.

- D. When a police officer's or employee's use of force or actions causes death or serious physical injury, the officer or employee will be relieved from normal duties, and placed on administrative leave or reassigned to administrative duties pending results of the formal investigation.
- E. In all cases where any person has been seriously injured or killed as a result of a police officers' use of force, the involved officer will be required to undergo an emotional debriefing with a Department furnished psychologist within five (5) days of the incident. The purpose of this debriefing will be to allow the officer to express his/her feelings and to deal with the moral, ethical and/or psychological after effects of the incident. The debriefing shall not be related to any Department investigation of the incident and nothing discussed in the debriefing will be reported to the Department. The debriefing session will remain protected by the privileged Professional Psychologist Code of Ethics.

In the above described type of incident, the involved officer and his/her family will have available to them the services of a Department psychologist. The purpose of this offer is to provide the officer and/or his/her family with a source of professional consultation to aid them in dealing with the potential moral and ethical after-effects of the incident. These services shall not be related to any Department investigation of the incident and nothing discussed will be divulged to the Department. The consultation sessions will be protected by the privileged relationship.

ADMINISTRATIVE REVIEW OF USE OF FORCE INCIDENTS

- A. All reported uses of force will be forwarded to the on duty supervisor as soon as practical. Upon the supervisor's initial approval, s/he shall sign off on the report and forward it to the Patrol Lieutenant at the end of the shift.
- B. All reported uses of force will be reviewed by the Captain upon receiving the report to determine whether:
 - 1. Department rules, policy or procedures were followed;
 - 2. The relevant policy was clearly understandable and effective to cover the situation;
 - 3. Whether there are any development patterns or trends that will assist in determining whether department training and equipment is currently adequate.
- C. All findings of policy violations or training inadequacies shall be reported to the Chief of Police for resolution and/or discipline.
- D. All use of force incident reports shall be retained as required by state law.
- E. The Captain will file a report of finding to the Chief of Police along with the officer's initial report of the incident. All unauthorized non-justified actions shall be the basis for corrective action.
- F. There will be an annual analysis of use of force incidents prepared by the Captain to ascertain training and policy needs. The analysis shall include:

1. Date and time of incidents;
2. Types of encounters resulting in use of force;
3. Trends or patterns related to race, age, and gender of subjects involved;
4. Trends or patterns resulting in injury to any person including employees; and
5. Impact of findings on policies, practices, equipment, and training.

TRAINING

- A. All sworn personnel shall be issued a copy of this Policy, Use of Force, and receive classroom training on its contents prior to being authorized to carry a firearm or non-lethal weapon. This training will be conducted annually. In addition to the Firearms training listed above, the following trainings will be conducted as prescribed:
 1. All officers will be trained and certified in the use of O.C. spray by a certified O.C. instructor and shall demonstrate their proficiency on a biennial basis.
 2. Officers will be trained and certified in the use of an expandable baton by a certified expandable baton instructor and shall demonstrate their proficiency on a biennial basis.
 3. Officer will be trained and certified in the use of the Taser by a certified Taser instructor. Re-certification for users shall occur annually. Re-certification for instructors shall occur every two years.
 5. In the event that an officer is unable to re-certify in the use of a non-lethal weapon, the officer will be unable to carry that weapon. The officer will undergo remedial training by a certified instructor of that weapon until s/he is able to certify and show proficiency in the use of that weapon.
- B. Training as noted in above section A shall be documented by the appropriate instructor and signed by the employee receiving the training. Documentation shall include date, time, if proficiency was demonstrated by the employee, and remedial needs if necessary.

RECORDS

- A. The Training Officer is responsible for instituting and maintaining records pertaining to all department weapons, authorized ammunition, personal weapons carried by officers, firearms training, all firearms qualifications, and weapon certifications.
- B. The records of department registered off duty firearms will be maintained by the firearms training division.
- C. The Captain shall conduct an annual analysis of all of the Use of Force reports submitted. An analysis of these incidents may reveal a pattern or trend that may indicate that additional training or

policy modifications need to be made. The analysis shall include a review of department use of force policies and practices.

MEDICAL AID

- A. In cases of injury to suspects or bystanders during the use of any amount of force as defined in this policy, officers shall be responsible to ensure that appropriate medical aid is provided to the injured subject at the earliest possible opportunity.
 - 1. The Officer in Charge shall be notified of all injuries incurred as a direct or indirect result of the use of force in an arrest situation.
 - 2. All injuries incurred by prisoners as a result of the use of force in an arrest situation shall be documented in the arrest report as well as in the Use of Force report.

Approved By:



Chief Richard R. Mello

This directive is for departmental use only and does not apply in any criminal or civil proceeding. Department policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting. See also RSA 516:36. This Procedural Regulation is to be used in conjunction with all relevant existing Departmental Policies, Rules and Regulations.

APPENDIX A



Lebanon Police Department Use of Force Form – Officer Report

Officer's Name: _____		Date of Report: _____		Case #:	
Supervisor: _____		Date of Incident: _____		Time of Incident: _____	
Status: On Duty <input type="checkbox"/> Off Duty <input type="checkbox"/>		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/>		Lighting: Natural <input type="checkbox"/> Artificial <input type="checkbox"/>	
Weather: _____			Location of Incident: _____		
Information received prior to contact: _____ _____					
TYPE OF FORCE USED					
Verbal Commands: Used: Yes <input type="checkbox"/> No <input type="checkbox"/> Asked <input type="checkbox"/> Advised <input type="checkbox"/> Ordered <input type="checkbox"/>					
Body: <input type="checkbox"/>	For Control & Restraint <input type="checkbox"/>		Impact <input type="checkbox"/>	Technique Used: _____	
Baton: <input type="checkbox"/>	For Control & Restraint <input type="checkbox"/>		Impact <input type="checkbox"/>	Displayed: <input type="checkbox"/>	
OC Spray: <input type="checkbox"/>	K9 <input type="checkbox"/>	Ankle Cuffs <input type="checkbox"/>	Leg Restraints <input type="checkbox"/>	Hand Cuffs <input type="checkbox"/>	
Taser X26 <input type="checkbox"/>	Serial # _____		Displayed for Compliance <input type="checkbox"/>	Discharged for Compliance <input type="checkbox"/>	
<i>If Discharged for Compliance:</i> Probe Deployment <input type="checkbox"/> Drive Stun <input type="checkbox"/> # of Cycles _____ Distance: _____ (ft)					
Less Lethal <input type="checkbox"/>	Displayed for Compliance <input type="checkbox"/>	Discharged for Compliance <input type="checkbox"/>	# Rounds: _____	Distance _____ (ft)	
Pepperball <input type="checkbox"/>	Displayed for Compliance <input type="checkbox"/>	Discharged for Compliance <input type="checkbox"/>	# Rounds: _____	Distance _____ (ft)	
Firearm <input type="checkbox"/>	Displayed for Compliance <input type="checkbox"/>	Discharged for Compliance <input type="checkbox"/>	# Rounds: _____	Distance _____ (ft)	
Shotgun <input type="checkbox"/>	Displayed for Compliance <input type="checkbox"/>	Discharged for Compliance <input type="checkbox"/>	Type of Round: _____	# Rounds: _____	Distance _____ (ft)
AR-15 <input type="checkbox"/>	Displayed for Compliance <input type="checkbox"/>	Discharged for Compliance <input type="checkbox"/>	# Rounds: _____	Distance _____ (ft)	
Other <input type="checkbox"/>	Displayed for Compliance <input type="checkbox"/>	Discharged for Compliance <input type="checkbox"/>	# Rounds: _____	Distance _____ (ft)	
Who shot first? Officer <input type="checkbox"/> Suspect <input type="checkbox"/> Other <input type="checkbox"/>			Number of Shots? Officer _____ Suspect _____ Other _____		
Reason for Discharge: Protect Self <input type="checkbox"/> Citizen <input type="checkbox"/> Prisoner <input type="checkbox"/> Unintentional <input type="checkbox"/>					
Wounds received by: Officer <input type="checkbox"/> Suspect <input type="checkbox"/> Other Party <input type="checkbox"/> Damage by Stray Rounds <input type="checkbox"/>					
Describe: _____ _____					
REASON FOR USE OF FORCE (Explain in Narrative)					
Necessary to effect arrest <input type="checkbox"/>		For Investigative Detention <input type="checkbox"/>		To Defend Self <input type="checkbox"/>	
Necessary to defend another <input type="checkbox"/>		Restrain for Subject's Safety <input type="checkbox"/>		Prevent Violent Forcible Felony <input type="checkbox"/>	
				For Protective Custody <input type="checkbox"/>	
				Other <input type="checkbox"/>	
RESULTS OF FORCE USED					
Was Suspect Injured? Yes <input type="checkbox"/> No <input type="checkbox"/>		Medical Attention? Yes <input type="checkbox"/> No <input type="checkbox"/>		Taken Into Custody: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Was Officer Injured? Yes <input type="checkbox"/> No <input type="checkbox"/>		Medical Attention? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Was a 3 rd Party Injured? Yes <input type="checkbox"/> No <input type="checkbox"/>		Medical Attention? Yes <input type="checkbox"/> No <input type="checkbox"/>		Age _____ Sex _____	
Suspect complied after force was enacted: Yes <input type="checkbox"/> No <input type="checkbox"/>			Subject resisted during the entire encounter: Yes <input type="checkbox"/> No <input type="checkbox"/>		
Suspect Name: _____		Age: _____	Gender: _____	Race: _____	

If Firearm Incident			
Vest Worn: Yes <input type="checkbox"/> No <input type="checkbox"/>	Sights Used Yes <input type="checkbox"/> No <input type="checkbox"/>	Flashlight Used Yes <input type="checkbox"/> No <input type="checkbox"/>	Reload Yes <input type="checkbox"/> No <input type="checkbox"/>
Shooting Position(s) Used: Standing <input type="checkbox"/> Kneeling <input type="checkbox"/> Sitting <input type="checkbox"/> Prone <input type="checkbox"/> Other <input type="checkbox"/> _____			
If Baton Incident			
Impact technique? Yes <input type="checkbox"/> No <input type="checkbox"/>	Targeted Area: _____	Control Technique? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Number of impact techniques utilized? _____	Which technique utilized? _____		
Controlled With Body			
Impact technique? Yes <input type="checkbox"/> No <input type="checkbox"/>	Targeted Area: _____	Control Technique? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Number of impact techniques utilized? _____	Which technique utilized? _____		
NARRATIVE			
Involved Officer Signature: _____		Date: _____	
Officer In Charge Signature: _____		Policy Compliance: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Reviewed By Captain: Tim Cohen		Policy Compliance: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Reviewed By Chief: _____		Policy Compliance: Yes <input type="checkbox"/> No <input type="checkbox"/>	

APPENDIX B

APPROVED LESS-LETHAL SYSTEMS

The Lebanon Police Department authorizes the following less than lethal personal weapons to be utilized by sworn personnel. All sworn officers of the Lebanon Police Department shall be trained and certified in the less than lethal weapon(s) they carry pursuant to the prescribed training programs of Pepperball, CTS, Taser International, and/or the New Hampshire Police Standards and Training Council.

Batons

Members of the Lebanon Police Department are authorized to carry Monadnock brand Expandable Batons.

Oleoresin Capsicum Spray

The Lebanon Police Department will issue all sworn officers OC (Oleoresin Capsicum) spray canisters. The manufacturer and type of OC spray to be carried will be at the discretion of the Chief of Police.

Taser X26P

Members of the Lebanon Police Department are authorized to carry the Taser X26P, manufactured by Taser International, only while on duty.

Pepperball System

The Pepperball Ball system is authorized for use by members of the Lebanon Police Department. Only authorized rounds and launching systems provided by Lebanon Police are to be utilized.

CTS 12GA Munitions

Members of the Lebanon Police are authorized to utilize CTS munitions as described in policy in conjunction with approved 12GA deployment systems.

APPENDIX C

APPROVED AMMUNITION

LESS LETHAL WEAPONS

Authorized Projectiles: The only authorized projectiles used by the Lebanon Police Department are manufactured by CTS (Combined Tactical Systems) and ALS Technologies and include:

A. ALS Triton – Bean Bag

1. A stabilized bean bag containing 40 grams of lead shot, designed to be used at a distance of 5 to 20 yards. It is a small off-white bag visible within the transparent plastic of a standard 12-gauge shotgun cartridge. The exterior is labeled “ALS 1212T TRITON”. This will be the round used in the less lethal shotguns kept in the patrol cars.
2. The ALS Triton round will be the round issued and primarily used by the Patrol Division.

B. Bore Thunder: Diversionary Rounds

1. **Bore Thunder will be issued to and primarily used by the TAC Team.**
2. This round is a 1 ½ inch 12-gauge shell with an orange hull and a white paper top marked “BT”. Bore Thunder rounds produce an explosion/concussion from the muzzle at 180 to 185 decibels.
3. **Bore Thunder rounds are fired at the ground or ceilings only, at an approximate 45 degree angle. Bore Thunder rounds contain waxed fiber wads, which are capable of lethal penetration at ranges up to 15 feet. **They shall not be fired directly at a subject unless justification exists for the use of deadly force.****

HANDGUN AMMUNITION

- A. The authorized ammunition for service weapons shall be factory loaded .40 caliber Federal HST 180 grain. No officer shall be permitted to carry or use any weapon under the color of law that has not been authorized by the Chief of Police or his designee.

AR-15 / M4 AMMUNITION

- A. The authorized ammunition for AR15s will be .223 Federal 55 grain full BTHP (boat tail hollow point).

TRAINING AMMUNITION

- A. Training ammunition will be (for handgun or rifle) any full metal jacket round or other comparable round to duty ammunition. This may be lead free ammunition for indoor range training.