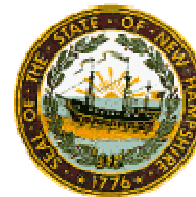


NH DIVISION OF LIQUOR ENFORCEMENT AND LICENSING ADMINISTRATION & OPERATIONS MANUAL



CHAPTER: O-101

SUBJECT: Integrated Use of Force Policy

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DISCUSSION

One of the most solemn responsibilities a Law Enforcement Officer has is the discretionary ability to use force on citizens. The use of force by Law Enforcement Officers is governed by state statute and the right of people to be free from unreasonable police action is guaranteed by New Hampshire and United States Constitutions. Therefore sworn personnel from the Division of Liquor Enforcement & Licensing (Division) must weigh all facts and circumstances carefully before a decision is made to apply force of any type. The use of force is always a last resort of the law enforcement professional, but when force is required it must be applied only in the amounts necessary to affect an arrest or to protect Investigator and/or a third person from the imminent threat of deadly force.

The application of force by a Law Enforcement Officer can be a fluid concept. Therefore the concept of a "Use of Force Continuum" is an important theory to understand. Law Enforcement Officers may be thrust into any point on the force continuum without warning. Investigators must be prepared and trained in all aspects of use of force from use of command presence to deadly force. The policy of the Division is to provide training to all sworn personnel so they may carry out their duties safely and effectively so as to enhance our ability to serve the citizens of The State of New Hampshire.

I. PURPOSE

- a. The purpose of this policy is to provide sworn personnel with guidelines in the use of issued equipment. The Division issues tools and weapons that may be used in the application of non-deadly and deadly force. The Division issues sworn personnel handcuffs, Oleoresin Capsicum spray, Expandable Baton(s), the TASER X26, and firearms. This Standard Operating Procedure is essential to provide our Investigators with the necessary guidance and tools to perform their assigned duties in a safe, effective and productive manner.
- b. For the purpose of this Standard Operating Procedure, "Investigator" shall include all sworn Division Personnel with the powers to make arrests in criminal cases under RSA 179:59 and RSA 594:1.

II. SCOPE

- a. This policy describes the limitations by which issued equipment may be used by Investigators when force is applied to a person.

III. DEFINITIONS

- a. "Deadly force" means any use of force that is likely to cause death or serious bodily injury.
- b. "Non-Deadly force" means any use of force other than that which is considered deadly force. Non-Deadly force shall include Division issued Expandable

Baton, O.C. Spray, or the TASER X26.

- c. "Necessity" - in evaluating the necessity to use deadly force, two factors are relevant:
- i. The presence of an imminent danger to an Investigator; **and**
 - ii. The absence of safe alternative(s) to the use of deadly force
 - iii. **Note: *Deadly force is never permissible under this policy when the sole purpose is to prevent the escape of a suspect.***
- d. "Imminent Danger" - "Imminent" does not mean "immediate" or "instantaneous", but rather an action that is pending. Thus a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at the Investigator. For example, imminent danger may exist if the Investigator has probable cause to believe any of the following:
- i. The subject possesses a weapon, or is attempting to gain access to a weapon, under the circumstances indicating an intention to use it against an Investigator or others: or,
 - ii. The subject is armed and running to gain the tactical advantage of cover; or,
 - iii. A subject with the capability of inflicting death or serious physical injury, or otherwise incapacitating an Investigator, without a deadly weapon, is demonstrating an intention to do so; and
 - iv. The subject is attempting to escape from the vicinity of a violent confrontation in which he inflicted or attempted the infliction of death or serious physical injury.
- e. "Absence of a Safe Alternative": Investigators are not required to use or consider alternatives that may increase danger to themselves or to others. If a safe alternative to the use of deadly force is likely to achieve the purpose of averting imminent danger, deadly force is not necessary. Among the factors affecting the ability of an Investigator to safely seize a suspect, the following are relevant:
- i. Response to Commands - verbal warning(s) prior to using deadly force are required when feasible, i.e., when to do so would not significantly increase the danger to an Investigator or others. When feasible, Investigators should issue an oral command when confronting an armed person. An example of an oral command that can be given when confronting an armed person is: ***"Police...drop your weapon!"***
 - ii. Availability of Cover - Availability of cover provides a tactical

advantage. An armed suspect attempting to gain a position of cover may necessitate the use of deadly force; conversely, an Investigator in a position of cover may gain additional time to assess the need to use deadly force without incurring significant additional risks.

- iii. Time Constraints - The inherent disadvantages posed by the issue of action/reaction, coupled with the lack of a reliable means of causing an instantaneous halt to a threatening action, impose significant constraints on the time frame in which an Investigator must assess the nature and imminence of a threat.
- f. "Investigator" - shall mean any sworn police employee of the Division of Enforcement and Licensing regardless of rank. Investigators are police officers under New Hampshire law and where the term police is used in statute it shall apply to all sworn Division personnel. The term Investigator and Law Enforcement Officer are interchangeable for use in this policy.
- g. "Division" - shall mean the NH State Liquor Commission's Division of Enforcement & Licensing.
- h. "Weapons of last resort" - The Division recognizes that in extreme circumstances, where the survival of the officer is in jeopardy, the situation may dictate pressing other implements into service as weapons. These might include an Investigator's large or small flashlight, metal clipboard, or a motor vehicle. Use of such implements, as weapons however, shall be viewed as a "weapon of last resort". Use of such devices, as weapons will be closely examined, as well as the degree of exigency present in the situation. The totality of the circumstances and the existence or absence of other acceptable alternatives will govern a review of the actions taken.
- i. "Expandable baton" - the Monadnock Expandable Police Baton.
- j. "Oleoresin Capsicum Spray," - also described, as OC Spray, shall mean an oily resin derived from "HOT" peppers in an aerosol form. It is an inflammatory agent, which affects mucous membranes. Investigator shall only use the "OC Spray" issued by the Division of Enforcement. The Division of Enforcement shall only issue "Non-Flammable Electronic Immobilization Device Compatible" OC Spray.
- k. "A.C.T.U." or (A.C.T. Unit) - means the Division's arrest control and tactics unit. Established by the Director, the unit members oversee and instruct members in the use of non-deadly and deadly force.
- l. TASER X26 – refers to the electronic immobilization tools described fully herein and issued to sworn Division personnel. There is only one (1) model issued, the X26.

IV. NON-DEADLY FORCE WEAPONS

- a. The following non-deadly weapons are authorized provided Investigators are qualified in their proficient use as determined by training procedures:
 - i. Department issued OC Spray
 - ii. Department issued handcuff(s)
 - iii. Department issued Expandable Baton
 - iv. Department issued TASER X26
- b. O.C. Spray, Expandable Batons, and the TASER X26 are issued and authorized by the Division and fall under the category of “non-deadly” on the use of force continuum. They may be used to defend Investigators or innocent third parties from the use or threat of use of non-deadly force. O.C. Spray, and Expandable Batons, and/or the TASER X26, should not be used for defense from deadly force. An Investigator’s decision to display and/or use these devices should be based on the tactical situation at hand. Investigators, whenever possible, should attempt to de-escalate the situation, but should be cognizant of the possibility of the incident escalating into one where deadly force may be required.
- c. The use of force by Investigators is permissible when used to effect an arrest; to overcome resistance; to prevent escape; in self-defense; and/or in the defense of others. The force used must be objectively reasonable based on the facts and circumstances known to the officer at the time the force is used. Investigators should take into consideration: the severity of the crime involved; the actions of the subject; whether the subject poses an immediate threat to the safety of Investigators or others; and Investigator/subject factors. The decisions Investigators are often made in circumstances that are stressful and ever changing, thus Investigators are not required to determine the least intrusive measure of force that might resolve the situation. Investigators are required to select an objectively reasonable option given the totality of the circumstances known to them at the time.

V. PROCEDURES

- a. Non-Deadly Force
 - i. Training and Qualifications
 - 1. No Investigator shall be issued or use OC Spray, Expandable Baton, the TASER X26, and/or handcuff(s) until he/she has been trained in their use by an A.C.T. Unit member, certified in the discipline by the NH Police Standards & Training Council, or a similar agency.
 - 2. Such training shall include some form of exposure to the OC

spray so the Investigator can help the person and know the effects first hand. Investigators shall use their O.C. Spray, Expandable Baton, the TASER X26, and/or handcuffs in accordance with training procedures.

ii. Issued/Authorized Weapons

1. While on duty and/or in Division vehicles, Investigators shall only carry weapon(s) or equipment issued by the Division of Enforcement. No sworn member of the Division shall be issued any weapon until all relevant policies have been reviewed and qualification achieved.
2. Authorized weapon(s) are those with which the Investigator has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
3. The Division shall schedule regular training and qualification sessions for all approved duty and specialized weapons, which will be graded on a pass/fail basis.
4. Investigators who fail to receive a passing score with their duty weapon(s) in accordance with department testing procedures shall be relieved of their police powers and immediately reassigned to non-enforcement duties.
5. Investigators shall not be permitted to carry any weapon with which he/she has not been able to qualify during the most recent qualification period.
6. Division-issued flashlights are intended solely for the purpose of providing Investigators with a means of illumination. Investigators are to use their Division-issued flashlights for this purpose. Flashlights are not issued, nor is it the intent of the Division, to authorize their use as “clubs”, unless circumstances deem said implement as a “weapon of last resort”.
7. The parameters of non-deadly force shall be only as provided in RSA 627:5, I.
 - a. Where deadly force is not authorized, an Investigator should assess the incident in order to determine which non-deadly technique and/or weapon shall best de-escalate the incident and bring it under control in a safe manner.
 - b. Investigators are authorized to use department approved

non-deadly force techniques and issued equipment for resolution of incidents, as follows:

- i. To protect themselves or another from physical harm; or
- ii. To restrain or subdue a resistant individual; or
- iii. To bring an unlawful situation safely and effectively under control.

b. Reporting Procedures

- i. The use of any of the non-deadly force weapons previously mentioned constitutes a level of force.
 1. It is departmental policy that all incidents involving the deployment of baton, X26 TASER or OC-Spray against a human being or animal other than in an official training session, shall be reported forthwith to the Sergeant, who will in turn contact the Lieutenant in command of the Operations Unit.
 2. The Lieutenant will in turn contact the Deputy Chief who will make further notifications as appropriate. If, an Investigator is unable to contact the next ranking Division member, he/she shall then go onto to the next appropriate person to whom notification should be made.
 3. Under NO circumstances will a “voice-mail” or “e-mail/text message” suffice for proper notification of such an incident.
 4. The Investigator shall file a written report as to all the facts and circumstances of the incident within (24) hours of the incident. The report form to be used is attached as *Addendum #6*. The report shall include the following information:
 - a. Names, addresses and DOB's of all victims and witnesses
 - b. A full description of the extent of TASER, Baton, or OC Spray exposure
 - c. A full description of the circumstances of the event and reason for the required use of force
 5. A Use of Force Report shall be completed if the OC Spray, TASER or baton is removed from the holster by an Investigator with the intent of being used, or suggested that it would be used against another.
 6. Although a separate use of force report is not required when

applying handcuffs, if injury is sustained to the suspect as a result of the application of handcuffs, a Use of Force Report shall be completed.

7. It is incumbent upon the supervisor approving the Use of Force Report to forward an approved copy to the Office of Professional Standards for data collection.

ii. General Reporting Uses of Force

A written report (*Addendum #6*) prepared according to departmental procedures shall be required in the following situations:

1. When soft hand control techniques are employed on a subject. (Soft hand control techniques include take downs, escorts and/or anything greater than professional presence and less than hard hand control techniques).
2. When hard hand control techniques are employed on a subject. (Hard hand control techniques include palm heel strikes, knee strikes or any of the like).
3. When O.C. Spray has been deployed and/or removed from its holster by an Investigator with the intent of being used, or suggested that it be used against another. Suggested use is defined in this policy as threatening the use of OC Spray with or without removing it from the holster.
4. When the Expandable Baton has been deployed and/or removed from its holster by an Investigator with the intent of being used, or suggested that it be used against another. Suggested use is defined in this policy as threatening the use of the Expandable Baton with or without removing it from the holster.
5. When the TASER X26 has been deployed and/or removed from its holster by an Investigator with the intent of being used, or suggested that it be used against another. Suggested use is defined in this policy as threatening the use of the TASER X26 with or without removing it from the holster.
6. When the Firearm has been suggested that it is going to be used, threatened to be used or has been deployed and/or discharged in any manner; other than during range training, practice or qualification. (Suggested use is defined in this policy as threatening the use of the Firearm with or without removing it from the holster). (Deployment includes unholstering the firearm in the line of duty, even if there were not

any rounds discharged).

7. When a subject complains that an injury has been inflicted.

8. When use of force results in death or serious injury.

VI. OC SPRAY

- a. This section of the policy shall cover all Investigators who carry OC Spray (5% or 10% depending on department's choice) solution while on duty as an alternative within the overall category of "empty hand control", but not as a substitute for other components of the force continuum.
- b. Oleoresin Capsicum Spray, hereinafter "OC Spray", is an oily resin derived from "HOT" peppers in an aerosol form. It is an inflammatory, which affects mucous membranes. OC Spray may be used as a tool to assist members of the Division in controlling violent and aggressive behavior in a manner which can reduce personal injury to officers, suspects and the general public.
- c. OC Spray has no known long term effects. Proper use can reduce the exposure to civil liability for use of force issues. Improper use may create a liability.
- d. When in the home, or not in use, Investigators shall take reasonable precautions to prevent OC Spray from being accessible to children and other unauthorized persons.
- e. Reference:
 - i. *Police Standards and Training SOP #0031 Revisions: December, 1993*
Topic: Hand Held OC Spray Date: June 1993
- f. When OC Spray May Be Used:
 - i. OC Spray is only to be used as described in Section IV:c Non-Deadly Force Weapons. OC Spray shall not be used in any unlawful manner or contrary to NH RSA 627:5-I, Physical Force in Law Enforcement.
 - ii. OC Spray is placed on the force option continuum immediately following active countermeasures such as escort and compliance holds and before the baton because it has less of a propensity to cause serious injury. Your purpose is to disrupt the subject's ability to resist, enabling you to stabilize him/her and gain control of the situation. Actual use will depend on threat assessment factors, relative physical ability of officer and subject, and other circumstances at the time.
 - iii. Use caution under windy conditions so the spray does not blowback at you or an innocent person you are not seeking to arrest. Use of OC Spray in an occupied building or room requires strong consideration of

all relevant factors before utilization including the contamination of Investigator as well as the contamination of the general public.

g. Range/Tactics

- i. Use verbal skills to get the subject to cooperate if possible. Place your hand on the OC Spray unit without drawing it. If you are in the interview position, stand so the canister is not visible to the subject.
- ii. If other officers are present, the Investigator should (when feasible) warn them of impending OC Spray deployment by shouting verbal warnings. An example of an appropriate verbal warning is "**SPRAY!**" Then hold the unit upright when spraying, or the spray will lose its effectiveness.
- iii. Follow the manufacturer's guidelines for spraying distances. If none are offered, try to maintain a minimum distance of 4 to 6 feet for a reactionary gap from the subject when spraying, and not more than 10 feet.
- iv. Spray **DIRECTLY INTO THE FACE WITH 1/2-SECOND BURSTS.**
- v. To be effective, the spray must come in direct contact with mucous membranes such as eyes, mouth, or nose, unlike tear gas, which is usually aimed at the chest level to waft upward. Be careful not to over-spray. Over-spray does not allow the propellant to evaporate, and delays the effects of the OC Spray. Following OC Spray deployment, the Investigator should **IMMEDIATELY MOVE LATERALLY**, to side step any counterattack.
- vi. If the subject does not cease resistance, continue the 1/2-second sprays from a proper distance. If the subject is holding his/her breath, the OC Spray may not enter the lungs. Or, the subject may close his/her eyes. Use multiple short bursts, as the person will eventually open their eyes or take a breath, and the OC Spray will work.
- vii. As with any weapon, spray should be discontinued once the level of resistance decreases to the point that you can safely control the subject. If the OC Spray is ineffective, cease its use and disengage or escalate to another point on the force continuum.

h. If Threatened With OC Spray by a Subject

- i. As a sworn member of the Division, Investigators may be faced with a subject who is threatening or attempting to use OC Spray against them. As in any force situation, maintain more than a 10-foot reactionary distance.

- ii. Investigators may disengage or escalate, using standard techniques, as dictated by the circumstances. Investigators may use avoidance techniques such as protecting their eyes by momentarily closing them, turning their head, or using their hands or an object to redirect or block the spray; holding their breath to protect the lungs; and attempting to create or maintain distance or find cover.
- iii. Investigators force option might include drawing or using their service weapon if they reasonably believe they are about to be rendered completely vulnerable and in imminent danger of death or serious bodily injury or that a person who has committed a violent felony will otherwise escape and cause further death or serious bodily injury.
- iv. Deadly force should only be used when the Investigator can clearly justify it as the only option and then only if all decision-making criteria for the use of deadly force are met.
- v. Remember that being sprayed with OC Spray may be a frightening and uncomfortable experience. The subject may be very upset, because he/she cannot see or breathe properly and cannot get immediate relief. Instruct the subject to calm down and relax, and tell them to try and breathe normally. Move him/her to fresh air if possible.
- vi. Be familiar with the MSDS (Material Safety Data Sheet) for the OC Spray product you are using and the first aid information for that product.
- vii. Generally, ask the subject if he/she is wearing contact lenses, tell them that the effects will wear off in 30-45 minutes, and encourage them to open their eyes and blink, to stimulate tears.
- viii. The following decontamination procedures shall take place as soon as possible and without compromising safety to the Investigator:
 - 1. If no decontaminate towelettes are available allow the subject to rinse the OC Spray from his/her face with cool tap water. Dipping into standing water may contaminate that water and only result in re-exposure. Do not allow the subject to rub his/her eyes, but do allow the removal of contact lenses. Ice may be applied if burning persists. Soap and water may help, but not soaps containing oily lotions. Avoid use of salves, creams, or lotions, which will trap the OC Spray against the skin; or
 - 2. Use the decontaminate towelette if available by first wiping off the entire facial area with a towelette. The towelette may

change color, which indicates it is removing the OC Spray. Apply the “*Cool It*” spray provided on the contaminated subject once in custody.

- a. Thoroughly wipe the eyebrows, forehead, around the eyes, cheeks and hands (the entire contaminated area) allowing the foaming action of the decontaminate to wash away the irritant particles.
 - b. With the eyes closed, using a second towelette, squeeze the towelette over the eyes allowing membranes to absorb the solution (squeeze the towelette to extract the solution). It is of the utmost importance to squeeze the towelette over the eyes while allowing the liquid to flow around the eyes.
 - c. After doing so, lay the towelette over the face to soothe the burning sensation. Note: The product is not designed to be eyewash. Do not use water with the towelette, it will dilute the decontamination solution and prevent it from working properly. DO NOT quit early, give the decontaminate formula the time it needs to work, usually 7-15 minutes.
3. In approximately 7-15 minutes the person sprayed should feel 85 to 95% recovered. Active ingredients in the product will make the skin feel sticky. **NOTE the towelette and “Cool It” spray are intended for field decontamination.** The contaminated person should shower at their earliest convenience to remove all spray particles from the hair or other parts of the body.
 4. Persons sprayed with OC Spray tend to panic. You must be patient and let the product do the job, which takes from 8-12 minutes. Replacement supplies of decontamination towelettes may be obtained from HQ by notifying the Sergeant.
 5. Take a few minutes to dry him/her before transporting when the subject is wet with OC Spray, if possible.
 6. Obtain medical attention if the subject requests it, or if symptoms do not visibly improve within 45 minutes, or if there is any other medical problem. ***MONITOR THE SUBJECT CONTINUALLY*** while in your custody.

VII. Expandable Baton

- a. This section of the policy shall cover all Investigators who carry the Monadnock

Expandable Baton while on-duty as an alternative within the overall category of Force Continuum.

- b. The Expandable Baton is classified as an Intermediate Weapon within the force continuum and is presented and/or used when hand control has failed and/or is inappropriate.
- c. There are times when imminent jeopardy, ability, and opportunity exist to cause the probability of death or serious bodily injury to the Investigator or a third party, that all other options may be precluded and you must begin with lethal force. Likewise, under a given situation such as an unexpected empty hand attack on you, deployment of the Expandable Baton immediately might be reasonable in self-defense.
- d. All Division Investigators who deploy the Expandable Baton should issue a verbal command and warning to the person or person(s) against whom force may be used. Verbal commands shall be used in training and should be used (when feasible) in all circumstances encountered in the performance of assigned duties. An example of an appropriate verbal command Division Investigators could issue is the command “**Get Back!**” or any other warning amounting to notice that force may be used if the person does not retreat.

VIII. TASER X26

- a. The purpose of this section is to establish uniform procedures within the Division of Enforcement for the State Liquor Commission regarding deployment of the X26 Advanced TASER, hereinafter referred to as simply, TASER.
- b. Responsibility
 - i. It is the responsibility of all personnel of the Division of Enforcement to become familiar with the procedures listed below and to comply with the contents of this S.O.P.
- c. Definition
 - i. The TASER is a laser-sighted, conducted energy, electronic device that utilizes fifty-thousand volt electrical signal with Shaped Pulse Technology at one half of one ampere (amp) that is delivered via either a cartridge containing two barbed projectiles attached to wires with an effective range of up to twenty-one feet, or in a “drive stun” mode, up to two (2”) inches of clothing, that effectively overrides a subject’s motor and sensory nervous system. This Electro-Muscular Disruption (EMD) technology *temporarily* overrides the central nervous system and directly controls the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the X26 to physically debilitate a target regardless of pain tolerance or mental

focus.

- ii. The TASER is **NOT** intended to replace firearms and/or self-defense techniques or tactics. The TASER may be used to control dangerous or violent subjects when deadly force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.
- iii. The X26 TASER falls into the category of **LESS LETHAL FORCE TECHNOLOGY AND EQUIPMENT**, which is defined as:
 1. Those items which, when used properly, are less likely to result in death or serious physical injury than force commonly referred to as “deadly”.
 2. **Less Lethal Force** is defined as a concept of planning and applying force to meet an operational objective with less potential for causing death or serious physical injury than conventional police tactics .

d. Training and Certification

- i. No Division Investigator shall carry the TASER until he/she has successfully completed the required training course consisting of a minimum of 6 (Six) hours of instruction conducted by a certified TASER instructor. Curriculum for training will be the latest version Training and Information Disc on file provided by TASER.
- ii. Each year the Division’s Investigator shall be re-certified in a six-hour re-certification course conducted by a certified TASER instructor.
- iii. User exposure is recommended but not required. Benefits of exposure include:
 1. Understanding the effects of the weapon;
 2. Confidence that touching an exposed subject will not shock the officer(s)
 3. Courtroom credibility.

e. Authorized Issue

- i. The TASER X26 is an authorized intermediate weapon of the Division

of Enforcement.

- ii. Investigators should carry the TASER at all times while in an enforcement capacity; but supervisors have the discretion to allow Investigators to deviate from this recommendation, and allow for various combinations of use of force options. (Note: Investigators shall have prior authorization from their supervisor to deviate from the above recommendation).
- iii. Division personnel shall not carry the TASER off-duty.
- iv. No Division member shall playfully, maliciously or intentionally misuse the unit in an improper display or power.
- v. Division personnel are prohibited from transported the Agency-issued TASER out-of-state or on a commercial aviation flight unless:
 1. Authorized by the Director, or his designee, in writing; and
 2. In compliance with all Transportation Safety Administration (TSA) rules and federal aviation rules and laws.

f. Maintenance

- i. Each Division member, and/or Investigator, issued a TASER shall be responsible for its care and maintenance.
- ii. The TASER and air cartridges shall be carried and stored in the issued holster and/or charger. DO NOT place cartridges near static electricity. Direct sunlight, heat or pressing on the faceplates of the cartridges may cause the cover to disengage from the air cartridges. Care should be taken to avoid dropping the TASER and personnel are to assure it is adequately secured while being transported in vehicles.
- iii. Prior to the start of each shift a “Spark Test” shall be conducted to ensure adequate battery charge and operational condition. If the batteries need to be replaced, use only approved batteries available from the training coordinator.
- iv. It is each Division member’s responsibility to examine the TASER and air cartridges prior to each shift. Expired or damaged cartridges shall be replaced.
- v. Only properly functioning and charged X26(s) with a Digital Power Magazine (DPM) life of greater than 20% shall be carried on duty. Any device found to have a DPM battery life of less than 20% shall be taken out of service and submitted to a Division TASER Instructor for battery replacement.

- vi. The TASER X26 has a USB data-port that will store encrypted information to include the time, date and duration of device discharge when the trigger is depressed. Each quarter, the data in each TASER unit shall be downloaded by a member of the Division's Arrest Control & Tactics Unit (A.C.T. Unit) and records of such data maintained to protect officers from allegations of abuse and to ensure TASER software is upgraded on a regular basis. The storage of these records shall be the responsibility of the commander of the Arrest Control & Tactics Unit (A.C.T. Unit) and be maintained for review by the Director of Enforcement and/or his designee at any point. Moreover, this information shall be included in the Division's yearly Use of Force Report.
- vii. AIR CARTRIDGES MUST BE REMOVED FROM THE TASER PRIOR TO CONDUCTING A SPARK TEST TO PREVENT AN UNINTENDED DISCHARGE.

g. Precautionary Measures

- i. Division personnel shall use due care when deploying the TASER in situations in which the subject could sustain serious bodily injury such as falling from an elevated position, near traffic, or if the subject is running or riding in/on a moving vehicle.
- ii. Prior to deploying the TASER, Division personnel should repeatedly verbalize "TASER!" to alert other Law Enforcement Officers (if applicable) of impending use. This is to ensure other Law Enforcement Officers do not mistake the TASER for lethal force.
- iii. The TASER has the ability to ignite flammable liquids. The TASER should not be deployed if the subject has been exposed to flammable liquids, is in an environment where flammable liquids are present, e.g. a clandestine laboratory or the like, or the subject has been exposed to any chemical agents used to control resistive or combative behaviors where the agent could be flammable. Some departments use chemical agents with flammable propellants. Division personnel shall only carry OC Spray issued by the Division of Enforcement, i.e. non-isopropyl alcohol based and/or flammable propellant;
 - 1. No Division member shall occupy both hands with the TASER and any other weapon simultaneously.
 - 2. The TASER does not replace firearms and should not be used in situations that warrant lethal force measures.

3. Issued air cartridges should not be carried in pockets. Accidental discharges can result from static electricity.
4. The TASER shall ONLY be carried on the side opposite the officer's firearm.
5. The TASER should not be intentionally directed toward the face, neck or groin.
6. The laser sight should not be intentionally directed toward the eyes.
7. Division personnel shall be mindful of the fact that at deployment the top probe will follow the front and rear sights and the laser sight; the bottom probe will travel at an 8-degree downward angle below the aim point/laser sight area. The rule of thumb for the bottom probe is that it drops one-(1) foot for every seven-(7) feet that it travels from the weapon to the target.
8. THE TASER CAN BE A DANGEROUS WEAPON WHEN NOT IN USE, THE TASER SHOULD NOT BE LEFT WITHIN REACH OF CHILDREN OR ANYONE NOT PROPERLY TRAINED IN ITS USE.
9. 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 in such action under State law. (RSA 516:36).

h. Deployment

- i. The TASER may be utilized at any point within the force continuum.
- ii. Division personnel having occasion to deploy the TASER should be sufficiently prepared to follow up immediately in the event one or both probes miss, or the TASER malfunctions.
- iii. In order to increase the safety margin and since field experience shows that ECD discharges are effective when deployed to the large muscles of the back, abdomen, legs, pelvic triangle, users should aim for the back (when practical) or toward the mid lower abdomen and avoid

intentionally targeting the chest area with probe applications to increase effectiveness and avoid the remote potential risk of cardiac effect. The recommended point of aim is lower-center mass for front shots, back shots remain the preferred area when practical.

- iv. Under NO circumstances shall the TASER be used without the Laser Light.
 - v. The TASER shall be run through the full five second cycle unless the safety of the Division member or that of the affected subject is a concern. The officer may administer additional five-second cycles until control has been established.
 - vi. The TASER should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression, and/or to prevent individuals from harming themselves or others.
- i. Officer Safety
- i. If an Investigator loses his/her TASER to an assailant he/she should immediately create as much distance as the environment allows and be sufficiently prepared to follow up with appropriate use of force measures.
 - ii. Because the TASER can incapacitate an Investigator rendering them unable to defend themselves, if an Investigator loses control of his/her TASER, or, if the assailant directs the TASER toward the Investigator or threatens to use the TASER against the Investigator, *lethal force measures shall apply*.
 - iii. If a subject attempts to gain control of an Investigator's TASER, the officer shall utilize weapon retention techniques as trained.
- j. Post Exposure
- i. Immediately following a TASER discharge and the subject has been controlled, the Investigator(s) shall:
 - 1. Break the connecting wires and remove the probes by securing the surrounding skin with the weak hand and quickly pulling the probes straight to the rear with the strong hand;
 - 2. No one other than Hospital medical professionals shall remove probes from sensitive soft tissue areas of the body to include the neck, face, eyes, groin, breast area (females only) and/or any joint or spinal penetration. In the event a probe or probes strike this area medical personnel shall be contacted by the Investigator and the suspect shall be handed over to responding

medical personnel for treatment and/or evaluation.

3. **The discharging Investigator shall monitor the subject's condition and ensure medical treatment is available if requested and/or secondary injuries as a result of possible deployment;**
4. If medical attention is deemed necessary, Investigators shall advise medical personnel that the person has been subjected to the X26 and relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of the medical personnel.
5. *The probes discharged from an advanced air cartridge are thin metal barbs that only penetrate a maximum of 1/4" (Standard probe) to 1/2" (XP or XP Hybrid probe). Secure the probes in the expended air cartridge and treat as bio-hazardous materials.* These materials will be marked and submitted as evidence.
6. All suspects shall be evaluated for signs of **In-custody Death Syndrome (I.C.D.S.)** and **Excited Delirium**. This may include, but not limited to:
 - a. Bizarre or violent behavior;
 - b. Signs of overheating such as a naked person in a public or cold place, profuse sweating, skin tone & coloration,
 - c. Uncontrollable slurring or slowness of speech, incoherent speech;
 - d. Self-mutilation, foaming at the mouth;
 - e. Disturbances in breathing patterns and/or loss of consciousness;
7. *Anyone displaying potential signs shall be transported, by ambulance, to the hospital for comprehensive medical evaluation. Any Investigator observing these signs shall adhere to this policy and shall be cognizant of such issues as Positional Asphyxia (suffocation), etc.*
8. Photograph probe impact areas and any secondary injuries which could have occurred, e.g. falling to the ground, etc.;
9. Collect the blast doors and a sampling of AFIDS (Anti-Felon Identification dots) to be marked and submitted as evidence;

10. Immediately contact a supervisor and complete the department use of force form;
11. Include the TASER and air cartridge serial numbers when documenting any incidents that involve same.
12. UNIVERSAL PRECAUTIONS APPLY & THE USE OF LATEX GLOVES IS HIGHLY RECOMMENDED

k. Mutual Aid Response

- i. Any member of the Division who is equipped with a TASER X26 and has either been requested to respond mutual aid to a jurisdiction or finds him/herself in a community and is asked to assist a local jurisdiction, should do the following prior to using the TASER X26:
 1. Notify the requesting department's on-duty Office-in-Charge (or the requesting officer) that you are equipped with a TASER X26
 2. Ascertain from the department's Office-in-Charge if they request the TASER X26 to be considered a force option in the event it becomes a reasonable and necessary force option for that particular response
 3. Ascertain from that department's Officer-in-Charge if the department is carrying a flammable OC device or if anyone has been exposed to a flammable OC spray. If it is determined that a flammable OC unit is present or has been used, **NO** Division personnel will deploy a TASER X26
- ii. Once the Investigator has confirmed that the TASER X26 is cleared for use with the local jurisdiction, and has confirmed that no flammable propellant based OC Spray is present, the Investigator may deploy the TASER X26, as reasonably necessary under the color of law, in the prescribed fashion as dictated by this policy.

IX. Deadly Force

- a. Parameters for the use of deadly force shall be only as provided for in RSA 627:5, II. A COPY OF WHICH IS INCLUDED IN THIS POLICY.
- b. RSA 627:5 VI states: A reasonable belief that another has committed an offense means such belief in facts of circumstances which, if true, would in law constitute an offense by such person. If the facts and circumstances reasonably

believed would not constitute an offense, an erroneous though reasonable belief that the law is otherwise does not make justifiable the use of force to make an arrest or prevent an escape.

- c. RSA 627:5 VIII states: Deadly force shall be deemed reasonably necessary under this section whenever the arresting Law Enforcement Officer reasonably believes that the arrest is lawful and there is apparently no other means of affecting the arrest.

X. Firearms Preface

- a. The use of a firearm in the line of duty is one of the most serious acts that a Law Enforcement Officer may confront. It can have far reaching consequences. The Division's Investigator must be prepared through training, leadership and direction to act wisely when carrying a firearm in the line of duty. It is imperative that the Investigator use good judgment and act within accepted practices and the legal and ethical boundaries.
- b. An Investigator's decision to exhibit or draw a firearm should be based on the tactical situation and his/her reasonable belief there is a substantial risk and the situation may escalate to the point where deadly force may be justified.
- c. Division Investigators must be aware of the tremendous responsibility they assume when carrying a firearm. Use of a firearm, even when appropriate, could expose the Investigator and his/her family to emotional stress and litigation. Misuse of a firearm may result in the death or serious injury to an innocent bystander. Improper use or actions may subject the Investigator to criminal prosecution, severe emotional stress, years of litigation and subject the Commission to similar liabilities including adverse publicity and public reaction.
- d. **It shall be emphasized in training that the use of a firearm will be as a last resort and only when the Investigator has reasonable grounds to believe that personal safety or the safety of others may be in danger.** Before the Investigator draws a firearm, he/she should have weighed all of the risk factors and determined he/she is prepared to use deadly force if necessary against the suspect.
- e. When an Investigator has determined the need for deadly force is no longer necessary, the Investigator shall, as soon as practical, secure or holster the firearm. Unnecessary exhibiting or premature drawing of a firearm limits the Investigator's alternatives in controlling a situation and created unnecessary anxiety on the part of the public.
- f. This policy section is to provide guidance to Investigators of the Division in the use of deadly force. The following general principles are to govern application of the Division's use of deadly force.

XI. Use of Deadly Force and firearms

- a. The Division recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use of force to protect the public welfare, a careful balancing of all human interests is required. It is the policy of this Division, therefore, that Investigator shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives and well being of the Investigator or another.
- b. Although this section covers the use of deadly force and firearms, the policy is general in nature and in no way authorizes any sworn personnel to carry a firearm or deadly weapon not specifically authorized by the Director of Enforcement & Licensing and the Liquor Commission.
- c. This policy is not to be construed to require Investigators to assume unreasonable risks. In assessing the need to use deadly force, the paramount consideration should always be the safety of the Investigator and the public.
- d. The reasonableness of the Investigator's decision to use deadly force under this policy must be viewed from the perspective of the Investigator on the scene who may often be forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving and without the advantage of 20/20 hindsight.
- e. Discussion
 - i. Identifiable situations occur in the course of enforcement activities where the possession of a firearm can increase the capability of the Investigator to provide self-protection and insure the safety and welfare of the Investigator, fellow police officers and the general public.
 - ii. It is the policy of the Division that force will be used by its sworn personnel only in the amount necessary to affect lawful objectives, (*see RSA Chapter 594*). The value of human life cannot be measured, and the apprehension of offenders must be subordinate to the protection of life, including the lives of the Investigator(s), the offender and innocent bystanders.
 - iii. All sworn personnel shall be issued a copy of this policy before being authorized to carry any weapon system under the authority of the Division, and at all time use only the force necessary to effect lawful objectives.

XII. Use of Firearms: Guidelines and Restrictions

- a. Investigators are specifically **NOT authorized** to use firearms in the following

instances:

- i. To fire a warning shot
- ii. To fire from or at a moving vehicle (except in self defense if fired upon and it does not appear that innocent persons will be endangered).
- iii. When a reasonable person would feel that the risk of harm to innocent persons outweighs the benefits of firing.
- iv. Investigators shall fire their weapons to stop an assailant from completing an imminent potentially deadly act to themselves or an innocent third party. For maximum stopping effectiveness, the officer should shoot at center body mass, or if it is believed the assailant may be wearing a ballistic vest, a double tap to center body mass and a single shot to the center of the head area.
- v. No distinction shall be made relative to the age, sex, race, or walk of life of the person upon the person whom deadly force will be used. Self-defense and imminent threat to life shall be the only policy guideline utilized for employing deadly force.
- vi. Except for general maintenance, storage and training, Investigators shall not draw or exhibit a firearm unless circumstances create reasonable cause to believe that it may be necessary to lawfully use the weapon in conformity with other sections of this policy.
- vii. Handguns shall be holstered and/or secured by a searching Investigator prior to physical contact with a prisoner to conduct any type of search.
- viii. An Investigator shall remove and secure their weapon prior to processing a suspect in any booking facility.
- ix. Investigators shall carry the semi-automatic pistol de-cocked in the holster. Auto-pistols which have a de-cocking lever or de-cocking safety or automatically de-cock upon firing and which fire the first shot double action shall be issued for duty use.
- x. Investigators shall keep their fingers out of the trigger guard until the weapon is pointed down range at the intended target and they are ready, to shoot.
- xi. Investigators shall keep their issued weapons in a clean and workable condition at all times. Any repairs or alterations shall be authorized by the Director and performed to factory specifications.
- xii. Investigators shall not participate in unauthorized or impromptu exercises in weapon retention, quick draw or survival situations. Only

red or blue-handled handguns which have been rendered incapable of firing by the armorer or firearms instructor and checked personally by both the instructor and the student shall be utilized in weapon retention exercises.

- xiii. Only weapons which have been rendered incapable of firing anything but primer rounds shall be utilized in officer survival exercises. Weapons that have been converted to utilize training systems such as and Simunitions © will also be authorized. All participants in such exercises shall wear protective goggles, ballistic vests.
- xiv. Additional safety equipment will be worn as required. All service weapons and ammunition shall be 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.

XIII. Weapon Retention and Custody

- a. This section sets forth the conditions required for weapon retention, custody and safety procedures to be used by Investigators both on and off duty.
- b. Investigators shall be responsible for the safe storage and handling of firearms issued to them. They shall not loan any weapon issued for use to any other person, nor surrender it to anyone except a supervisor or other person in lawful authority.
- c. At home, Investigators shall effectively secure their departmental weapons from unauthorized use by using the gunlock supplied by the manufacturer. A copy of the state law that explains the criminal sanctions for the negligent storage of a firearm is located at the end of this policy. Division members shall make every effort to safely secure their weapons whether at home or on duty.
- d. **All reasonable precautions shall be taken to keep the weapon from the possession of or use by unauthorized persons. Unauthorized persons shall include but not be limited to small children, retarded or mentally disturbed family members or visitors to the home.**
- e. When using public rest rooms, the weapon shall not be removed or placed where it can be stolen, but shall be kept with the Investigator at all times.

XIV. Issuance of Firearms

- a. This section describes the training, which shall be given prior to the assignment of weapons.
- b. Firearms, holsters, ammunition shall be issued by authority of the Liquor Commission and under the direction of the Director of Enforcement for use by Investigators who have the powers of arrest under RSA 179:59 and RSA 594:1.

- c. A Firearms Issue/Inspection Form shall be completed for the issuance of a duty weapon. This inspection form requires the inspection, and approval of all weapons intended for use by each Investigator in the performance of duty, prior to carrying by a qualified firearms instructor and armorer. This form will be maintained by the Director or his designee.
- d. The issued duty weapon shall be worn when Investigators are on duty. No other weapons other than those issued by the Division may be carried on duty.
- e. Weapons shall not be carried or used by any newly appointed certified or uncertified Investigator until the Investigator has met the basic firearms safety and qualification course requirements outlined in this policy under the supervision of a Division firearms instructor, in compliance with Rule Pol. 302.03(b) and 404.03 of the NH Police Standards and Training Council.
- f. No other offensive or defensive weapon, including a Expandable Baton, O.C. Spray, the TASER X26, handcuffs and/or any other weapon shall be carried or employed by a newly employed Investigator in the course of duty until the Investigator has been instructed in their proper use by a Division instructor in compliance with Rule Pol. 302.03(b) of the NH Police Standards and Training Council. Only defensive weapons, which have been issued by the Division, or approved by the Director of Enforcement, shall be carried by an Investigator.
- g. No newly appointed Investigator shall be permitted to drive a Division vehicle in the line of duty, or utilize the vehicle in such a way as to constitute an emergency response until they have been instructed by a field training officer, (F.T.O.) concerning the departmental policies and state laws governing emergency vehicle operation, in compliance with Rule Pol. 302.03 (c), of the NH Police Standards and Training Council.
- h. A member of the Division's A.C.T. Unit shall conduct any training required within this policy utilizing the standardized training lesson plan(s) on file in headquarters.
- i. A.C.T. Unit members, who are certified instructors, shall conduct all training required utilizing the standardized lesson plans for handcuffs, O.C. Spray, Expandable Batons, the TASER X26, and firearms on file at headquarters.
- j. Upon completion of the training required in the above sections of this S.O.P., the A.C.T. Unit members giving the training unit shall file a written report in narrative form, on departmental letterhead addressed to the A.C.T. Unit Supervisor, reporting the dates and time the training was given, the name of the trainee, and the type and length of the training given.
- k. The letter shall indicate whether the member passed or failed, and note any problems that may require ongoing remedial training. Form F2 shall serve as notice of firearm pass/fail.

- l. Upon successful completion of the training, either the qualifying instructor or the Investigators respective Sergeant shall issue the weapon and/or other equipment and cause a copy of the letter of the equipment issuance to be filed in the Investigator's personnel file. A complete inventory of the items of equipment issued shall be inventoried and filed with the maintenance supervisor.
- m. Before issuance, all firearms shall be inspection and certified as to safety. If the Division has no armorer on staff, an armorer certified by the weapons manufacturer regarding the worthiness of the weapon for duty use and the safety of the weapon shall inspect the weapon.

XV. Report and Investigation of Firearm Use

- a. This section sets forth the procedures to be followed whenever a firearm is discharged by an Investigator except non-accidentally for training purposes.
- b. Whenever an Investigator shall discharge a firearm for other than a training purpose, or shall accidentally discharge a firearm, the incident shall be reported forthwith to the Sergeant, who will in turn contact the Lieutenant in command of the Operations Unit. The Lieutenant will in turn contact the Chief contact the next ranking Division member, he/she shall then go onto to the next appropriate person to whom notification should be made. Under NO circumstances will a "voice-mail" or "e-mail/text message" suffice for proper notification of such an incident.
- c. Whenever an Investigator shall take an action that results, or is alleged to have resulted in death, injury or potential injury to another person or shall apply deadly force through the use of any other action resulting in injury or death, the incident shall be immediately reported by the quickest available means to the Director and/or his designee – again utilizing the appropriate Chain of Command. The Chief or his designee shall designate a person or persons to conduct an on the scene investigation without delay, and both the designated Investigators and the Investigator shall file a written report as to all the facts and circumstances of the incident as soon as practicable. The report form to be used is attached as *Addendum #6*. The report shall include the following information:
 - i. Names, addresses and DOB's of all victims and witnesses
 - ii. A full description of the extent of injuries
 - iii. A full description of the circumstances of the event and reason for the required use of deadly force.
- d. Any homicide, suspicious death, death of a person in official custody, or officer-involved incident shall be reported immediately to the Attorney General's Office, to the appropriate law enforcement officials, and to State Police

Dispatch. The Attorney General's Office should be contacted as follows as per the Attorney General Memorandum dated July 2008. See Addendum #1.

- e. The Director or his designee shall designate a person or persons to respond to the scene and begin investigating the incident according to the procedures set forth in the S.O.P and the designated Investigators shall file a written report as to all the facts and circumstances of the incident as soon as practicable to the Director of Enforcement.
- f. If the incident resulted in the death or serious bodily injury to another person, the Investigator whose weapon caused the injury shall:
 - i. Be relieved of duty with pay pending administrative review
 - ii. Attend psychological and/or peer counseling provided by the Division at no cost to the Investigator and his/her family members.
- g. 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.
- h. All reports made pursuant to this policy shall be reviewed by the Director to insure compliance with the law and this policy, and appropriate disciplinary action taken or criminal charges filed if warranted.
- i. All statements to the media concerning such incident shall be issued only with the approval of the Office of the Attorney General.
- j. Any Investigator at the scene of the shooting shall take all necessary action to protect the scene and safeguard any evidence until properly relieved of those responsibilities.

XVI. Carrying Issued Equipment While On Duty

- a. Division of Enforcement Credentials
 - i. Investigators shall carry their issued credentials on their person at all times when on duty. Badges, when worn on the belt, will be worn next to the weapon. Badges may be worn on chains around the neck or worn over the breast pocket of a sport coat by an approved badge case. This provision and those following shall not apply to Investigators working in an undercover capacity.
- b. Ballistic Vest(s)
 - i. Investigators shall wear their issued ballistic vest at all times while working in an enforcement capacity.

- c. Handcuffs
 - i. Investigators shall carry at least one set of issued handcuff(s) on their person at all times when on duty.
- d. OC Spray, Expandable Baton & the TASER X26
 - i. Investigators who have qualified with O.C. Spray, the Expandable Baton, and/or the TASER X26 **should carry their TASER X26**, their issued O.C. Spray and the Expandable Baton when working enforcement duties;
 - ii. However, supervisors have the discretion to allow Investigators to deviate from the above said recommendation. *(Note: Investigators shall have prior authorization from their supervisor to deviate from the above recommendation).*
 - iii. Investigators working administrative duties shall have their OC Spray, Expandable Baton and TASER X26 immediately available to them at all other times when on duty, but shall carry at least one intermediary weapon system with them at all times aside from their Division-issued firearm.
- e. Firearms
 - i. Investigators, who have qualified and are authorized to carry firearms, shall carry that firearm & accessories on their person while on duty unless otherwise approved by the Director or his designee.

XVII. Carrying Issued or Approved Firearms While Off-Duty

- a. Investigators, while off duty, may carry their issued duty weapon (Sig Sauer SP 2009, Sig Sauer SP 2022 or Sig Sauer 250). Any Investigator who chooses to carry their Division issued firearm off duty shall have their credentials and badge on their persons.
- b. Investigators, while off duty, may carry a personally owned weapon, with prior approval from the Director of Enforcement or his designee. Investigators shall have their credentials and badge on their persons while doing so. Because the Division of Enforcement may be liable for any actions Investigators may take under the color of law whether on duty or off duty, the Division needs to exercise control of personal weapons which may be used for that purpose. When carrying personal off-duty weapons, the Investigators' responsibilities as Law Enforcement Officers do not cease. Investigators must be mindful that they are police officers 24 hours a day.
- c. Investigators who wish to carry a personally owned weapon off duty shall

complete an Off Duty Weapon Acknowledgement Form. See attached Addendum.

- d. Investigators must qualify with their personally owned weapons through a Division Firearms Instructor prior to carrying the weapon off duty. An inspection of the weapon must be completed by the qualifying Firearms Instructor. A pass or fail grade of the firearm will be issued by the Firearms Instructor. A weapon receiving a failing grade shall not be carried until the problem is rectified and given a passing grade by the Firearms Instructor. The qualifying Firearms Instructor will complete an Off Duty Weapon Inspection/Qualification Form (See Addendum 8). An annual inspection of personally owned weapons and qualification by Investigators with them are required each calendar year.
- e. In the case where the personally owned firearm is a revolver, a Division revolver instructor shall conduct the inspection on the weapon. Additionally, the Division revolver instructor shall facilitate the range qualification.
- f. It shall be the responsibility of the Investigators who wish to carry personally owned weapons off duty, to supply ammunition for qualifying and carrying. Ammunition must be pre-approved by a firearms instructor who will make a recommendation to the Commander of the ACT Unit for final approval.
- g. Personally owned firearms are restricted to modern firearms manufactured by reputable firearm manufacturers.
- h. Investigators shall supply their own holster for their personally owned weapon. The holster must be pre-approved by a firearms instructor. The firearms instructor will make a recommendation to the Commander of the ACT Unit for final approval.
- i. Investigators must bear the responsibility for deciding those times when it might be considered inadvisable to carry off duty; participating in sports events, when consuming alcoholic beverages, etc. The responsibilities and restraints that regulate the use of deadly force are the same when Investigators are off duty, as when on duty.
- j. "Immediately available" shall mean either on the Investigators person, or secured (locked) in their State vehicle. When at headquarters Investigators may carry their weapon(s) or place the weapon(s) in a Division lock box.
- k. Investigators who do not carry issued equipment may subject themselves to unnecessary danger and may be forced to resort to a level of force greater than necessary under the circumstances. Investigators who do not carry issued equipment may create an unnecessary risk to themselves and to others. Investigators who are involved in an incident where physical force is used and who are not equipped with issued tools may be subject to discipline and civil liability.

1. These guidelines may not apply to those situations where an Investigator is working in an undercover capacity and/or when the unique circumstances of the enforcement mission require otherwise. Any question of the appropriateness of an Investigator's decision in carrying issued equipment shall be made by the Director and/or his designee.

XVIII. Arrest Control Tactics Unit and Mandatory Firearms Training

- a. There shall be an Arrest Control Tactics Unit (A.C.T. Unit) whose responsibility shall be to develop curriculums, training schedules, approved courses of qualification and the quarterly review of S.O.P.s and reporting of new information relative to non-deadly and deadly force. The Director of Enforcement & Licensing or his designee shall appoint members, as needed, to the A.C.T. Unit.
- b. All members of the A.C.T. Unit shall be appointed by the Director or his designee and shall serve in this capacity until relieved of such duties by the Director or his designee. The Director of Enforcement & Licensing shall appoint a Coordinator of the A.C.T. Unit who shall, maintain all records required by statute, administrative rule or S.O.P. The coordinator shall serve in this capacity at the pleasure of the Director of Enforcement & Licensing.
- c. The A.C.T. Unit coordinator and members of the A.C.T. Unit who conduct authorized training sessions shall have full supervisory authority over all personnel on the firing range and/or any training venue, regardless of rank. They shall be authorized to inspect any weapon at any time, and to seize any issued weapon, or personally owned weapon approved for use in the line of duty, which he/she finds to be in an unsafe condition or altered without authority.
- d. Each Investigator shall successfully complete, once each calendar year, a qualifying course of fire approved by the Director of Enforcement as well as the Police Standards and Training Council. Each Investigator shall attend not less than one other firearms training each calendar year.
- e. A weapons system inspection will be conducted on each issued firearm by a certified armorer once each calendar year.
- f. The Director of Enforcement & Licensing, Deputy Chief and Major are exempt from the additional firearms training due to the administrative responsibilities the executive positions hold.
- g. Any Investigator who fails to pass the qualifying course of fire shall surrender their issued service weapon to the firearms instructor and shall be provided with remedial training and re-qualified as soon as practicable. The Chief or his designee shall notify the Investigator in writing by means of the "Suspension of Certification" form, signed by two firearms instructors (to include the

supervising firearms instructor), of their failure to pass the course of fire and the prohibition to carry any weapon in the line of duty until such time as the Investigator is provided remedial training and becomes qualified.

- h. Any Investigator who fails to qualify or re-qualify after 3 attempts shall be dismissed from the Division or at the option of the Director, assigned to duties which do not require the carrying of firearms and forbidden in writing to use firearms.
- i. A reasonable amount of remedial training shall be afforded to the Investigator prior to the expiration of the 3 attempts to re-qualify. The reasonableness shall be determined by the Director of Enforcement or his designee.

XIX. Issued or Approved Firearms and Accessories

- a. Investigators shall carry the firearm, ammunition and accessories issued by the Division unless otherwise authorized by the Director of Enforcement or his designee. This section sets forth and describes the approved firearms and accessories to be utilized by Investigators of the Division.
- b. Training ammunition may be utilized during training. Factory reloaded ammunition may be used.
- c. Duty ammunition shall be issued by the Division. The ammunition is 9mm Luger 147 grain hollow point bullets.
- d. A semi-automatic weapon shall be carried fully loaded with a round in the chamber and at least one (1) additional magazine shall be in an approved reloading holder.
- e. The approved holster and magazine holder shall be attached to the belt or worn outside the belt by use of an insert inside of the pants of the Investigator. Special holster systems may be approved for use depending on assignment. Investigators shall undergo additional training in the use of any special holster systems prior to being approved.
- f. The holster shall be worn on the side of the weapon hand unless otherwise specified. Personally, a member may use owned holsters systems **after notice to and approval by** the supervising firearms instructor who will recommend and/or not recommend the personally owned holster system to the A.C.T. Unit coordinator or his/her designee. The A.C.T. Unit coordinator will authorize or not authorize the use of personally owned holster systems.
- g. Investigators, while on duty, shall carry the issued and/or approved weapon in the approved manner, loaded with the issued or approved service rounds. Each Investigator shall be responsible, and face possible discipline, for neglect or damage to the weapon or accessories caused by negligence or deliberate abuse. All issued equipment shall be turned in to the Executive Officer in charge of

supply upon an Investigator's termination of employment and before a final paycheck is issued.

- h. The armorer, under the direction of the A.C.T. Unit Coordinator, shall keep a written record of all maintenance performed on any weapon.

XX. Unsafe Weapons

- a. Any Investigator finding the issued duty weapon unsafe, or to be defective in any way shall adhere to the following guidelines:
 - i. Immediately contact their supervisor
 - ii. The respective supervisor shall contact the A.C.T. Unit coordinator for the issuance of a temporary replacement firearm and to take custody of the defective weapon
 - iii. Do not attempt to fix the problem unless the investigator is an authorized armorer or given permission to do so from an authorized armorer
 - iv. Secure the weapon in the issued firearms case or holster and return it to an authorized armorer within the A.C.T. Unit.
- b. A Division armorer shall inspect the unsafe weapon as soon as practical and report his/her findings to the A.C.T. Unit coordinator.
- c. Once the weapon is made safe, and any/all problems are eliminated; the firearm will be reassigned to the Investigator.

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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PETER W. HEED
ATTORNEY GENERAL



KELLY A. AYOTTE
DEPUTY ATTORNEY GENERAL

ADDENDUM #1

MEMO TO: All Law Enforcement Agencies

FROM: Kelly A. Ayotte, Attorney General

DATE: July 14, 2008

RE: Reporting of and First Response to Homicides, Suspicious Deaths, Deaths of Persons in Official Custody and Officer-Involved Incidents

This office previously has published standardized procedures for the reporting of homicides, suspicious deaths, and officer-involved incidents. I am republishing those procedures at this time in order to update information and to ensure that all law enforcement agencies are aware of the appropriate steps to follow when a law enforcement agency is confronted with a homicide, suspicious death, death in custody or officer-involved incident, as defined below. The procedures for reporting homicides, suspicious deaths, deaths of persons in official custody and officer-involved incidents are identical.

Law enforcement personnel should take special note that the homicide prosecutors whose names appear on the attached list are on call and can be reached during non-office hours via electronic pagers or cell phones. Those numbers are not publicly listed, and you are asked to protect the privacy of these prosecutors by not-disclosing telephone or pager numbers.

These procedures apply to the reporting of:

- **Homicide:** the witnessed or unattended death of any person that appears to have been caused by the violent, purposeful, knowing, reckless or criminally negligent act of any other person. Such incidents shall be reported immediately to the Office of the Attorney General and the respective County Attorney.
- **Suspicious death:** the witnessed or unattended death of any person that cannot quickly and easily be identified as a natural, accidental or suicidal death. Please note that it may be necessary from time to time to preserve the integrity of the death scene until trained detectives can determine that a death is caused by suicide or accident, and the circumstances surrounding some apparently natural deaths may require that the death scene be preserved until trained detectives can rule out homicide as the manner of death. Such incidents shall be reported immediately to the Office of the Attorney General and the respective County Attorney.

Addendum #1 Continued

- **Suicide:** deaths due to suicide or accidental causes do not need to be reported to the Office of the Attorney General. However, such deaths should be reported to the respective County Attorney. See RSA 611:3. Murder/Suicide cases shall be reported immediately to the Office of the Attorney General and the respective County Attorney.
- **Death of person in official custody:** the witnessed or unattended death of any person while in custody or while being placed under arrest for a criminal offense shall be reported to the Office of the Attorney General and the respective County Attorney.
- **Officer-involved incidents:** the use of deadly force, as defined by RSA 627:5, by any Law Enforcement Officer (a Law Enforcement Officer is defined by RSA 630:1-a, II), or the use of deadly force against any Law Enforcement Officer, resulting in death or injury of any person, or any other significant event involving the use of deadly force by or against a Law Enforcement Officer in which public safety may be jeopardized. Such incidents shall be reported immediately to the Office of the Attorney General and the respective County Attorney.

Contact information for Reporting Homicides, Suspicious Deaths, Deaths of Persons in Official Custody and Officer-Involved Incidents

Any homicide, suspicious death, death of a person in official custody, or officer-involved incident shall be reported immediately to the Attorney General's Office, the County Attorney, to appropriate local law enforcement officials, and to State Police Dispatch. The Attorney General's Office should be contacted as follows:

Jeffery A. Strelzin
Senior Assistant Attorney General
Chief, Homicide Unit
Office: (603) 271-3671
Call-out Pager: (603) 564-8879
Cell: (603) 496-1046

Please attempt to contact Senior Assistant Attorney General Strelzin through the pager listed above. In the event that he is not available within 15 minutes, contact one of the homicide prosecutors whose names appear on the attached list. The list includes the pager number and cell number for each homicide prosecutor.

Addendum #1 Continued

HOMICIDE UNIT PROSECUTORS

N. William Delker
Senior Assistant Attorney General
Pager: (603) 771-8990
Cell: (603) 419-0259

Susan Morrell
Senior Assistant Attorney General
Pager: (603) 240-0286
Cell: (603) 231-1585

Karen E. Huntress
Assistant Attorney General
Pager: (603) 564-1041
Cell: (603) 419-0124

Janice K. Rundles
Assistant Attorney General
Pager: (603) 639-3237
Cell: (603) 545-5788

Kirsten B. Wilson
Assistant Attorney General
Pager: (603) 639-3009
Cell: (603) 419-0544

VICTIM/WITNESS ASSISTANCE PROGRAM

Sandra Matheson
Director, Office of V/W Assistance
Cell: (603) 545-9302

Jennifer Hunt
Victim/Witness Advocate
Pager: (603) 639-8295
Cell: (603) 419-7025

Lynda Ruel
Victim/Witness Advocate
Pager: (603) 639-8295
Cell: (603) 419-7026

ATTORNEY GENERAL/DEPUTY/DIRECTOR OF CRIMINAL DIVISION

Kelly A. Ayotte
Attorney General

Orville "Bud" Fitch
Deputy Attorney General

Jane Young
Senior Assistant Attorney General

Cell: (603) 419-9187

Cell: (603) 419-9838
Pager: (603) 564-8877

Director, Criminal Justice Division
Office: (603) 271-3671
Cell: (603) 545-9282

Addendum #1 Continued

The pagers can be accessed from any touch-tone telephone. After contacting the Attorney General's Office, notification should next be made to State Police dispatch at **(603) 271-3636**. State Police Dispatch thereafter shall notify the following:

State Police Major Crime Unit
Office of the Director Medical Examiner
County Attorney
County Sheriff

Unless the victim has been officially pronounced dead by a medical examiner or deputy medical examiner prior to notification of the Attorney General's Office, the homicide prosecutor will consult with the Office of the Chief Medical Examiner in making a decision as to who will view the victim and pronounce the person dead.

The responsibilities for conducting the investigation and processing any crime scene(s) shall be determined by the Attorney General's Office.

The Attorney General's Victim/Witness Assistance Program is of invaluable assistance in coordinating with the families of homicide victims. While next-of-kin notification will remain the responsibility of law enforcement in the first instance, please do not hesitate to contact Victim/Witness personnel for assistance thereafter in dealing with victim families (see incorporated list for telephone and pager numbers). The homicide prosecutor assigned to the suspicious death, homicide or officer-involved shooting will, in any event, notify the on-call Victim/Witness Advocate of the incident.

Public statements pertaining to homicides or suspicious deaths shall be authorized solely by the Attorney General's Office. In many instances, we will encourage the law enforcement agency to be involved in that process, but that decision will be made on a case-by-case basis. Consistent with the requirements of the Federal and State Constitutions, statutes, and court rules, all of us must ensure that our statements are carefully worded to disclose only limited information that will comply with court rules and will not hinder the prosecution of the case.

I appreciate your attention to these procedures.

/mjt

Addendum #2

**TITLE LIX
PROCEEDINGS IN CRIMINAL CASES**

**CHAPTER 594
ARRESTS IN CRIMINAL CASES**

Arrest

Section 594:4

594:4 Permissible Force. –

I. No unnecessary or unreasonable force or means of restraint may be used in detaining or arresting any person.

II. A peace officer is justified in using deadly force to effect an arrest as provided in RSA 627:5, II.

Source. 1941, 163:4. RL 423:23. RSA 594:4. 1981, 373:4, eff. Aug. 22, 1981.

Addendum #3

**TITLE LXII
CRIMINAL CODE**

***CHAPTER 627
JUSTIFICATION***

Section 627:4

627:4 Physical Force in Defense of a Person. –

I. A person is justified in using non-deadly force upon another person in order to defend himself or a third person from what he reasonably believes to be the imminent use of unlawful, non-deadly force by such other person, and he may use a degree of such force which he reasonably believes to be necessary for such purpose. However, such force is not justifiable if:

(a) With a purpose to cause physical harm to another person, he provoked the use of unlawful, non-deadly force by such other person; or

(b) He was the initial aggressor, unless after such aggression he withdraws from the encounter and effectively communicates to such other person his intent to do so, but the latter notwithstanding continues the use or threat of unlawful, non-deadly force; or

(c) The force involved was the product of a combat by agreement not authorized by law.

II. A person is justified in using deadly force upon another person when he reasonably believes that such other person:

(a) Is about to use unlawful, deadly force against the actor or a third person;

(b) Is likely to use any unlawful force against a person present while committing or attempting to commit a burglary;

(c) Is committing or about to commit kidnapping or a forcible sex offense; or

(d) Is likely to use any unlawful force in the commission of a felony against the actor within such actor's dwelling or its curtilage.

III. A person is not justified in using deadly force on another to defend himself or a third person from deadly force by the other if he knows that he and the third person can, with complete safety:

(a) Retreat from the encounter, except that he is not required to retreat if he is within his dwelling or its curtilage and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right thereto; or

(c) Comply with a demand that he abstain from performing an act which he is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the actor has provoked the use of force against himself in the same encounter.

(d) If he is a Law Enforcement Officer or a private person assisting him at his direction and was acting pursuant to RSA 627:5, he need not retreat.

Source. 1971, 518:1. 1981, 347:1, 2, eff. Aug. 16, 1981.

Addendum #4

**TITLE LXII
CRIMINAL CODE**

**CHAPTER 627
JUSTIFICATION**

Section 627:5

627:5 Physical Force in Law Enforcement. –

I. A Law Enforcement Officer is justified in using non-deadly force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or detention or to prevent the escape from custody of an arrested or detained person, unless he knows that the arrest or detention is illegal, or to defend himself or a third person from what he reasonably believes to be 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.

II. A Law Enforcement Officer is justified in using deadly force only when he reasonably believes such force is necessary:

(a) To defend himself or a third person from what he reasonably believes is the imminent use of deadly force; or

(b) To effect an arrest or prevent the escape from custody of a person whom he reasonably believes:

(1) Has committed or is committing a felony involving the use of force or violence, is using a deadly weapon in attempting to escape, or otherwise indicates that he is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay; and

(2) He had made reasonable efforts to advise the person that he is a Law Enforcement Officer attempting to effect an arrest and has reasonable grounds to believe that the person is aware of these facts.

(c) Nothing in this paragraph constitutes justification for conduct by a Law Enforcement Officer amounting to an offense against innocent persons whom he is not seeking to arrest or retain in custody.

III. A private person who has been directed by a Law Enforcement Officer to assist him in effecting an arrest or preventing an escape from custody is justified in using:

(a) Non-deadly force when and to the extent that he reasonably believes such to be necessary to carry out the officer's direction, unless he believes the arrest is illegal; or

(b) Deadly force only when he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly force, or when the Law Enforcement Officer directs him to use deadly force and he believes such officer himself is authorized to use deadly force under the circumstances.

IV. A private person acting on his own is justified in using non-deadly force upon another when and to the extent that he reasonably believes it necessary to arrest or prevent the escape from custody of such other whom he reasonably believes to have committed a felony and who in fact has committed that felony: but he is justified in using deadly force for such purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the imminent use of

deadly force.

V. A guard or Law Enforcement Officer in a facility where persons are confined pursuant to an order of the court or as a result of an arrest is justified in using deadly force when he reasonably believes such force is necessary to prevent the escape of any person who is charged with, or convicted of, a felony, or who is committing the felony of escape from official custody as defined in RSA 642:6. The use of non-deadly force by such guards and officers is justified when and to the extent the person effecting the arrest believes it reasonably necessary to prevent any other escape from the facility.

VI. A reasonable belief that another has committed an offense means such belief in facts or circumstances which, if true, would in law constitute an offense by such person. If the facts and circumstances reasonably believed would not constitute an offense, an erroneous though reasonable belief that the law is otherwise does not make justifiable the use of force to make an arrest or prevent an escape.

VII. Use of force that is not justifiable under this section in effecting an arrest does not render illegal an arrest that is otherwise legal and the use of such unjustifiable force does not render inadmissible anything seized incident to a legal arrest.

VIII. Deadly force shall be deemed reasonably necessary under this section whenever the arresting Law Enforcement Officer reasonably believes that the arrest is lawful and there is apparently no other possible means of effecting the arrest.

Source. 1971, 518:1. 1981, 373:1-3, eff. Aug. 22, 1981.

Addendum #5

**TITLE LXII
CRIMINAL CODE**

***CHAPTER 650-C
NEGLIGENT STORAGE OF FIREARMS***

Section 650-C:1

650-C:1 Negligent Storage of Firearms. –

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, ""child," ""juvenile" or ""youth" shall mean any person under 16 years of age.

III. Any person who stores or leaves on premises under that person's control a loaded firearm, and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, is guilty of a violation if a child gains access to a firearm and:

- (a) The firearm is used in a reckless or threatening manner;
- (b) The firearm is used during the commission of any misdemeanor or felony; or
- (c) The firearm is negligently or recklessly discharged.

IV. Any person who violates paragraph III shall be fined not more than \$1,000.

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(c) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(d) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(e) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(f) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: ""IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM

UNAUTHORIZED USE." A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation.

Source. 2000, 267:1, eff. Jan. 1, 2001.



Eddie Edwards
Director
eedwards@liquor.state.nh.us

State of New Hampshire
LIQUOR COMMISSION

Division of Enforcement & Licensing

10 Commercial Street
P.O. Box 1795
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Phone: (603) 271-3521
Fax: (603) 271-3758

Mark M. Bodi
Chairman

Richard E. Simard
Commissioner

"Helping Kids Make the Right Choice - Alcohol and Tobacco Free!"

Firearms Issue/Inspection Form

(Name & Rank) _____, a sworn Law Enforcement Officer in the State of New Hampshire, with powers to arrest pursuant to NH RSA 179:59 and RSA 594:1, is hereby issued the following firearm pursuant to his/her duties as an Investigator of the Division of Enforcement.

Name of Investigator: _____
Weapon type: Double Action/Single Action Semi automatic
Weapon make/model: Sig Sauer (Sig Pro 2009, Sig Pro 2022, Sig Sauer P250) Caliber: 9MM

Weapon serial number: _____
Issued by Division on: _____
Armorer's Inspection: Approved () Rejected ()

Reason for rejection: _____
Division Armorer's signature _____

Qualification record: PASS () FAIL ()
A.C.T. Unit member check one

Signature of firearms instructor: _____

I, **Eddie Edwards**, Director of the Division of Enforcement & Licensing authorize the above named Investigator be issued and approved to carry the above described firearm as a condition of employment and consistent with the terms and conditions of this Standard Operating Procedure.

Signature of Director Date

I understand the above listed firearm is the only firearm authorized and approved to be carried in connections with my duties with the Division of Enforcement under the State Liquor Commission.

Signature of Investigator Date

I have received a copy of this use of force policy, including the addenda consisting of range safety rules.

Signed: _____ Date: _____

Addendum #7

Case # _____	Type of Force: <input type="checkbox"/> Non-deadly <input type="checkbox"/> Deadly
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SUBJECT INFORMATION

1. Name (<i>Last, First, M</i>) & DOB	2. Sex <input type="checkbox"/> male <input type="checkbox"/> female	3. Age	4. Ht.	5. Wt.
6. Condition prior to use of non-deadly or deadly force: <input type="checkbox"/> sober <input type="checkbox"/> alcohol influenced <input type="checkbox"/> drug influenced <input type="checkbox"/> hostile <input type="checkbox"/> threatening <input type="checkbox"/> combative <input type="checkbox"/> belligerent <input type="checkbox"/> yelling <input type="checkbox"/> cursing <input type="checkbox"/> calm/passive <input type="checkbox"/> failed to follow directions <input type="checkbox"/> other: _____	7. Arrest <input type="checkbox"/> Y <input type="checkbox"/> N Arrested by: Investigator <input type="checkbox"/> Other Agency <input type="checkbox"/>		8. Armed <input type="checkbox"/> Y <input type="checkbox"/> N Type of weapon(s): _____ _____	
9. Threatened use of weapon: <input type="checkbox"/> Y <input type="checkbox"/> N	10. Injured: <input type="checkbox"/> Y <input type="checkbox"/> N			
11. Injuries:				
12. Transported to medical facility: <input type="checkbox"/> Y <input type="checkbox"/> N Location:				
13. Transported by:				

INCIDENT INFORMATION

14. Date:	15. Time:	16. Location:
17. Level of force used prior to the use of non-deadly or deadly force: <input type="checkbox"/> level one (<i>Professional presence</i>) <input type="checkbox"/> level two (<i>verbal direction</i>) <input type="checkbox"/> level three (<i>OC Spray /TASER/Baton</i>) <input type="checkbox"/> level four (<i>hard hand control</i>) <input type="checkbox"/> level five (DEADLY FORCE)		
18. Type of force used by officer: <input type="checkbox"/> Soft hand control <input type="checkbox"/> Hard hand control <input type="checkbox"/> Handcuffs <input type="checkbox"/> OC Spray (<i>displayed or utilized</i>) <input type="checkbox"/> Baton (<i>displayed or utilized</i>) <input type="checkbox"/> TASER (<i>displayed or utilized</i>) <input type="checkbox"/> Firearm (<i>displayed or utilized</i>)		
19. Further use of force after initial application: <input type="checkbox"/> Y <input type="checkbox"/> N <i>(Describe fully using complete details ~ Use additional pages as needed)</i>		

INVESTIGATOR/SERGEANT/LIEUTENANT INFORMATION

20. Name (Last, First, M), Rank & ID #	21. Sex	22. Age	23. Ht.	24. Wt.
25. Injured [] Y [] N	26. Was medical treatment provided? [] Y [] N			
27. Was Division-member transported to Medical Facility? [] Y [] N Transported by:				
28. Medical facility conducting treatment:				
29. Injuries:				
30. Signature:			Date:	

Initial Complaint:

Situation upon arrival:

Behavior/physical observation of subject prior to use of non-deadly or deadly force:

REF: OC Spray and/or Baton (*specify or both*)

1. Subject reaction to OC Spray/Baton:

2. Effectiveness of OC Spray/Baton:
[] Deployment [] Display Only

3. Steps taken to decontaminate and/or address possible injury:

4. Length of time subject was effected by irritant agent::

REF: TASER

1. Subjects reaction to TASER: _____

2. Effectiveness of TASER: _____

3. Color photos of affected area: _____

4. Air Cartridge Type(s): [] 21-ft Standard [] 21-ft XP

5. TASER Serial #: _____

6. Location of Incident: [] Indoor [] Outdoor [] Jail [] Hospital [] Other

7. TASER use (*check one*): Success [] Failure []

8. Suspect wearing heavy or loose clothes: [] Y [] N

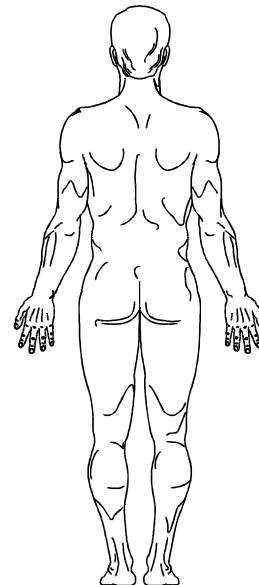
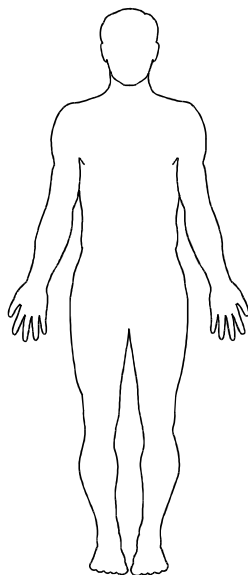
9. Number of Air Cartridges fired: _____

10. Number of cycles applied: _____

11. Usage (*check one*): [] Arc Display Only [] Laser Display Only
[] TASER Application

12. TASER: Is this a dart probe contact: Y [] N []
13. Is this a Drive-Stun contact: Y [] N []
14. Approximate target distance at the time of the dart launch: _____ feet
15. Distance between the two probes: _____ inches
16. Need for an additional shot? Y [] N []
17. Did dart contacts penetrate the subject's skin? Y [] N []
18. Probes removed on scene: Y [] N []
19. Did TASER application cause injury: Y [] N []
20. If yes, was the subject treated for the injury: Y [] N [] Location: _____

21. Circle and/or Describe the area(s) affected by the deployment of OC Spray, Baton, and/or TASER:



23. Need for additional applications? Y [] N []
24. Did the device respond satisfactorily? Y [] N []
25. If the TASER deployment was unsuccessful was a DRIVE-STUN follow-up used? Y [] N []
26. Describe the subject's demeanor after the device was used or displayed?

Witnesses:

Name/Rank, Date & Time of Supervisor notified:

Additional comments / recommendations regarding the effectiveness of the OC Spray, Baton, and/or TASER and the training in their use:



Eddie Edwards
Director
eedwards@liquor.state.nh.us

State of New Hampshire LIQUOR COMMISSION

Mark M. Bodi
Chairman

Division of Enforcement & Licensing

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Concord, NH 03302-1795
Phone: (603) 271-3521
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Richard E. Simard
Commissioner

Off-Duty Weapon Inspection/Qualification Form

Investigator _____

Date: _____

Semi-Auto Revolver

Manufacturer: _____

Model: _____ Serial #: _____

Blued Stainless Nickel Other

Caliber: _____ Capacity: _____

Modern Firearms Only: Off Duty weapons are restricted to modern firearms manufactured by reputable firearm manufacturers.

Firearms Instructor Function Test Section:

Verify Weapon Information Correct Incorrect

<u>Pass</u>	<u>Fail</u>	<u>Function</u>
<input type="checkbox"/>	<input type="checkbox"/>	Slide Function (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	Magazine Release/Cylinder Release
<input type="checkbox"/>	<input type="checkbox"/>	Extractor Function
<input type="checkbox"/>	<input type="checkbox"/>	Safety Block and/or External Safety
<input type="checkbox"/>	<input type="checkbox"/>	Trigger Function
<input type="checkbox"/>	<input type="checkbox"/>	Firing Pin
<input type="checkbox"/>	<input type="checkbox"/>	Hammer Pull Test
<input type="checkbox"/>	<input type="checkbox"/>	Dry Fire Test
<input type="checkbox"/>	<input type="checkbox"/>	Cylinder Rotation and Line Up
<input type="checkbox"/>	<input type="checkbox"/>	Visual Observation, stress cracks, grips, pitting
<input type="checkbox"/>	<input type="checkbox"/>	Condition of sights
<input type="checkbox"/>	<input type="checkbox"/>	Condition of barrel

Firearms Instructor Signature: _____

Firearms Instructor Name (print): _____

Date: _____ Course Fired: _____

Ammunition Used (brand): _____

Type: JHP HP RN SWC SP OTHER _____

Holster Type: _____ Condition: _____

I, _____ (Firearms Instructor Signature) have conducted a proficiency qualification course on today's date, and have found

Investigator _____ to be proficient
 to not be proficient

with the above described weapon. (*note: proficiency is based upon the Investigator receiving a two consecutive qualifying scores as outlined in the firearms course of fire*).

By signing below, I _____ release The New Hampshire State Liquor Commission, Division of Enforcement and Licensing from any liability or loss as a result of any malfunction of any personally owned weapon.

Signature

Date