

**USE OF FORCE**

**In Effect: 02/12/2013**

**Review Date: 05/05/2016**

**HINSDALE POLICE DEPARTMENT**

10 Main Street P.O. Box 138 Hinsdale, NH 03451

<b>Use of Force</b>	Related Policies: 300.05
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Section: 300.01	
New Procedure _____	Change of Procedure <u>  X  </u>
Date Implemented: January 2001	Revision Date: February 12, 2013, January 29, 2014, May 5, 2016
S i g n i n g Authority _____	Review Date: May 5, 2016

**POLICY:**

It is the policy of the Hinsdale Police Department that officers use non-deadly force when, and to the extent that, the officer reasonably believes it is necessary to effect an arrest or detention; to prevent the escape from custody of an arrested or detained person, unless the officer knows the arrest or detention is illegal; or, to defend him- or herself from what the officer reasonably believes is the imminent use of non-deadly force encountered while attempting to effect such an arrest or detention, or while seeking to prevent such an escape.

It is further the policy of this Department that deadly force shall only be used to protect oneself or a

third party from the imminent use of deadly force to prevent the escape from custody of an arrested or detained person whom the officer reasonably believes has committed a felony involving serious bodily injury or death and is likely to use deadly force to make good their escape; or, when an officer has reason to believe that the person is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay. Deadly force shall not be used in the process of arresting a felon solely because he or she is fleeing.

## **PURPOSE:**

The purpose of this General Order is to outline the legal justifications for using force, establish accountability for those members who use force, define types of force and force options, and define actions and consequences involving the use of excessive force.

## **DISCUSSION:**

It is acknowledged that neither policy nor training can possibly provide detailed instructions for every officer on how to respond in every conceivable situation that requires the use of force. Two basic principles, however, apply to any situation: (1) officers will only use the force necessary to accomplish lawful objectives, and (2) escalation of force should occur only when lesser levels of force have been tried and failed without gaining compliance, or the officer reasonably believes such lesser levels of force would be inappropriate given the circumstances.

This policy is not intended as a thorough discussion of the law on use of force. Officers are expected to maintain, as a minimum, a working knowledge of the relevant sections of New Hampshire law and the appropriate case law in this area. Any officer who is uncertain of any of the matters described in this policy shall consult with his or her supervisor.

## **SECTION HEADINGS**

- I. Definitions
- II. Accountability
- III. Levels of Resistance
- IV. Levels of Force
- V. Proportionate Application
- VI. Excessive Force
- VII. General Regulations on the Use of Force
- VIII. Use of Non-deadly or Less-lethal Force/Weapons
- IX. Aid to Injured Persons
- X. Reporting and Review of Use-of-Force Incidents
- XI. Qualifications and Proficiency
- XII. Department Force Instructors
- XIII. Authorized Weapons

XIV. Forms

I. DEFINITIONS

- A. **Deadly Force or Lethal Force:** Any force that is likely to cause death or serious bodily harm.
- B. **Detainee, Prisoner, Arrestee, or Arrested Person:** Any person in official police custody because he or she has been arrested and charged with a crime, taken into protective custody under RSA 172-B, taken into protective custody under RSA 135-C, or charged with being a juvenile delinquent.
- C. **Imminent:** Near at hand; mediate rather than immediate; close rather than touching; impending; on the point of happening; threatening; menacing; perilous. Something which is threatening to happen at once, instant, close although not yet touching, and on the point of happening (Blacks Law Dictionary, 6th Edition).
- D. **Medical Care or Aid:** The treatment of any illness or injury by applying first-aid, or the evaluation or treatment by paramedics or medical professionals.
- E. **Non-Deadly or Non-Lethal or Less-Lethal or Less-than-Lethal Force:** Force employed which is neither likely nor intended to cause death or serious physical injury; any use of force other than that which is considered deadly force.
- F. **Reasonably Believes:** When facts or circumstances the officer knows, or should know, are such as to cause a trained police officer to act or think in a similar manner under similar circumstances.
- G. **Serious Bodily Injury:**
1. A bodily injury which creates a substantial risk of death; or,
  2. Causes serious, permanent disfigurement; or
  3. Results in long-term loss or impairment of the functioning of any bodily member or organ.
- H. **Weapons:** Any instrument or agent to be used in an offensive or defensive manner. A weapon may be:
1. Approved and issued by the Department;
  2. Approved for evaluation and testing by the Department; or,
  3. Instruments not designed nor intended to be used as weapons, such as flashlights, vehicles, or other weapons of opportunity, which may be utilized in extreme

circumstances.

## **II. ACCOUNTABILITY**

- A. The decision to use force, the level of force used, and the escalation or de-escalation of force are the responsibility of the individual officer and should be based on the officer's professional assessment of the circumstances.
- B. Officers must be prepared to explain their actions whenever any level of force is used against an individual.
- C. Officers may be held accountable for their use of force via civil action (lawsuits) and/or criminal action (state and/or federal).
- D. Officers will at all times be accountable to the Department for their actions via administrative investigation, review, and discipline.
- E. Officers found to have used excessive or unreasonable force are subject to retraining, discipline, and/or termination.

## **III. LEVELS OF RESISTANCE**

- A. Officers must assess the situations by the totality of the circumstances.
- B. Compliant: A subject is compliant when he or she follows the officer's direction, commands, or orders; this category represents the majority of subjects officers interact with each day and is the desired level to attain by the proper use of force. Officers are tasked to recognize when a person is compliant.
- C. Passive Resistance: subject does not follow officer's directions, commands, or orders; subject conceals or attempts to conceal arms and wrists to prevent arrest or detention; subject causes no physical assault on the officer and does not use any mechanical enhancement to prevent the officer from arresting or detaining him or her or others.
- D. Active Resistance: subject offers physical resistance calling for an offensive or a defensive action; subject grabs or holds onto a stationary or semi-stationary object; subject pulls away from or grabs the officer(s); subject flees or attempts to flee, hides, etc., to prevent arrest or detention.
- E. Active Aggression: Actual or perceived attack on the officer or a third party; subject attempts to or successfully punches, kicks, or bites officer or third party; officer's assessment is that the subject's actions would or could cause injury, but not cause serious bodily injury or death.
- F. Lethal Aggression: actual or perceived attack on an officer or a third party; subject attempts to or successfully punches, kicks, or bites officer or third party; with or without a weapon that

could cause serious bodily injury or death.

#### IV. LEVELS OF FORCE

A. The dynamics of all encounters are different, and it would be impossible to attempt to categorize and define every level of force appropriate for all possible situations.

B. Force is a means used to gain and maintain compliance within the law. Force options are classified as one of three categories:

1. Controlling Techniques: a degree of influence or force not likely to cause serious injury or death;

a) 

2. Defensive Tactics: a degree of force reasonably likely to cause injury, but not likely to cause death;

a) 

b) 

3. Deadly Force: a degree of force reasonably likely to cause death or serious bodily injury is appropriate when:

a) 

b) 

c) 

d) 

1) 

2) 


3) 



- C. The following list is meant to function only as an example and is neither exclusive nor all-inclusive. Officers may, at times, have to resort to methods not listed here, and the mere presence of a method on this chart does not endorse its use in every situation.
1. Options are listed in no particular order within their respective classes.
  2. To the extent possible, officers shall utilize an escalating/deescalating scale of options taking into account all facts and circumstances known to the officer.
  3. Controlling Techniques
    - a) Presence;
    - b) Verbalization;
    - c) Show of force;
    - d) Firm grasp;
    - e) Control holds;
    - f) Body weight;
    - g) Pain compliance;
    - h) Pressure points;
    - i) Mechanical advantage control holds (with or without a baton);
    - j) Oleoresin Capsicum (O.C.);
    - k) TASER
  4. Defensive Techniques
    - a) Impact weapons in recommended target areas identified in training;
    - b) Personal weapons, e.g., hands, fists, knees, etc.;
    - c) Headlock and Choke holds;
    - d) Direct-impact munitions.

5. Deadly Force
  - a) Firearms;
  - b) Vehicles as weapons;
  - c) Intentional strikes to vital areas identified in training with impact weapons.




**V. PROPORTIONATE APPLICATION**

- A. *Graham v. Connor*, 490 U.S. 386 (1989), requires officers to use force that is objectively reasonable to the level of resistance and the severity of the crime committed, and to cease to use force at the earliest feasible time and when safe to do so.
- B. Officers shall select a proper level of force that is reasonably suited for the situation given the totality of the circumstances.
- C. Officers are not required to use the least intrusive level of force, only a reasonable level based on the situation.
- D. Officers are expected to select and properly use a force option that is reasonably suited for the situation given the total circumstances and to take measures that minimize the need for higher levels of force later on.
  1. Factors such as a person's gender, body size, proximity to a weapon, history, level of intoxication, mental distress, or environmental factors, proximity to officer, availability of weapons, or multiple offenders may eliminate/necessitate the reasonable use of an option or cause an officer to deescalate/escalate.
  2. Officers need to remain vigilant to changes in the subject's level of resistance. A sudden violent attack by a suspect may necessitate immediate use of a force level, or a compliant subject may become noncompliant in a moment. The force level used does not have to be the best alternative for resolving the situation; it does need to be objectively reasonable based on the facts and circumstances.
- E. All weapons and tactics will be used consistent with training.
- F. 
- G. Hinsdale police officers shall respect the Constitutionally guaranteed rights of every person.

**VI. EXCESSIVE FORCE**

- A. New Hampshire law clearly states that no unnecessary or unreasonable force or means of restraint may be used in detaining or arresting any person.
- B. Police officers have an affirmative duty to not only refrain from using excessive force themselves, but to prevent other officers from doing so as well.
  - 1. Officers shall intervene when they witness what they believe to be excessive or unnecessary force.
- C. All members shall report the use of excessive or unnecessary force to a ranking officer as soon as possible.
- D. Under no circumstances shall any officer use physical force or the threat of physical force for the purposes of intimidation or revenge.
- E. All situations involving allegations of unreasonable or unnecessary force shall be investigated consistent with the provisions of the General Order regarding Internal Investigations.

**VII. GENERAL REGULATIONS ON THE USE OF FORCE**

- A. The legal authority to carry weapons by Hinsdale police officers resides in NH RSA 159.
- B. The legal authority to use those weapons in the line of duty resides in NH RSA 627.
- C. 
- D. Officers are personally responsible for the safe and proper storage of all firearms assigned to them.
  - 1. 
  - 2. While on-duty, firearms shall not be left unattended unless secured in a locker, cruiser, or other locked space, such as a desk or cabinet.
  - 3. 
  - 4. When Department firearms are stored at the officer's home, the officer is responsible for ensuring the weapon is made safe or secured in such a way as to prevent accidental



discovery and discharge by children or others and kept reasonably secure from theft.

- E. Any Department member whose action(s) or use of force in an official capacity results in death or serious injury shall be removed from a line duty assignment pending administrative review.
  - 1. Such incidents involving police officers shall be investigated consistent with the General Order on Officer Deadly Force Investigation Protocol.
  - 2. Such incidents involving Department members who are not police officers shall be investigated as determined by the Police Chief.
- F. Officers, when tactically able and time permits, should warn the subject of the consequence of non-compliance to a command, order, or direction in an effort to compel the subject to comply, particularly when the failure to follow the command is a factor influencing the application of a level of force.

**VIII. USE OF NON-DEADLY OR LESS LETHAL FORCE/WEAPONS**

A. Hinsdale police officers are issued, or have at their disposal, various weapons, such as the police baton and O.C., that are generally recognized to be less-lethal under normal use. Each of these weapons is listed in this Section, and officers shall be familiar with their authorized and intended use as non-lethal weapons. Officers must also remain cognizant that non-deadly or less-lethal weapons may, in fact, inflict death or serious bodily injury under certain conditions or circumstances.

**B. Expandable Baton**

- 1. The Department-issued expandable baton may be worn on the gun belt by uniformed officers.
  - a) Officers shall not carry short-billies, blackjacks, or other instruments instead of the issued baton.
  - b) 
  - c) 
  - d) Officers must remain aware that blows delivered to areas identified in training as "red zones" create a high risk of serious bodily injury or death and are to be avoided unless deadly force is justifiable.

C. O.C. Spray

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

D. TASERS

1. [REDACTED]

E. Other Weapons

1. Officers of the Hinsdale Police Department are specifically prohibited from carrying any weapon or ammunition on duty that is not specifically authorized for use by the Police Chief.
2. Prohibited weapons shall include metallic or brass knuckles; saps; billies; weighted gloves; and, chemical weapons, except as authorized.
3. [REDACTED]

**IX. AID TO INJURED PERSONS**

**A. Consistent with the criteria listed below, whenever a person has been injured as the result of any force applied deliberately or accidentally by a member of this Department, the officer or supervisor on-scene shall have the dispatcher notify the Hinsdale First Response Unit and request an ambulance to provide medical aid:**

1. whenever requested by a person that weapons or force was used against;
2. whenever a person against whom weapons or force was used is unconscious or unable

to respond;

3. whenever, in the judgment of an officer or supervisor, medical aid appears warranted, regardless of the wishes of the injured person;

4. to assess the wounds of a person who has been subject to specialty impact munitions;

B. The officer shall notify a Supervisor when a request for medical aid has been made.

C. When a person has been contaminated with O.C. spray, he or she shall be decontaminated at the earliest practical time.

1. As circumstances permit, decontamination should include:

a) exposing the prisoner to fresh air and ventilation;

b) rinsing the affected areas with water;

c) providing verbal reassurance that the effects will pass.

D. Officers shall initiate immediate medical attention when a detainee significantly suffers from the effects of O.C. spray for more than forty-five (45) minutes after contamination or whenever abnormal symptoms are observed.

1. Officers should determine if the prisoner suffers from bronchitis, asthma, emphysema, or similar respiratory disease and, if so, initiate immediate medical attention.

## **X. REPORTING AND REVIEW OF USE-OF-FORCE INCIDENTS**

A. Any member of this Department who uses force consistent with the following criteria shall complete and file a Response to Resistance report (HPD Form\_22), within three (3) days in which the force was used, or at a date set by a Supervisor if the officer was not on duty, or if there are other extenuating circumstances:

1. when a member discharges a firearm for other than training or recreational purposes;

2. when a member takes an action that results in, or is alleged to have resulted in, injury or death of another person;

3. when a member applies force through the use of lethal or less-lethal weapons;

4. draws or displays a firearm, baton, Taser, or specialty-impact weapon against any person;

5. when a member uses weaponless physical force to overcome deliberate resistance; or,
- B. A supervisor shall be notified whenever force has been used under any of the above criteria.
  - C. Use of Force reports will be completed whether the incident or act was intentional, accidental, or unintentional.
  - D. The Use of Force report shall be reviewed by the supervisor approving the Incident, who will sign the form and indicate if the force was consistent with policy.
    1. If the reviewing supervisor feels the use of force is out of policy or, for any reason, feels the incident should be looked at more closely, it will be referred for further examination.
    2. The report will then be reviewed by the Chief of Police to determine compliance with policy and/or a need for training or a policy change.
  - E. The Chief shall receive and maintain all Use of Force reports filed.
    1. The designee shall review them for:
    2. completeness;
    3. developing trends; and,
    4. effectiveness of weapons, techniques, or training.
  - F. The Lieutenant shall submit an audit of all reports annually if requested by the Chief of Police.
  - G. The findings of these reviews will be used by force instructors for evaluation and training purposes.

## **XI. QUALIFICATIONS AND PROFICIENCY**

### **A. General**

1. Only Agency members demonstrating proficiency in the use of Department-authorized weapons are approved to carry such weapons.
2. Consistent with NH PS&TC Policies 404.03 and 404.04, all police officers shall receive training on the agency's Use of Force policies and demonstrate proficiency with all

- approved lethal weapons at least annually.
3. In-service training for other less-lethal weapons and weaponless control techniques shall be conducted at least biennially.
  4. Proficiency training must be monitored by a certified weapons or tactics instructor.
  5. The instructor shall be responsible for documenting training and proficiency consistent with the appropriate General Orders regarding training.
  6. Any member who fails to qualify with a Department-issued weapon, as required by NH Police Standards and Training Council or standards determined by the Hinsdale Police Department, will be relieved of normal duties until qualified under a remedial program.
    - a) Whenever an officer is unable to qualify with a Department weapon before leaving the session, the Police Chief and the Lieutenant shall be notified.
  7. When a member does fail to qualify with an Agency-issued weapon, the instructor shall evaluate the weapon being used and, if not deficient, the instructor shall then:
    - a) assess the performance and identify the reason that the member is failing to qualify; and,
    - b) provide or arrange for immediate specific instruction to remedy the problem.
  8. If the member remains unqualified:
    - a) specific exercises or other action designed to correct the problem shall be assigned; and,
    - b) the member shall be retested as soon as possible.
  9. All members authorized to carry lethal and less-than-lethal weapons shall be issued copies of this General Order and instructed in all aspects of it, to include the Department policy on the use of force [REDACTED]; the appropriate use of less-than-lethal weapons, and the procedures for rendering appropriate medical aid, before being authorized to carry such weapon.
    - a) The issuance of the General Order and the instruction will be documented by a Department instructor conducting the training.
    - b) This training will be conducted as part of the Field Training and Evaluation Program.

## **XII. DEPARTMENT FORCE INSTRUCTORS**

- A. The Chief may designate an officer(s) to be the Department Force Instructor for: Firearms, Taser, ASP, Aerosol Agent, and Arrest and Control Tactics. If the Hinsdale Police Department does not have the available personnel to hold these positions, Certified Instructor's from outside agencies will be requested to provide the training.
  - 1. Any officer so designated must possess, or obtain prior to conducting any training, appropriate instructor certification from a recognized agency.
  - 2. All weapons proficiency training shall be conducted by a certified weapons instructor.
- B. These officers shall perform these duties in addition to all other duties/responsibilities commensurate with their position within the Department.
- C. Each appointed officer shall work closely with the Lieutenant and Chief to ensure program compatibility, course content, and that Department goals and objectives are met.
- D. Officers designated as force instructors shall be responsible for:
  - 1. assessing Departmental needs;
  - 2. formulating and implementing training programs;
  - 3. documenting training and proficiency;
  - 4. providing documentation of required training for the NH PS&TC; and,
  - 5. all other aspects of their areas as it relates to officer safety, current law, and trends in training.
- E. The Lieutenant and Police Chief shall periodically review the instructor and course content to ensure that the best and most accurate level of training is being provided for Hinsdale police officers in the areas of use of force.
- F. Each of the instructors shall file all lesson plans, attendance rosters, and training results with the Lieutenant.

### **XIII. AUTHORIZED WEAPONS**

- A. Only weapons and ammunition issued and authorized by the Department shall be used by agency members in the performance of their responsibilities.

1.

[REDACTED]

a)

[REDACTED]

b)

[REDACTED]

B.

[REDACTED]

1.

[REDACTED]

2.

[REDACTED]

3.

[REDACTED]

4.

[REDACTED]

5.

[REDACTED]

C.

[REDACTED]

D. Off-Duty Weapons in Other States

1. USC Title 18, Chapter 44, Section 926B, The Law Enforcement Officers Safety Act of 2004 allows "qualified law enforcement officers" to carry a concealed firearm in any U.S. state or political subdivision.
2. Currently-employed Hinsdale Police officers in good standing are considered "qualified law enforcement officers" for the purpose of this federal law.

E.

[REDACTED]

F. All weapons obtained for use by the Hinsdale Police Department shall be inspected and

approved by a qualified weapons instructor or armorer prior to being issued. Such inspection shall include:

1. For Firearms :

- a) checking the action of all mechanical parts;
- b) the effectiveness of safety devices;
- c) the condition of the bore;
- d) the condition of the sights;
- e) that no after-market modifications impair the safe and efficient operation of the weapon;
- f) that the weapon dry-fires or live-fires properly;
- g) that each weapon will be able to efficiently perform its intended purpose.

2. For Batons and ASP:

- a) checking the action of all mechanical parts;
- b) ensure that the power safety tip is safe for use;
- c) ensure that the baton opens and closes properly.

3. For O.C. Spray:

- a) ensure the canister is functioning properly;
- b) ensure canisters are more than twenty-five percent (25%) full.

G. After a firearm has been issued, it shall be submitted to the armory staff for a similar inspection at least annually, or:

1. whenever an officer feels it is appropriate;
2. during any range training; or,
3. during any random weapons inspection.

H. All other weapons that have been issued shall be inspected at least biannually by an armorer,

or;

1. whenever an officer feels it is necessary;
2. during training classes;
3. during any random inspection.

I When an inspection determines a weapon should be removed from service, the firearms instructor shall cause the weapon to be sent out to an armorer for repair or replacement.










1. In the case of firearms, the officer will be qualified on the new firearms as soon as possible.
2. O.C. spray canisters will be removed from service when the canister has only twenty-five percent (25%) or less of the agent remaining.

J. No Hinsdale Police Department weapon may be used in any other employment, law enforcement or otherwise, or for recreational purposes unless authorized in writing by the Police Chief.

K. Uniformed officers of the Hinsdale Police Department shall carry all issued duty belt-weapons while on duty.

1. Weapons shall be carried in their Department-issued holsters unless the situation dictates that their use is necessary and warranted.

L. No member of the Hinsdale Police Department shall carry any weapon or ammunition while on duty that is not issued by the Hinsdale Police Department.

WEAPON	DUTY AMMUNITION	PRACTICE AMMUNITION
		Mixed manufacture that matches duty Point of Aim/Point of Impact
		Mixed manufacture that matches duty Point of Aim/Point of Impact
		Mixed manufacture that matches duty Point of Aim/Point of Impact
		
		Live or LS depending on training

#### **XIV. FORMS**

A. All officers that use force in the performance of their duties shall complete the following forms if applicable. This form shall be associated with the case number drawn and submitted to the Lieutenant for review within 3 days of the incidence.

a. Response to Resistance Form (HPD Form\_22)

b. TASER Post Deployment Form (HPD Form\_21)

**DEADLY FORCE**

In Effect: 02/03/2013

Review Date: 04/23/2016

**HINSDALE POLICE DEPARTMENT**

10 Main Street P.O. Box 138 Hinsdale, NH 03451

<b>DEADLY FORCE</b>	Related Policies: 300.01
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Section: 300.02	
New Procedure _____	Change of Procedure _____
Date Implemented: January 2001	Revision Date: February 3, 2013, April 23, 2016
S i g n i n g Authority _____	Review Date: 4/23/2016

**NOTE:** In any civil action against any individual, agency or governmental entity, including the State of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in policies, procedures, rules, regulations, codes of conduct, orders or other directives of a State, County or Local law enforcement agency shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable under State Law. (R.S.A. 516:36).

**INDEX WORDS:** Firearms, Deadly Force, Safe Firearms Handling

**I. PURPOSE:**

Each law enforcement agency should implement a formal written directive or directives specifying the conditions for the use of deadly force by its officers. The purpose of this General Order is designed to provide members of this department with such guidance.

**II. DISCUSSION:**

- B. It is the policy of the Hinsdale Police Department that force will be used by its sworn officers only in the amount necessary to effect lawful objectives.
- B. The value of human life cannot be measured, and the apprehension of offenders must at all times be subordinate to the protection of life, including the lives of the officer, the offender, and innocent bystanders.
- C. All sworn personnel shall be issued a copy of this policy before being authorized to carry a firearm, and shall at all times use only the force necessary to effect lawful objectives.

**III. DEFINITIONS:**

- A. Wherever they appear in this general order, unless specifically defined otherwise, the following words and phrases shall have the meaning ascribed to them in this section.
  - 1. 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.
  - 2. Deadly force means any force which, in the manner it is used, intended or threatened to be used, is known to be capable of producing death or serious bodily injury.

**IV. USE OF DEADLY FORCE:**

- A. This section defines the legal use of deadly force by officers of the Hinsdale Police Department.
- B. Firearms are issued to sworn officers for self-defense and protection of the public, recognizing that in the performance of their duties they may have to deal with dangerous persons who place them in life-threatening situations.
- C. A sworn officer may use deadly force only when he/she reasonably believes that such force is necessary:
  - 1. to defend him/herself or a third person from what he/she reasonably believes to be 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 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 US Supreme Court case of Tennessee v. Garner, 47 US 1 (1985).

D. As used in this policy, "reasonable belief" means when facts or circumstances the officer knew or should know, if true, would in law constitute an offense justifying the use of deadly force.

E. Deadly weapons shall not be used if other, less drastic means of apprehension are possible. Where firearms are used, officers shall exercise reasonable caution to avoid injury to innocent persons they are not seeking to arrest or retain in custody.

F. Officers are specifically NOT authorized to use firearms in the following instances:


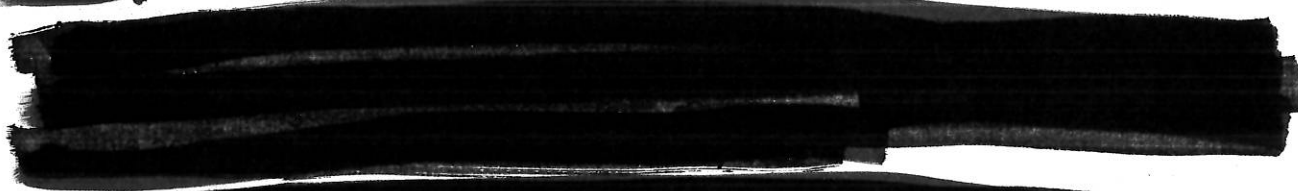

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

G. Officers shall fire their weapons to STOP an assailant from completing a potentially deadly act. [REDACTED]

H. No distinction shall be made relative to the age, sex, race or walk when defending against deadly force. Self-defense and imminent threat to life shall be the only policy guideline utilized for employing deadly force.

I. [REDACTED]

J. [REDACTED]

- K. 
- L. 
- M. 
- O. Members shall not participate in unauthorized or impromptu exercises in weapon retention or survival situations. Only red-handled handguns, which have been rendered incapable of firing by the Armorer and checked personally by both instructor and student, shall be utilized in weapon retention exercises.
- P. Only weapons which have been rendered incapable of firing anything but primer rounds shall be utilized in officer survival exercises, and all participants in such exercises shall be wearing protective goggles, ballistic vests, and all service and backup weapons and ammunition shall have been confiscated and stored in a safe place prior to the start of such training. You are obligated to ascertain that the weapon is a bona fide red or blue-handled training weapon.

**V. REPORT & INVESTIGATION OF FIREARMS USE**

This section sets forth the procedures to be followed whenever a firearm is discharged by a department member, except non-accidentally for training purposes.

- A. Whenever a member shall discharge a firearm for other than a training purpose, or shall accidentally discharge a firearm, the incident shall forthwith be reported to a superior and reported in writing within 24 hours to the Chief, by means of a department memo.
- B. Whenever a member shall take an action that results, or is alleged to have resulted in death, injury or potential injury to another person, or shall apply force through the use of any other action resulting in injury or death, the incident shall be reported by the quickest available means to the Chief, or in his/her absence, his/her designee.
- C. In the case of all incidents requiring immediate report, the Chief shall designate a person or persons to conduct an on-the-scene investigation without delay, and both the designated investigators and the officer involved shall file a written report as to all the facts and circumstances of the incident as soon as practicable.
- D. If the incident resulted in death or serious bodily injury to another person, the officer

whose weapon caused the injury shall be relieved of line duty with pay pending administrative review, and psychological and peer counseling shall be made available by the department at no cost to the officer and his/her immediate family members. The firearm used in the incident shall be confiscated by the investigating officers, and unless there is just cause not to do so, a replacement weapon shall be issued to the officer.

- E. All reports made pursuant to this policy shall be reviewed by the Chief to insure compliance with the law and this policy, and appropriate disciplinary action taken or criminal charges filed if warranted.
- F. All statements to the media concerning such incidents shall be issued only with the approval of the Chief or his/her designee.

## **VI. DESTRUCTION OF ANIMALS**

This section describes the circumstances when a department member is permitted to use a firearm to destroy an animal.

- A. The killing of an animal is justified for self-defense, to prevent substantial harm to the officer or another person or animal, or when the animal is so badly injured or is believed to be infected with rabies that it is reasonably believed that humanity requires its relief from further suffering.
- B. Whenever practicable, before destroying an animal attempts should be made to request assistance from the Humane Society, a State Conservation Officer or a veterinary hospital as applicable, except that the destruction of vicious animals shall be guided by the need for self-defense and the safety of others. If assistance for animal destruction is necessary the officer shall notify the Hinsdale Animal Control Officer and request assistance with this process.