CITY OF CONCORD POLICE DEPARTMENT
CONCORD, NEW HAMPSHIRE

GENERAL ORDER	NUMBER: 1-4
SUBJECT: USE OF FORCE	
DISTRIBUTION: A	EFFECTIVE DATE: 10/28/18

I. PURPOSE:

To provide sworn personnel with guidelines for the use of deadly and non-deadly force.

II. POLICY:

The Concord Police Department recognizes and respects the value of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. It is the policy of this Department that a police officer shall use only that force that is reasonably necessary to effect lawful objectives, while protecting the life of the officer or another. The use of force by Department members shall be in accordance with the laws of the United States and the State of New Hampshire, and Concord Police Department directives.

III. DEFINITIONS:

A. Deadly Force - Any use of force that is likely to cause death or serious bodily injury.

B. Nondeadly Force - Any use of force other than that which is considered deadly force.

C. Reasonable Belief - The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

D. Serious bodily injury - 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. (NH RSA 625.11 VI.).

E. Use of Force Incident - Any of the situations described in section VIII A of this order.

IV. APPLICATION OF THIS ORDER:

All provisions of this Order shall apply to on-duty officers, as well as to off-duty officers acting in an official capacity under authority of their positions as police officers.

V. PARAMETERS FOR USE OF DEADLY FORCE:

A. A police officer is authorized to use deadly force only when necessary to:

1. Protect the police officer or another from what is reasonably believed to be an immediate threat of death or serious bodily injury; or,

2. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur.

   a. A fleeing felon should not be presumed to pose an immediate threat to life in absence of actions that would lead one to believe such is the case, such as previously demonstrated threat to or wanton disregard for human life.

   b. Where the suspect poses no immediate threat to the officer or to others, the harm occurring from failing to apprehend him does not justify the use of deadly force to do so.

B. Police officers shall exhaust every reasonable means of apprehension, restraint, or force before resorting to the use of deadly force.

C. Police officers shall adhere to the following restrictions:

1. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

2. Before using a firearm, police officers shall identify themselves and state their intent to shoot, when feasible.

3. The use of warning shots is prohibited.

4. Shooting at a moving vehicle is authorized only when:

   a. An occupant of the moving vehicle is using or threatening to use deadly force by means other than the vehicle; or

   b. A vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted, including moving out of the path of the vehicle, and the safety of the public would not be unduly jeopardized by the officer's action.

5. Except for maintenance, inspection or during training, police officers shall not draw or exhibit a firearm under their control unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this Order.

D. In addition to circumstances justifying the use of deadly force, a police officer may discharge a firearm under the following circumstances:

1. During range practice or competitive sporting events.

2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured or ill. Whenever feasible, prior supervisory permission shall be obtained before destroying an animal.

VI. PARAMETERS FOR USE OF NONDEADLY FORCE:

A. Where deadly force is not authorized, officers shall assess the incident to determine which nondeadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.

B. Police officers are authorized to use Department approved nondeadly force techniques and Department issued equipment for resolution of incidents, under the following circumstances:

1. To protect themselves or another from physical harm; or
2. To lawfully restrain or subdue a resistant individual; or
3. To bring an unlawful situation safely and effectively under control.

C. Nondeadly Force Weapons and Methods:

1. A police officer is not permitted to use a nondeadly weapon unless trained in its use as determined by Departmental training procedures.
2. The following nondeadly weapons are authorized for use by members of the Concord Police Department:
   a. Expandable baton
   b. Tear gas
   c. Oleoresin Capsicum aerosol spray
   d. Sock Rounds
   e. K-9 deployment
   f. Conducted Electrical Weapon
3. Articles such as saps, sap gloves, blackjacks, full size metal flashlights, mace, and other weapons not listed in section VI. C. 2 are not authorized to be carried or used by Department personnel.
4. Nondeadly force methods include:
   a. Unarmed self-defense tactics.
   b. Come-along holds.
   c. Restraint and physical compliance measures.

VII. REQUIREMENTS FOR CARRYING FIREARMS:

Police officers shall carry only firearms and ammunition authorized by the Department. Authorized firearms are those with which the police officer has qualified and received Departmental training on proper and safe usage, that are registered with the Department, and which comply with Department specifications for authorized firearms in accordance with General Order 1-6.

VIII. REPORTING USE OF FORCE BY DEPARTMENT MEMBERS:

A. Officers shall, as soon as feasible, notify the on-duty Watch Commander of any Use of Force incident. Use of Force incidents are defined as any situation where:

1. An officer discharges a firearm outside of the firing range; or
2. An officer deploys a firearm and displays the firearm for the purpose of compelling compliance; or
3. An officer takes an action that results in (or is alleged to have resulted in) injury or death of another person; or
4. An officer applies force to another person through the use of a nondeadly weapon; or
5. An officer deploys a CEW from the holster and displays the CEW for the purpose of compelling compliance even if the CEW is not discharged.

B. The Watch Commander or a supervisor shall respond to all Use of Force incidents and shall comply with all applicable Departmental investigative and reporting procedures.

C. A Use of Force Form (CPD 1.1) shall be completed by the involved officer(s) after every Use of Force incident other than the destruction of an animal. A Use of Force – Animal Destruction Form (CPD 1.2) shall be completed by the involved officer whenever a firearm is utilized to destroy an animal. The completed form shall be submitted to the Watch Commander for review as soon as possible, but prior to the end of the officer's shift. The Use of Force Form is for internal Department use only and shall not be included with the incident/arrest report package.

D. The circumstances of the Use of Force shall be fully and accurately documented in the appropriate Department Arrest or Incident Reports.

IX. DEPARTMENTAL RESPONSE TO USE OF FORCE INCIDENTS:

A. Administrative Review of Use of Force incidents:

1. All Use of Force incidents shall be reviewed by the appropriate supervisory personnel.
2. Each successive official who reviews the Use of Force incident shall consider whether:
   a. Department directives or state or federal laws were violated;
   b. The relevant directive was clearly understandable and effective to cover the situation;
   c. Department training is adequate.
3. Violations of directives or laws shall be addressed in accordance with all existing policies and procedures.

4. Training inadequacies shall be reported to the Professional Development Unit and appropriate steps shall be taken to correct the deficiencies.

5. Upon completion of supervisory review of a Use of Force incident, the Use of Force Form and, if applicable, any related disposition information shall be placed into the Use of Force file maintained by the Administrative Assistant to the Chief.

6. Use of Force incidents shall be reviewed at least annually by the Command Staff to determine policy and training needs.

B. Deadly Force Incidents:

1. Whenever a police officer causes injury to another person by means of a firearm, or when a police officer's use of force results in death or serious bodily injury to another, the incident shall be investigated in accordance with current practice. All other applicable provisions of this order shall be adhered to.

X. INSTRUCTIONS IN THE USE OF FORCE:

All sworn officers shall be issued copies of this Order and instructed in the use of force before being authorized to carry a firearm.

XI. SUPERSESSION:

This Order supersedes all previous written directives and prior practice, which may be in conflict with it.

Bradley C. Osgood, Chief of Police

10/24/18

Date

CONCORD, NEW HAMPSHIRE POLICE DEPARTMENT

Use of Force Form *for Internal Use Only*

Today's date: **Case Number:**

SUBJECT'S INFORMATION

Last Name: First: Middle: Race: Choose an item.

Height: Weight: DOB: Phone #: Sex:

Address: City: State: NH Zip Code:

USE OF FORCE INFORMATION

Location of the Incident: City: State:

Nature of injuries prior to use of force:

Nature of Injuries after use of force:

Photos Taken of injuries: Photos taken by:

Did Subject go to the hospital? Choose an item. Transported to Hospital by: Choose an item.

Date: Time: Attending Physician: .

Subject was: Choose an item. Date: Time:

Subject's Condition at the time of the incident: Choose an item. Reason for Use of Force: Choose an item.

Type of Force used: Choose an item.

Other officers present at the scene:

Were any officers injured? ☐YES ☐ NO Name(s) of injured officers:

Describe injuries to officer(s):

Witness Information

Witness Name	Witness Address	City/State/Zip	Phone #

NARRATIVE: (*ATTACH SEPARATE SHEET IF NECESSARY*)

The narrative should reflect the incident as a chronological account of facts and relevant events that occurred and resulted in the Use of Force.

Original to: Chief of Police

Officers Name: _____ Date: _____

Review and Approved By: _____ Date: _____
(Watch Commander)

Watch Commander

☐ I concur with the officer's action as detailed in this Use of Force Report and the facts contained herein.

☐ I do not concur with the officer's actions as detailed in the Use of Force Report and the facts contained herein. As a result, I have submitted a memorandum attached to this form with my concerns and recommendations to the appropriate and affected Deputy Chief for his/her review and evaluation.

This Use of Force Report has been reviewed and approved by:

Deputy Chief of Police: _____ **Date:** _____

Chief of Police: _____ **Date:** _____

CONCORD, NEW HAMPSHIRE POLICE DEPARTMENT
Use of Force Form – Animal Destruction *for Internal Use Only*

Today's date: Click here to enter a date.	**Case Number:**

USE OF FORCE INFORMATION

Location of the Incident:	City:	State:

Type of Animal:	Describe Backstop:
Reason why force was used:	Authorizing Supervisor:
Type of Force used: Choose an item.	# of rounds:
Other officers present at the scene:	
Were any officers injured? ☐YES ☐ NO	Name(s) of injured officers:
Describe injuries to officer(s):	

WITNESS INFORMATION

Witness Name	Witness Address	City/State/Zip	Phone #

NARRATIVE: (*ATTACH SEPARATE SHEET IF NECESSARY*)

The narrative should reflect the incident as a chronological account of facts and relevant events that occurred and resulted in the Use of Force.

Original to: Chief of Police

Officers Name: _____ **Date:**_____

Review and Approved By: _____ **Date:**_____
(Watch Commander)

Watch Commander

☐ I concur with the officer's action as detailed in this Use of Force Report and the facts contained herein.

☐ I do not concur with the officer's actions as detailed in the Use of Force Report and the facts contained herein. As a result, I have submitted a memorandum attached to this form with my concerns and recommendations to the appropriate and affected Deputy Chief for his/her review and evaluation.

This Use of Force Report has been reviewed and approved by:

Deputy Chief of Police: _____ **Date:**_____

Chief of Police: _____ **Date:**_____