

# LITTLETON POLICE DEPARTMENT

2 Kittridge Lane  
Littleton, New Hampshire 03561  
(603) 444-7711

**POLICY #: 20-7**

**SUBJECT: Response to Force**

**Last Revision Date: July, 2020**

NOTE: This written directive is for the internal governance of the Littleton Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

## **POLICY:**

- A. It is the police of the Littleton, New Hampshire, Police Department that officers may use only the degree of force necessary to perform their lawful duties, as stated under New Hampshire State Law. Officers shall be familiar with the provisions of RSA 627, entitled “Justification” and shall be guided by RSA 627:5, “Physical Force in Law Enforcement” in the use of non-deadly force and deadly force.
- B. All officers shall be instructed in the provisions of RSA 627, RSA 627:5, and this policy, before being authorized to carry a firearm.

## **PURPOSE:**

To provide guidelines on the use of non-deadly force and deadly force by members of the Littleton Police Department.

### **I. NON-DEADLY FORCE**

- A. Police officers are frequently called upon to use various degrees of force to effect arrests and to insure the public safety. It is this force that is often the subject of allegations of excessive force or improper force in a particular situation. It is imperative that Littleton Police Officers use only the force that is necessary and appropriate for the situation at hand.

### **II. USE OF NON-DEADLY FORCE/WEAPONS**

- A. Officers of the Littleton Police Department are issued or have at their disposal, various weapons, such as the Expandable Baton, Conducted Energy Weapons (CEW) and Oleoresin Capsicum (O.C.) spray, which are generally recognized to be non-lethal under normal use. Each of these items is mentioned in the chapter that follows, and officers shall be familiar with their authorized and intended use as non- deadly weapons. Officers shall also be aware that non-lethal weapons may in fact inflict death or serious bodily injury under certain conditions or circumstances.
- B. Incidents involving the use of non-deadly force or a weapon, resulting in injury, will be reported on a “Response To Force Report Form.” Officers who become involved in an incident that required any reportable force option are required to immediately notify their supervisor. The involved officer will provide a detailed documentation of the response to force utilized in the official police report prepared for the incident involved.
1. The Response To Force Report will be forwarded to the Chief of Police via the chain of command.
  2. If the responsible member is unable to complete the Response To Force Report form for any reason, it will become the responsibility of that members’ immediate supervisor to submit the report. The departmental information management system contains a Response To Force form.

#### Oleoresin Capsicum (O.C.)

1. O.C. shall be used only by personnel who have received proper training in its use.
2. O.C. use shall be governed by the O.C. policy.
3. Officers shall only carry O.C., which is issued by the department and which they’ve been properly trained in the use of.
4. Anytime O.C. is used, a Response To Force Report shall be completed.

#### Expandable Baton

1. Expandable Baton shall be used only by personnel who have received proper training in its use.
2. Any use of the Expandable Baton shall be governed by the O.C. policy.
3. Officers shall only carry an Expandable Baton which is issued by the department and which they've been properly trained in the use of.
4. Anytime an Expandable Baton is used, a Response To Force Report shall be completed

### Flashlights

1. Flashlights are a tool designed and intended for illumination, although any available tool may justifiably be used by an officer in case of emergency as a weapon.
2. Officers shall file a Response To Force report if a flashlight is used as a defensive weapon.

### Other Weapons

1. Officers of the Littleton Police Department are prohibited from carrying unauthorized weapons at any time. Such prohibited items shall include, but not be limited to, brass knuckles, saps, weighted gloves, billies, black jacks, electronic weapons, any martial arts weapons, chemical weapons, any type of spray or foam (except as specifically authorized by this chapter) or double-edged knives.
2. Officers shall be authorized to carry pocket type knives provided they are approved by the Chief of Police. However, they shall be regarded only as tools which may be utilized for the purpose of cutting articles in the course of duty as may be required, and shall only be used as weapons as a response to deadly force.

## **III. USE OF DEADLY FORCE**

### Neck Restraints Known as "Chokehold"

1. The use of a chokehold by any law enforcement officer is prohibited, with the exception to defend themselves or a third person from what he or she reasonably believes is the imminent use of deadly force.
2. In this paragraph, “chokehold” means the application of any pressure to the throat, windpipe, or neck, which prevents or reduces intake of air, or oxygen to the brain.

### Firearms

1. The use of deadly force in law enforcement is an issue of the greatest concern to the officer, department and community. It is an act which is closely scrutinized for its legal, moral and ethical propriety long after the trigger is pulled, and one which carries a lifetime of consideration over the events that led to it. It is an officer’s decision that they alone must make out of a spirit to protect human life without malice when there appears to be no other reasonable alternative.
2. The prevailing laws, rules, regulations and attitudes of the community must be cemented in every officer’s mind so that he or she can make a swift and correct judgment under conditions of extreme physical and emotional stress. For example, the officer must be able to instinctively assess one or more of the following conditions without delay:
  - a. Alternative methods of arrest.
  - b. Position of officer’s fire or suspects fire with respect to innocent persons.
  - c. Ability to safely control fire.
  - d. Absolute target identification.
  - e. Effect of fire upon unseen persons.
  - f. Known seriousness of the crime.
  - g. Opportunity to disengage, re-evaluate and re-engage.
3. In addition, a shooting confrontation may present facts which greatly influence an officer’s decision to fire. For instance, officers have been compelled to shoot at a

suspect with a backdrop of innocent persons, knowing that his trained fire posed a lesser threat than the suspect's indiscriminate fire towards innocent persons. Therefore, an officer must at times make a decision which hinges on his or her own confidence and training; which the community rightfully expects. Firearms training should not be viewed by an officer as a requirement, but as a well-maintained tool of his or her profession and the basis for survival.

4. Firearms are defined under RSA 625:11 of the New Hampshire Criminal Code as deadly weapons, which states in part "...in the manner it is used, is known to be capable to producing death or serious bodily injury." Therefore, the use of firearms as weapons constitutes the use of deadly force under applicable statute.

Definitions:

**Reasonable Belief** – means those facts and circumstances within the knowledge of the individual which would make a reasonable and prudent person tend to believe that the facts and circumstances are true.

**Serious Bodily Injury** – means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body.

5. Officers are permitted to fire their weapons, other than in lawful practice and in regulated training, only under the following conditions:
  - a) Officers may fire their weapons in conformation with New Hampshire RSA 627:5. All officers of the Littleton Police Department shall receive and shall be familiar with current provisions of said statute.
  - b) When it is safe to do so, officers may destroy any animal which the officer reasonably believes is likely to attack any person, or any seriously injured or dangerous domestic animal which cannot be removed, cared for or restrained humanely by its owner. Except in the case of imminent risk or threat of death or serious bodily injury to any person, the OIC (Officer in Charge) shall be contacted before dispatching a domestic animal. Officers called upon to destroy a seriously injured or dangerous wild animal need not contact the OIC before dispatching the animal.
  - c) Officers shall perform any humane destruction out of public view if reasonably possible.

- d) Officers shall not attempt to perform humane destruction when there is the slightest risk to innocent persons or risk of stray projectiles.
6. An officer should resolve any doubt in his mind against the use of firearms before he or she fires.
7. An officer shall not be criticized or disciplined for failing to fire his weapon based upon insufficient information or when determination of safety prevailed.

### Warning Shots

1. The use of warning shots constitutes an extreme escalation towards the use of deadly force which unnecessarily places a risk upon persons and the community. Further, it is generally acknowledged to be an ineffective police response.
2. It is the policy of the Littleton Police Department that warning shots shall not be used.

### Surrender of Firearms

1. Officers must surrender their firearms under the following conditions:
  - a) Officers must surrender their weapons to a superior officer upon lawful command.
  - b) Officers shall present their weapons as requested for inspection by a superior officer, firearms instructor, or armorer.
2. Officers shall not be compelled at any time to give up or surrender their weapon under the actions of a criminal or for the benefit of any hostage. Officers are cautioned that the majority of officers, who give up their weapons to a criminal, are very likely to be killed and that the officer's weapon is frequently used. Although escape tactics and evasive maneuvers are very hazardous, officers familiar with those tactics are better equipped to survive than by handing over their weapons. **THE ULTIMATE DECISION RESTS WITH THE OFFICER INVOLVED.**

### Display of Weapons/Arming

1. The drawing or display of an officer's weapon in a public place represents a clear and escalation toward the use of deadly force, greatly increases the possibility of accidental or unintended discharge, and may contribute to aggression, fear or panic.
2. However, there are legitimate circumstances where the drawing and availability of an officer's weapon is tactically prudent. High risk situations may even require that an officer's weapon be immediately available for the safety of himself and others.
3. It must be clear in every officer's mind that justification for the display and availability of a weapon does not itself justify firing of the weapon. Further, officers must immediately holster or otherwise secure their weapon as soon as the high risk situation is brought under control.
4. NO OFFICER SHALL AT ANY TIME DRAW, DISPLAY OR BRANDISH HIS OR HER WEAPON WITHOUT JUSTIFIABLE CAUSE.
5. The following guidelines may be considered in arming oneself:
  - a) Approaching suspects engaged in felonious activity.
  - b) Approach of suspects believed to be armed and dangerous.
  - c) Felony stops.
  - d) As a visible deterrent show of force to curb deadly force.
  - e) To provide immediate availability in high risk situations; to include but not be limited to:
    - (1) Hold up/hold up alarm response.
    - (2) Burglary response.
    - (3) Drug related felony arrest, raids.

(4) Shots fired or person with a gun call.

6. Officers are reminded that because you may have drawn your weapon, that in itself does not justify the use of your weapon. However, anytime a firearm is unholstered or a weapon is displayed, except for Section C – 1(a, b), D-6 (e) or at the training range or training program, a Response To Force report will be filed.

#### Firing From Moving Vehicles

1. The Littleton Police Department prohibits firing weapons from a moving vehicle.
2. Decisions to discharge firearms at a moving vehicle shall be governed by the provisions of RSA 627:5. They are prohibited if they pose an unreasonable risk to others, including any innocent persons that might be in the pursued vehicle. A moving vehicle makes an inappropriate platform for accurate firing of a weapon, and therefore discharging firearms from a moving vehicle is prohibited. Firearms may only be discharged at a moving vehicle under conditions where deadly force is authorized, and then, and only then, in self- defense and when there is no risk of death or injury to an innocent person.

#### **IV. RESPONSE TO FORCE REPORTING AND INVESTIGATION**

- A. The following procedures shall be used to investigate incidents involving the Response To Force by a department member. These incidents shall include non-deadly and deadly force issues. The only exceptions will be: Firearms training, hunting and recreation, ballistic examinations and incidents involving the destroying of a wild animal.
- B. In all instances of the Response To Force, non-deadly or deadly, each officer involved in the incident shall report the facts and circumstances in a relevant arrest or case report. Further, each officer shall be required to file a Response To Force report form, located in the records management database.
- C. The Chief shall determine the need for an after action review (AAR) with all participants and document the AAR.

##### 1. Non-Deadly Force

- a) Officers shall note all of the facts and circumstances involving the use of non-deadly force in the relevant arrest report or other requirements.

- b) A superior officer may order any additional reports or investigations concerning the use of non-deadly force, or the alleged use of non-deadly force by an officer.

## 2. Deadly Force

- a) Whenever a member discharges his or her firearm, either accidentally or officially, he shall immediately:
  - (1) Determine the physical condition of any injured person and render first aid when appropriate.
  - (2) Request necessary emergency medical aid
  - (3) Notify dispatch of the incident and location and request immediate notification of the Chief of Police and Deputy Chief of Police.
- b) All involved officers (direct or indirect) will remain at the scene (unless the officer is injured) until the arrival of the Chief of Police or their designee.
- c) The involved officer(s) will protect their firearms for examination and submit said firearm to the Chief of Police or his/her designee.
- d) The firearm shall be regarded as evidence and the chain of custody will be maintained.
- e) The officer(s) shall prepare and submit a detailed report of the incident within twenty-four (24) hours of the incident or within such further time limit as the Chief of Police may, in writing, permit. These reports shall include a Response To Force report form.
- f) Any involved officer(s), direct or indirect, shall not discuss the incident with anyone except (1) A Command Staff Member (3) County Attorney (4) officer(s) attorney (5) psychologist (6) clergy or immediate family.

3. The Supervisor shall:

- a) Proceed immediately to the scene.
- b) Secure the scene.
- c) Take custody of and protect firearm(s) involved for submission to the assigned investigator(s).
- d) Conduct a preliminary field investigation
- e) Render command assistance
- f) Assist the involved officer(s)
- g) Contact the department armorer and issue a new firearm to the involved officer(s) unless otherwise directed by the Chief of Police or designee
- h) Submit a detailed written report of the result of the preliminary field investigation to the Chief of Police within forty-eight (48) hours of the incident.

**V. ACCIDENTAL DISCHARGES OF FIREARMS**

- A. The following procedure shall apply in the event that any officer of the Littleton Police Department accidentally or unintentionally discharges any firearm or in the event that any person accidentally or unintentionally discharges a firearm which is property of, or under the control of the Littleton Police Department.
  - 1. The incident shall be immediately reported to the officer's immediate supervisor in writing, whether an on-duty or off-duty occurrence.
  - 2. Any such incidents involving death or personal injury shall be investigated by the appropriate authority having jurisdiction.
  - 3. The officers' immediate supervisor shall conduct an investigation into the incident in an expedient manner.

4. A firearms instructor will be assigned to the immediate supervisor to assist with the investigation.
5. All relevant investigations shall be directed to the Chief of Police. The investigation shall include, but not necessarily be limited to:
  - a) Facts and circumstances found and statements made
  - b) Evidence which may support or dispute a reported accident
  - c) Propriety of performance by officer(s)
  - d) Faulty equipment that contributed to the accident
  - e) Any negligence found
  - f) Recommendation for the individual officer that may apply:
    - (1) Penalty
    - (2) Training or remedial training
  - g) Revision of current training standards
  - h) Revision of current procedures
  - i) Equipment changes or modifications

## **VI. RESPONSE TO FORCE RESULTING IN DEATH OR SERIOUS INJURY**

- A. Whenever an officer causes the death or serious injury to another human being through the use of force, the office of the Attorney General shall be notified and conduct a complete investigation.
- B. Therefore, it is the policy of the Littleton Police Department that an officer shall be removed from line-duty statute and placed on Administrative Leave, whenever

his or her response to force results in the death or serious injury of another person, pending the completion of a review of actions under the direction of the Chief of Police. Such action is not to be considered as a punitive measure.

- C. Further, the Chief of Police may order that any officer be relieved of any duties where there is evidence of misuse of force that appears during any stage of the investigation, pending completion of the investigation.

## **VII. STRESS MANAGEMENT**

- A. The Littleton Police Department acknowledges that the use of deadly force by a police officer can subject him or her to significant stress which must be managed and resolved before the officer can resume his or her duties as an effective officer and a member of the community with peace of mind for his/her action. Therefore, the following policy of the Littleton Police Department shall be intended to assist the officer involved in the lawful performance of his or her duties with return as an effective officer.

1. The officer may immediately be granted time off from duty, including his/her normal days off with no loss of time or pay. The amount of time off will be determined by the Chief of Police.
2. The officer(s) will be encouraged to resolve any doubts concerning his/her performance through participation in established stress management groups and will also do the following:
  - a) The officer(s) will be required to meet with a psychologist and/or chaplain as soon as possible.
  - b) The officer(s) will be required to meet a police psychologist prior to returning to duty.
  - c) The officer(s) will be required to meet with a police psychologist one week after the incident and again one month after the incident (minimum), or at any other interval determined appropriate by the Chief of Police.
  - d) The officer(s) must re-qualify at the firearms range before on-duty status is granted.

3. Other Consideration:

- a) If the officer is not injured, the Chief of Police or designee shall contact (in person if applicable) the officer's spouse, partner, or close family member and request that they safely respond to the place the officer has been secluded. Someone should be sure to meet this person when they arrive.
  - b) If the officer is injured, the Chief of Police or designee shall contact (in person if applicable) the officer's spouse, partner, or close family member and then send another officer to the residence to pick up this person and transport them to the hospital. Do not leave them alone in the waiting room and help them through any media people.
4. The department and its members recognize that the occurrence of stress following a deadly force situation is a normal and universal event and that any implementation of this policy does not reflect discredit upon the officer for the proper application of deadly force.

## **VIII. DEADLY FORCE REVIEW BOARD**

- A. The Littleton Police Department shall convene a Response to Force Review Board to review circumstances attendant to each discharge of a firearm by a department member, except in the discharge at training sessions or in the humane destruction of an animal.
  1. The Response to Force Review shall serve in an advisory capacity only, and shall report to the Chief of Police.
- B. The Board shall consist of:
  1. Second ranking officer of the department.
  2. The Shift Supervisor.
  3. One member of the same rank as the member who discharged the firearm.
  4. One other law enforcement official designated by the Chief of Police.

- C. The Board will evaluate, in explicit and fact-finding fashion, each aspect of an officer involved shooting. Such evaluations will include:
  - 1. Thorough review of the Criminal Investigation Report.
  - 2. Hearing of direct testimony if necessary from officers and witnesses.
  
- D. The Board will develop findings and make recommendations to the Chief of Police in the following areas:
  - 1. Whether the shooting was within policy, in violation of policy, or accidental.
  - 2. Tactical considerations.
  - 3. Training considerations.
  - 4. Quality of supervision.
  - 5. Disciplinary recommendation (if appropriate).
  - 6. The appropriateness and quality of the post-shooting investigative process.
  - 7. Determine the need for an after action review (AAR) with all participants and document the AAR.
  
- E. The recommendations of the Board will be submitted in a written report to the Chief of Police, no more than seventy-two (72) hours after their final meeting.

**IX. FIREARMS TRAINING AND QUALIFICATIONS**

- A. It is the policy of the Littleton Police Department that its officers will be completely trained and subsequently maintained in the lawful and proper application of deadly force, and in the safe care, use and handling of firearms.

1. The level of training shall meet the standards adopted by the State of New Hampshire and the New Hampshire Police Standards and Training Council.
  
- B. The firearms training instructor/armorer shall maintain applicable records of firearms training for all sworn personnel, which shall include:
  1. Classroom curriculum and lesson plans, which must detail:
    - a) A written test passed by each officer covering each phase of training and which must show a comprehension of what, when, where and how an officer may use a firearm.
    - b) Rules of firearms safety.
    - c) Firearms handling procedures for all types of small arms which the officer may encounter.
  2. Range curriculum and exercises.
  3. Recording of all firearms qualifications.
    - a) The firearms instructor/armorer shall completely fill out the form.
    - b) It shall be the responsibility of each officer to insure the form is signed by the firearms instructor/armorer.
    - c) It shall be the responsibility of the firearms instructor/armorer to insure that the officer signs the form.
    - d) A firearms Authorization and Qualification Record form shall be filed for each range qualification and a copy submitted to the Chief of Police or his or her designee.

**X. CARRYING OF WEAPONS**

- A. Officers shall be required to qualify according to Police Standards and Training Council Pol.: 404.03 with their issued firearm(s).

- B. All issued weapons shall be registered with the department firearms instructor/armorer at the time of official qualification.
- C. Any department issued weapon carried at any time shall be carried in a safe, secure, approved holster, and in such a manner as to prevent loss, accidental discharge or theft.
- D. Officers shall only carry department issued firearm(s) when on duty.
- E. Officers shall be responsible for the proper care and maintenance of the weapon(s) which they carry, on or off duty.
  - 1. Department issued firearms shall only be repaired, serviced or modified by the Littleton Police Department armorer or the manufacturer, and only with prior authorization from the Chief of Police or his designee.
  - 2. Officers are authorized to submit their issued weapons to certified armorer of the New Hampshire Police Standards and Training Council while at the Police Academy. Following repair or service by their armorer, said weapon shall immediately be inspected by the Department Armorer upon return from the Police Academy.
- F. Off-Duty Weapon
  - 1. Officers of the Littleton Police Department may elect to carry an off-duty weapon. An officer who elects not to carry an off-duty weapon shall not be subject to disciplinary action if an occasion should arise in which he could have taken police action if he or she were armed.
  - 2. The off-duty carrying of a weapon is subject to the following provisions:
    - a) The department firearms instructor shall not qualify officers with any weapon(s) other than those issued by the department. Officers who choose to carry the department issued firearm off duty shall do so in a holster approved by the firearms instructor, utilizing department issued and approve ammunition only.

- b) Off-duty use of a weapon is subject to the same laws, rules and regulations that apply to on-duty use.
- c) Officers carrying an off-duty weapon shall have their official Littleton Police Department identification on their person at all times, and shall produce said identification visibly and identify themselves as police officers whenever the off-duty weapon is drawn.
- d) Off-duty officers, regardless of rank, shall immediately relinquish their authority to responding on-duty officers as soon as practicable.
- e) All off-duty weapons must be discreetly carried.
- f) Officers shall not carry firearms while under the influence of alcohol or drugs or while consuming same.

## **XI. ON-DUTY FIREARMS**

- A. Officers on-duty are required to carry a fully loaded, department issued firearm with which they have qualified, except as follows:
  - 1. While entering correctional or court detention facilities or mental health facilities where provisions have been made for the weapon to be properly secured as required by facility rules or regulation.
- B. All firearms shall be kept securely holstered or locked in an approved carrier or locker at all times.
- C. Officers carrying firearms on-duty shall be fully attired in the approved police uniform of the day.
  - 1. Officers in plain clothes assignment shall carry both their badge and official Littleton Police Department identification in a manner that both may be readily displayed.
  - 2. Officers in plain clothes assignment shall also be required to carry the equipment necessary to have at their disposal all levels of the force continuum and to the same extent as a uniformed officer i.e., department

issued weapon, handcuffs and ammunition and any one or combination of:  
Expandable Baton, OC Spray, and/or Conducted Energy Weapons.

## **XII. POLICE SHOTGUN**

- A. It is the policy of the Littleton Police Department that all officers shall receive training with and be approved for use with the police shotgun according to Police Standards and Training Council Pol.: 404.03.
- B. Officers shall only carry the department issued ammunition for the police shotgun.
- C. Officers shall not carry loaded (cartridge in the chamber) shotguns into or within the police station.
- D. When not in use, the shotgun shall be stored in the department armory or temporary holding area next to the armory in the following manner:
  - 1. Chamber empty.
  - 2. Magazine empty.
- E. When assigned to an officer or patrol cruiser the shotgun will be stored in the cruiser in the following manner:
  - 1. Chamber – empty.
  - 2. Safety – on.
  - 3. Magazine – fully loaded.
  - 4. Action – closed, empty of rounds
- F. Only department issued and approved shotguns will be carried on duty.

## **XIII. SPECIAL WEAPONS**

- A. Special Weapons shall include, but not limited to, high power rifles, carbines, folding stocked shotguns, selective fire rifles, automatic and semi-automatic weapons, chemical agent launching or delivery systems and devices, or other weapons not specifically authorized elsewhere in this chapter.
  
- B. It is the policy of the Littleton Police Department that any special weapons be used only by individual officers of the department who have received specific training in the use of said weapons, and who are given authority for such use.
  
- C. All officers of the department who have received specific training with said special weapons shall qualify according to Police Standards and Training Council Pol.:404.03 with same. Records of such training and qualifications shall be maintained.

Issued:  
12/15/09

Authorized By:  
Chief Paul Smith

Effective:  
12/15/09

Distribution:  
All

Reviewed:  
July, 2020

Revised:  
July, 2020