

GORHAM POLICE DEPARTMENT USE OF FORCE REPORT

PURPOSE: This form shall be completed by each Officer who applies force greater than verbal direction and normal application of handcuffs to control a subject, or whenever a suspect complains to the arresting Officer of injury as a result of any physical contact by that Officer. Applicable information is to be filled out and forwarded to the immediate supervisor, then to the Chief of Police.

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| INCIDENT | | | | |
| CRIMINAL CASE # | | DATE OF INCIDENT: | | |
| LOCATION: | | TIME: | TOWN: | |
| SUSPECT (Complete a separate USE OF FORCE REPORT for each suspect against whom force was used.) | | | | |
| SUSPECT: | | | | |
| WITNESS (Use an extra sheet of paper if needed to list witnesses) | | | | |
| NAME(S): * | | | | |
| ADDRESS(ES): | | | | |
| TYPE OF RESISTANCE RECEIVED (Check one) | | | | |
| <input type="checkbox"/> Verbal non-compliance | <input type="checkbox"/> Passive resistance | <input type="checkbox"/> Defensive resistance | <input type="checkbox"/> Active aggression | <input type="checkbox"/> Active aggression with weapon |
| FORCE USED (Check all that apply) | | | | |
| CONTROL HOLD <input type="checkbox"/> | TAKEDOWN <input type="checkbox"/> | COUNTER-STRIKE(S) <input type="checkbox"/> | TASER <input type="checkbox"/> | |
| OC SPRAY <input type="checkbox"/> | IMPACT WEAPON <input type="checkbox"/> | DEADLY FORCE <input type="checkbox"/> | | |
| DESCRIPTION OF SUBJECT'S ACTIONS WHICH REQUIRED USE OF FORCE | | | | |
| | | | | |
| | | | | |
| | | | | |
| MEDICAL (SUSPECT) | | | | |
| WERE INJURIES SUSTAINED? <input type="checkbox"/> YES <input type="checkbox"/> NO. If YES,, describe injuries and any treatment received: | | | | |
| | | | | |

MEDICAL (OFFICER)

WERE INJURIES SUSTAINED? YES NO. If YES,, describe injuries and any treatment received:

SIGNATURE

OFFICER:

ID SIGNATURE:

DATE:

GORHAM POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

USE OF FORCE AND FIREARMS

EFFECTIVE: MAY 1, 2016

REVIEW: SEPTEMBER 8, 2023

A. POLICY

Officers are confronted with situations requiring the use of force to effect an arrest or ensure public safety. The degree of force depends on what an officer perceives as reasonable and necessary under the circumstances at that time. Except for deadly force, the application of any degree of force is only justified when the officer reasonably believes it is necessary:

1. To prevent the escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime, or
2. To defend him/herself, or another from what the officer believes is the use of force while trying to arrest another, prevent their escape, or otherwise lawfully take the person into custody.

Facts or circumstances unknown to the officer shall not be considered in later determining if the use of force was justified.

The department trains officers in the use of force continuum, emphasizing the recognition and response to increasing levels of threat. As most instances in which force is used are non-deadly, officers need to assess the incident to determine the minimum amount of force that will be necessary to bring the situation under control.

In evaluating the responsible application of force officers must consider the opponents and their own age, size, strength, skill level, state of health and number of officers opposing the number of suspects.

3. Officers are expected to observe two guidelines in the application of force:
 - a) To employ the minimum force reasonably necessary to accomplish a legal purpose, as it is the officer's objective to overcome the suspects' resistance to an officer's lawful purpose.
 - b) Officers may resort to more severe methods of force to overcome either increasing resistance of an increasingly dangerous threat to public safety.

B. PURPOSE

To establish guidelines governing the use of force and its limits.

C. DEFINITIONS

1. Deadly Force

- a. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
- b. Any force applied in any manner that could reasonably be expected to cause death or serious bodily harm.

*Serious bodily harm means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

2. Non-Deadly Force

Force that is employed which is neither likely to cause death or serious physical injury.

3. Methods and Applications of Force

- a. Officer Presence – The officers' arrival at the scene can effectively manage a situation.
- b. Verbal Control – Refers to the manner in which the subject is spoken to. It can include advice persuasion, admonitions and orders. The department urges the use of verbal commands without the use of profanity or disrespectful and argumentative behavior.
- c. Empty Hand Control – The object of this level of force is to gain control and enforce the subjects compliance while minimizing the risk of injury to all parties involved once lesser levels of force appear to be ineffective these are to include soft controls, (i.e. control holds, takedown and knees, fists, hands, employed in striking of an adversary according to methods sanctioned through training.)

d. Chemical Agents – Refers to the employment of the departmentally authorized oleoresin capsicum pepper spray. This method is used for instances where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. Chemical agents shall only be used to the extent necessary to overcome the resistance of the subject and within training standards.

e. Intermediate Weapons – The department authorizes the carrying and use of the ASP. All other forms of weapons specifically designed for striking or punching are prohibited to include saps, blackjacks, brass knuckles and any other similar unauthorized implement.

The ASP shall only be used by officers who are trained and certified in its use. The weapon may be utilized in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.

f. Deadly Force – Deadly force is to be used as a last resort as the risk of serious bodily injury or death is a possible outcome. Deadly force includes any authorized firearm, but not limited solely to a firearm.

Use of deadly force must be under those conditions as set forth in RSA 627: 5.

D. USE OF DEADLY FORCE

Firearms are issued to sworn officers for self-defense and protection of the public, recognizing that in the performance of their duties they may encounter (a) dangerous person(s) who place them in life threatening situations. Officers are authorized only to use the minimum amount of force necessary to affect an arrest or to control a person.

A sworn officer may use deadly force only when he/she reasonably believes that:

1. The act is for the purpose of defending himself/herself or a third person from the imminent use of deadly force, or

2. To effect an arrest or to prevent the escape from custody of a person whom he/she reasonably believes has committed or is committing a felony involving the use of force and violence, is using a deadly weapon and attempting to escape, or is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay and that the officer has 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, as provided under state statutes and the U.S. Supreme Court case *Tennessee v. Garner*, 47 US 1 (1985).
3. To kill an animal in self-defense to prevent substantial harm to the officer or another, or when the animal is so badly injured that it is reasonably believed that the only option to relieve the animal is to dispatch it. The officer should make attempts to request assistance from the Humane Society, a Conservation Officer or Veterinary Hospital whenever appropriate. The destruction of vicious animals shall be guided by the same rules set forth for self-defense and the safety of others.

Every effort should be made to obtain the information of a domestic animal's owner to receive permission to dispatch it, or to make notification of the officer's actions if the animal must immediately be dispatched.

Officers will use great care to protect members of the general public in the area from dangers caused by ricocheting bullets if an animal must be dispatched. In addition, officers will avoid killing an animal in the presence of any juvenile, when practicable.

4. When engaged in target practice or competition on an approved range with the approval of the Firearms Instructor, and the Chief of Police.
5. Deadly weapons shall not be used if other less drastic means of apprehension are possible. Where firearms are used, officers shall be careful to avoid injury to innocent persons they are not seeking to apprehend.

E. APPLICATIONS OF DIRECTIVES WITHIN POLICY

1. These procedures also apply when an off-duty officer must use his/her firearm to accomplish a valid police purpose.
2. Nothing in these procedures shall be constructed as limiting the application solely to service firearms. The intent of these procedures is to regulate any police firearm including: pistols, shotguns, rifles, authorized off-duty firearms, and other similar or related equipment.

3. The use of any significant force, up to and including deadly force, not reasonable and necessary to affect an arrest is expressly forbidden. Officers will not reasonably endanger themselves or others in applying this policy.
4. Whenever this policy is more restrictive than state statute, it is intended to take precedence over the statute only for internal disciplinary action, but shall not supersede state statutes as a standard of care in any civil or criminal action arising from the use of weapons or deadly force.

F. LIMITATIONS ON USE OF FORCE

Officers shall cease any continued use of force once the subject is within the officer's control, in compliance with the lawful orders given by the officer(s), and no further resistance is encountered. The officer(s) shall use the minimum level of force required to control or manage the situation.

Use of flashlights as batons is prohibited except to defend himself or another from imminent serious physical injury or death, and then only if departmentally sanctioned methods are not available or are impractical. The use of a light under such circumstances may be deemed an application of deadly force.

Officers may carry jack knives, buck knives, or similar knife and they may only be implemented as a weapon when other available means in which the officer is trained are impractical. Use of a knife in such circumstances shall be deemed an application of deadly force.

G. MANDATORY FIREARMS TRAINING

1. The Firearms Instructor conducting an authorized training session shall have full supervisory authority over all personnel on the firing range, regardless of rank, and is authorized to inspect the firing range and any member's weapons at any time. The Firearms Instructor has the authority to seize any departmentally used weapon which he or she finds to be in an unsafe or unserviceable condition.
2. Each sworn officer shall successfully complete at a minimum, one annual firearms qualification course as prescribed by the Primary Firearms Instructor and Chief of Police. The course of fire is to be approved by Police Standards and Training Council.

3. Any officer failing to pass the firearms course shall be provided with remedial training. Any officer failing to pass a department qualification course shall be afforded a second opportunity to qualify that day. A third attempt to qualify may be provided to the member, at the discretion of the Chief of Police. The third attempt shall be conducted no later than 30 days from the second qualification. It is the individual officer's responsibility to coordinate the date of firing with the Primary Firearms Instructor.
4. Any officer failing to pass the required qualification course shall surrender upon request, their departmental service weapon to the Primary Firearms Instructor. The officer will be forbidden to carry any firearms under the color of authority of the Gorham Police Department until qualification requirements have been met.
5. All sworn officers will attend a yearly and mandatory 4-hour classroom lecture of Firearms-Use of Deadly Force, use of non-lethal force, firearm safety, and liability issues. Newly certified officers will receive 8 hours of lecture and application, in addition to range time.
6. The officer's qualification results will be reported to the Chief of Police and the Police Standards and Training Council. The qualification records for each officer will be maintained by the Firearms Instructor, which should include the date of qualification, grade (pass or fail), and the weapon make, model and serial number.

H. TRAINING PERSONNEL

1. The Chief shall designate one member as the Primary Firearms Instructor and may designate such other members as may be necessary to assist the Primary Firearms Instructor.
2. The Primary Firearms Instructor shall meet the standards of NH Police Standards and Training Council as a certified Firearms Instructor, and shall be afforded such training in the maintenance of weapons as the Chief of Police may designate.
3. Responsibilities of the Primary Firearms Instructor are to include:
 - a. Conducting annual use of force and liability lecture / discussion sessions with all sworn officers.
 - b. Conducting firearms qualifications at intervals prescribed by the Chief of Police at a minimum of once per calendar year.
 - c. To ensure that the department's qualification documentation is sent to the NH Police Standards and Training Council.

- d. To ensure that the officer's individual qualification record is maintained by the Firearms Instructor.
 - e. Maintain an inventory of all departmental weapons currently in use with the department.
 - f. Conduct periodic training sessions in regards to firearms, firearm safety and practical applications of such weapons.
 - g. Conduct periodic inspections of all departmental issued weapons.
 - h. To ensure proper ammunition is maintained in the department's inventory, to be replaced annually.
 - i. To maintain an adequate number of targets and supporting range equipment.
4. As the use of deadly force is not limited to the use of firearms only, it is the responsibility of the Field Training Officer to ensure that all newly appointed officers have been properly instructed in the use of all other offensive and defensive weapons.

I. ISSUANCE OF FIREARMS

1. The department Primary Firearms Instructor shall conduct required training in the areas of firearms, use of force, and liability issues prior to the issuance of department firearms to any newly appointed certified or uncertified officer. Training is to include the following:
 - a. Eight (8) hours of lecture/discussion on use of deadly force, use of non – deadly force, firearm safety and liability issues.
 - b. Thorough understanding of RSA 627:5.
 - c. Successful completion of the department's weapon qualification course under supervision of a certified departmental Firearms Instructor.
2. Upon successful completion of the training, the department Primary Firearms Instructor or person designated by the Chief of Police shall issue the department service weapon and maintain a record of such training.

J. APPROVED FIREARMS AND ACCESSORIES

1. The approved handgun for this department is:
 - a. 9mm caliber Glock, Model 17, for full-time officers.
 - b. The Chief of Police may carry any personally owned firearm of authorized caliber, or the current department issued firearm, after qualifying on that weapon system. Minimum department approved calibers are to be authorized by the Chief of Police, and the Firearms Instructor.
2. Only ammunition that has been approved by this agency shall be used in authorized firearms.
4. While on duty, weapons shall be carried fully loaded with service ammunition in the approved manner. Magazines shall be maintained at full capacity: 17 rounds per magazine plus 1 in the chamber for total duty capacity of 52 rounds. The firearm will remain in battery at all times, while on duty, excluding cleaning and maintenance.
5. Holsters shall be worn on the same side as the officer's gun hand and will not be worn in the cross-draw fashion.
6. All holsters and department-issued gear will be that of department issue and will be worn in the manner prescribed by the Chief of Police.

K. FIREARM EXPOSURE

1. An officer may take the ready position when he reasonably believes a felony situation exists and there is potential danger to him or other persons from deadly force. The ready position shall be considered the unholstering of the firearm, whether in the low-ready position, or aiming the firearm at a target.
2. When not in use, firearms shall be secured in their holsters. Officers in civilian clothing, whether on, or off-duty, shall carry a badge or police identification.

L. OFF-DUTY WEAPONS

1. Off-duty carry of department issued weapons is authorized by the department, provided firearms qualification of such weapons has been met, and weapon is carried in the approved manner when out of uniform.

2. Off-duty weapons shall be inspected annually by the Firearms Instructor, if the officer intends to carry the firearm while acting in a police capacity.
3. Documentation in regards to qualification of an off-duty weapon will be recorded by the Firearms Instructor, along with the date, type, caliber and serial number of such weapon.

M. CONSIDERATION IN REGARDS TO FIREARMS

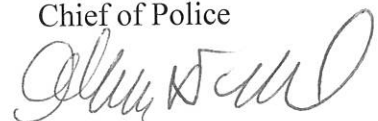
1. Officers should not carry a firearm or exercise deadly force with a firearm under color of authority unless the said firearm is duly recorded and approved by the Primary Firearms Instructor and the Chief of Police.
2. Officers shall not use department issued firearms for personal reasons such as game hunting or other non-official purposes.
3. Officers are prohibited from firing warning shots.
4. Officers should not fire a weapon while running (except in self-defense, in defense of a third party, or as part of an authorized training exercise).
5. Officers shall not utilize deadly force when a reasonable person would feel that the risk of harm to innocent persons outweighs the benefit of firing.
6. Officers are prohibited from carrying or using deadly force while consuming alcoholic beverages unless the Chief of Police has granted specific authorization for a specific police purpose. Officers shall not carry a firearm within six (6) hours after consuming alcoholic beverages and be caring for, or firing a firearm. Under no circumstance may an officer utilize a firearm when intoxicated or at which time the officer's judgement is impaired.
7. Officers may fire their weapon to stop an assailant from completing a potentially deadly act. For maximum effectiveness the officer should shoot for center body mass.
8. The officer's handgun shall be holstered and secured prior to the searching officer making contact with the individual to be searched.
9. Officers shall remove and secure their weapon in the firearm safe prior to processing a person in the booking room.
10. Officers are not authorized to make any modifications to department issue weapons. Alterations or modifications shall be performed under the direction of the Primary Firearms Instructor with the approval of the Chief of Police. The individual officer will ensure the Primary Firearms Instructor and Chief of Police

are aware of any modifications done to carried personal weapons if they are to be used under color of authority.

11. Officers shall maintain their weapons in a clean, workable condition at all times and are responsible for the security of the firearm in the home in the manner prescribed by the department. Firearms, magazines, or holsters in need of repair will be turned over to the Primary Firearms instructor for repair and replacement.
12. Participation in unauthorized weapon retention training is prohibited.
13. Officers shall not fire their weapon from a moving vehicle, unless extreme circumstances occur, to protect the officer, or a third person from the imminent threat of deadly force.
14. Officers shall not fire their weapon at a moving vehicle (except in self-defense and the officer has no means of escape and it does not appear that innocent lives will be endangered).
15. Officers shall not loan their department issue weapon to any other person, nor surrender it to anyone except a Superior Officer or Firearms Instructor, at their request.
16. Officers will not disassemble the service weapon beyond that level of disassembly shown by the Primary Firearms Instructor, for cleaning purposes.

PER ORDER OF:

Adam Marsh
Chief of Police



Distribution:
Master File
All Sworn Personnel
Town Manager