

*Redacted Policies - May be released*  
**APPROVED**  
*9/21/20*

**REGULATION 60 USE OF FORCE**

Members of the agency shall only use force when necessary and in accordance with the law and established police procedures.

**Jackson Police Department**

**USE OF FORCE**

**P-05**

**I. PURPOSE**

To provide officers with guidelines on the use of deadly and non-deadly force.

**II. POLICY**

This Office recognizes and respects the value and social integrity of each human life. In vesting officers with the lawful authority to use force to protect the public welfare, a careful balance of all human interests is required. Therefore, officers shall use only that force that is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer or another person.

**III. DEFINITIONS**

In order to avoid any confusion with regard to terminology, the following words and phrases shall be defined:

- A. **Deadly Force:** Any assault or confinement which the actor commits with the purpose of causing or which he 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. NH RSA 627:9, II
- B. **Serious Bodily Injury:** Any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or to the function of any part of the body. NH RSA 625:11, VI.
- C. **Reasonably Believe:** A conclusion made from all the facts known to the officer at the time that would cause a reasonable person, under the circumstances, to conclude that the information was true or probably true.

D. **Imminent Death or Serious Bodily Injury:** The facts and circumstances create a reasonable belief that death or serious bodily injury is about to occur.

For the purpose of this policy and the use of deadly force by officers, the word imminent shall be deemed to be equivalent to the word immediate

1. Therefore, imminent death or serious bodily injury shall be taken to mean immediate death or serious bodily injury.
2. Immediate means; present at once, without delay, not deferred by any interval of time. Immediate denotes that the action is or will be taken instantly or without any considerable loss of time in view of the particular facts and circumstances. {Black's Law Dictionary}

[REDACTED]

1. An officer may take the [REDACTED] when he/she reasonably believes it necessary to protect him/herself or another person from the potential use of deadly force or serious bodily injury. As this conduct may draw attention or criticism, members should be prepared to articulate their decision to do so when requested by the Chief or a Supervisor.

#### **IV. AUTHORIZATION FOR USE OF DEADLY FORCE**

A. An officer is authorized to use only the minimum amount of force necessary to affect an arrest or to control a person. Deadly force may only be used by officers when they reasonably believe that:

1. Deadly force may be necessary to prevent imminent death or serious bodily injury to the officer or another person. (RSA 627:5 II)
2. If the suspect is in immediate flight from a crime involving death, serious bodily injury or the use of deadly force AND the subject poses a significant threat to the officer or another through his/her immediate capability to continue the use of deadly force with a weapon unless apprehended without delay.

[REDACTED]

#### **V. JUSTIFICATION FOR THE USE OF DEADLY FORCE**

- A. In addition to being authorized, the use of deadly force must be justified. Justification will depend upon the facts and circumstances known to the officer at the time of the incident.
- B. The officer's response must be reasonable and necessary in light of the situation. Unfortunately, there are no hard and fast rules, although certain factors may be given as examples.
1. What is the nature of the felony crime involved?
  2. Does that felony involve the affliction of death or serious bodily injury?
  3. Are alternative measures available?
  4. Is the subject armed with visible means of inflicting death or serious bodily injury?
  5. Is the officer in uniform or has he/she made known his/her presence and authority?
  6. Is the subject known, and can he/she be safely apprehended at a later time?
  7. Are there articulated facts known to the officer, which would cause a reasonable person to believe that deadly force was necessary to protect innocent people from death or serious bodily injury?

## VI. PROHIBITIONS

- A. Circumstances when Use of Firearms is Prohibited:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- B. The use of any significant force, up to and including deadly force, not reasonably necessary to effect an arrest is expressly forbidden. Officers will not *unreasonably* endanger themselves or the public in applying this policy.

## **VII. USE OF NON-DEADLY FORCE**

- A. An officer is justified in using non-deadly force upon another when he/she reasonably believes it is necessary to:
  - 1. Effect an arrest or detention.
  - 2. Prevent escape from custody of an arrested or detained person, unless he/she knows that the arrest or detention is illegal.
  - 3. Defend him/herself or another from what he/she reasonably believes to be the imminent use of non-deadly force.
- B. Officers should assess the incident in order to determine which non-deadly technique or weapon will best gain compliance in the safest manner.
- C. The force used shall be no greater than is necessary and reasonable given the situation.
- D. The use of verbal skills should be employed to gain voluntary compliance whenever possible.

## **VIII. MEDICAL TREATMENT**

- A. Officers shall cause the appropriate medical aid after applying the use of lethal and non-lethal weapons or force (request approximate medical personnel to respond to the scene), and they shall be responsible to ensure that appropriate medical aid is provided to the injured subject at the earliest possible opportunity.
- B. A Supervisor shall be notified of all injuries incurred as a direct or indirect result of the use of force in any situation.
- C. All injuries incurred as a result of the use of force shall be documented in the report as well as in a report to the Chief.

## **IX. REPORTING USE OF FORCE**

- A. Required Report / Use of Force




1. An offense report shall immediately be submitted to the Chief via the chain-of-command whenever an officer:
  - a. the deliberate or unintentional discharge of firearms (excludes authorized training or recreational purposes),
  - b. takes an action that results in, or is alleged to have resulted in, injury or death of another person
  - c. force through the use of weapons or techniques, or
  - d. applies force as defined by this directive.
2. This report shall be comprehensive, shall explain in detail the circumstances surrounding the event and shall contain the following information:
  - a. the names and addresses of involved participants.
  - b. the extent of treatment of injuries.
  - c. the reason and circumstances that required the use of force.

#### B. Notification

1. The Chief/designee will be notified:
  - a. When a firearm is discharged outside of the firing range.
  - b. When a use of force results in death or serious injury.
  - c. When a subject complains that an injury has been inflicted, or it is obvious that an injury has been inflicted.

#### C. Office Response

##### 1. Deadly force incident

- a. 
- b. The Chief shall contact the NH Attorney General's Office   
 The Chief shall maintain liaison with the Attorney General's Office during the investigation.

[REDACTED]

2. Administrative review of critical incidents

- a. All reports to the appropriate office/authority to review use of force to determine if:
  - 1) Office of the Chief rules, policies or procedures were violated.
  - 2) The relevant policy was clearly understandable and effective to cover the situation.
  - 3) Office training and/or equipment is currently adequate.

[REDACTED]

- c. There will be a regular review of use of force incidents by the appropriate office authority to ascertain training and policy needs.

**X. UNAUTHORIZED NON-LETHAL WEAPONS**

The carrying of any instrument as an offensive or defensive weapon not specifically authorized or issued as a weapon by the Jackson Police Department is prohibited.

[REDACTED]

[REDACTED]

**XI. AUTHORIZED LESS-THAN-LETHAL WEAPONS**

[REDACTED]

# Jackson Police Department

## FORCE CONTINUUM

SOP-11

### I. PURPOSE

To provide officers with guidelines on the use of deadly and non-deadly force.

### II. POLICY

To ensure members of this department use only that force that is reasonably necessary while utilizing their levels of force to effectively bring an incident under control, while protecting the lives of the officer or another person.

### III. FORCE CONTINUUM

1. Professional presence
2. Verbal direction
3. Soft Hand Control or O.C. Spray
4. Electronic Control Weapon (Taser)
5. Hard Hand Control
6. Police Baton
7. Lethal Force

### IV. GUIDELINES

Understanding that certain situations or incidents may require the officer to jump the levels of force to neutralize a particular threat, the officer must be able to articulate why they chose a particular force option. Professional presence and verbal direction apply at all levels. The Use of Force Policy of this Department dictates further guidelines.

