

General Order 0106M
USE OF FORCE
Keene Police Department
400 Marlboro Street Keene, New Hampshire 03431

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

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

It is further the policy of this Department that deadly force shall only be used to protect oneself or a third party from the imminent use of deadly force to prevent the escape from custody of an arrested or detained person whom the officer reasonably believes has committed a felony involving serious bodily injury or death and is likely to use deadly force to make good their escape; or, when an officer has reason to believe that the person is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay. Deadly force shall not be used in the process of arresting a felon solely because he or she is fleeing. *[4.1.2]*

Discussion: It is acknowledged that neither policy nor training can possibly provide detailed instructions for every officer on how to respond in every conceivable situation that requires the use of force. Two basic principles, however, apply to any situation: (1) officers will only use the reasonable force necessary to accomplish lawful objectives *[4.1.1]*, and (2) escalation of force should occur only when lesser levels of force have been tried and failed without gaining compliance, or the officer reasonably believes such lesser levels of force would be inappropriate given the circumstances.

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

SECTION HEADINGS

- I. Definitions
- II. Accountability
- III. Levels of Resistance
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- VI. Excessive Force
- VII. General Regulations on the Use of Force
- VIII. Use of Non-deadly or Less-lethal Force/Weapons
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- XI. Qualifications and Proficiency
- XII. Department Force Instructors
- XIII. Authorized Weapons
- XIV. Use of Force by the Animal Control Officer
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I. DEFINITIONS [4.1.2]

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

- H. **Weapons:** Any instrument or agent to be used in an offensive or defensive manner. A weapon may be:
1. Approved and issued by the Department;
 2. Approved for evaluation and testing by the Department; or,
 3. Instruments not designed nor intended to be used as weapons, such as flashlights, vehicles, or other weapons of opportunity, which may be utilized in extreme circumstances.

II. ACCOUNTABILITY

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

III. LEVELS OF RESISTANCE

- A. Officers must assess the situations by the totality of the circumstances.
- B. Compliant: A subject is compliant when he or she follows the officer's direction, commands, or orders; this category represents the majority of subjects officers interact with each day and is the desired level to attain by the proper use of force. Officers are tasked to recognize when a person is compliant.
- C. Passive Resistance: subject does not follow officer's directions, commands, or orders; subject conceals or attempts to conceal arms and wrists to prevent arrest or detention; subject causes no physical assault on the officer and does not use any mechanical enhancement to prevent the officer from arresting or detaining him or her or others.
- D. Active Resistance: subject offers physical resistance calling for an offensive or a defensive action; subject grabs or holds onto a stationary or semi-stationary object;

subject pulls away from or grabs the officer(s); subject flees or attempts to flee, hides, etc., to prevent arrest or detention.

- E. Active Aggression: Actual or perceived attack on the officer or a third party; subject attempts to or successfully punches, kicks, or bites officer or third party; officer's assessment is that the subject's actions would or could cause injury, but not cause serious bodily injury or death.
- F. Lethal Aggression: actual or perceived attack on an officer or a third party; subject attempts to or successfully punches, kicks, or bites officer or third party; with or without a weapon that could cause serious bodily injury or death.

IV. LEVELS OF FORCE

- A. The dynamics of all encounters are different, and it would be impossible to attempt to categorize and define every level of force appropriate for all possible situations.
- B. Force is a means used to gain and maintain compliance within the law. Force options are classified as one of three categories:
 - 1. Controlling Techniques: a degree of influence or force not likely to cause serious injury or death;
 - a) Usually appropriate when a suspect displays behavior that merely delays or hinders the arrest.
 - 2. Defensive Tactics: a degree of force reasonably likely to cause injury, but not likely to cause death;
 - a) Usually appropriate when the suspect's behavior causes an officer to believe the suspect is about to injure any person.
 - b) The officer's assessment of the suspect's resistance is at a level that would or could cause injury.
 - 3. Deadly Force: a degree of force reasonably likely to cause death or serious bodily injury is appropriate when:
 - a) the suspect has the means to use deadly force or cause serious bodily injury;
 - b) the suspect has the intent to use deadly force or cause serious bodily injury;
 - c) the threat posed by the suspect is imminent; or,

- d) the officer must effect an arrest or prevent the escape from custody of a person who:
 - 1) has committed a felony; and,
 - 2) is using force or violence or represents a serious danger to human life or inflicting serious bodily injury unless apprehended without delay; and,
 - 3) the officer has made a reasonable effort to advise the suspect that he or she is a law enforcement officer attempting to effect an arrest and has reasonable grounds to believe the suspect is aware of these facts.

C. The following list is meant to function only as an example and is neither exclusive nor all-inclusive. Officers may, at times, have to resort to methods not listed here, and the mere presence of a method on this chart does not endorse its use in every situation.

- 1. Options are listed in no particular order within their respective classes.
- 2. To the extent possible, officers shall utilize an escalating/deescalating scale of options taking into account all facts and circumstances known to the officer.
- 3. Controlling Techniques
 - a) Presence;
 - b) Verbalization;
 - c) Show of force;
 - d) Firm grasp;
 - e) Control holds;
 - f) Body weight;
 - 1) Officers should be mindful of positional asphyxia while using this technique
 - g) Pain compliance;
 - h) Pressure points;
 - i) Mechanical advantage control holds (with or without a baton);
 - j) Oleoresin Capsicum (O.C.);

- k) Chemical irritants/munitions;
 - l) Diversionary devices.
4. Defensive Techniques
- a) Impact weapons in recommended target areas identified in training;
 - b) Canine contact;
 - c) Personal weapons, e.g., hands, fists, knees, etc.;
 - d) Direct-impact munitions;
 - e) Pepper Ball Custom Carbine
5. Deadly Force
- a) Firearms;
 - b) Vehicles as weapons;
 - c) Intentional strikes to vital areas identified in training with impact weapons.

V. PROPORTIONATE APPLICATION

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

level used does not have to be the best alternative for resolving the situation; it does need to be objectively reasonable based on the facts and circumstances.

- E. All weapons and tactics will be used consistent with training.
- F. Escalation of force should occur only when a lesser level of force has been tried and failed without gaining compliance
- G. Keene police officers shall respect the constitutionally guaranteed rights of every person.

VI. EXCESSIVE FORCE

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

VII. GENERAL REGULATIONS ON THE USE OF FORCE

- A. The legal authority to carry weapons by Keene police officers resides in NH RSA 159. [1.2.2]
- B. The legal authority to use those weapons in the line of duty resides in NH RSA 627. [1.2.2]
- C. Firearms will not be discharged for warning shots; [4.1.3]
- D. Officers are personally responsible for the safe and proper storage of all firearms assigned to them. [4.3.1f]
 - 1. All weapons stored at the Police Department while the officer is off-duty shall be secured in the armory or officer's personal locker.

2. While on-duty, firearms shall not be left unattended unless secured in a locker, cruiser, or other locked space, such as a desk or cabinet.
 3. When a patrol rifle is stored in a cruiser, the cruiser shall be locked whenever the officer is out of sight or out of the immediate area of the cruiser.
 4. When Department firearms are stored at the officer's home, the officer is responsible for ensuring the weapon is made safe or secured in such a way as to prevent accidental discovery and discharge by children or others and kept reasonably secure from theft.
- E. Any Department member whose action(s) or use of force in an official capacity results in death or serious injury shall be removed from a line duty assignment pending administrative review. [4.2.3]
1. Such incidents involving police officers shall be investigated consistent with the General Order on Officer Deadly Force Investigation Protocol.
 2. Such incidents involving Department members who are not police officers shall be investigated as determined by the Police Chief.
- F. Officers, when tactically able and time permits, should warn the subject of the consequence of non-compliance to a command, order, or direction in an effort to compel the subject to comply; particularly when the failure to follow the command is a factor influencing the application of a level of force. De-escalation techniques should be used whenever the situation allows.

VIII. USE OF NON-DEADLY OR LESS LETHAL FORCE/WEAPONS [4.1.4]

- A. Keene police officers are issued, or have at their disposal, various weapons, such as the police baton and O.C., that are generally recognized to be less-lethal under normal use. Each of these weapons is listed in this Section, and officers shall be familiar with their authorized and intended use as non-lethal weapons. Officers must also remain cognizant that non-deadly or less-lethal weapons may, in fact, inflict death or serious bodily injury under certain conditions or circumstances.
- B. Monadnock Autolock Expandable Baton
1. The Department-issued expandable baton shall be worn on the gun belt by uniformed officers.
 - a) Officers shall not carry short-billies, blackjacks, or other instruments instead of the issued baton.
 - b) Officers assigned to investigative or administrative positions shall have it readily available.

- c) The expandable baton may be displayed as a show of force; or used as a defensive weapon to ward off blows, as a control weapon in the application of joint locks, or as a striking implement used to deliver blows to areas of the body that vary from causing minor injury to death in order to deter a subject from committing a violent act upon him- or herself, an officer, or a third party.
- d) Officers must remain aware that blows delivered to areas identified in training as "red zones" create a high risk of serious bodily injury or death and are to be avoided unless deadly force is justifiable.

C. O.C. Spray

- 1. Oleoresin Capsicum (O.C.) is classified as an "inflammatory," not a chemical agent.
- 2. O.C. will be issued to and may be used by officers who have been properly trained and demonstrated proficiency in its use.
- 3. To the extent possible, the use of O.C. should be avoided in confined areas, such as cells or cruisers.

D. Chemical Agents

- 1. Chemical agents are generally considered to be non-deadly. However, certain conditions may create the risk of death or serious bodily injury to persons either by direct contact with the agent, or indirectly as a result of panic, fire, or other means.
- 2. It is the policy of this Department that chemical agents be used only by members who have received proper training in their use.
- 3. For purposes of this Section, a chemical substance is any compound, powder, aerosol, liquid, smoke, fume, or other matter that is intended to cause any irritation or discomfort to any person or which is intended to subdue, incapacitate or disorientate any person.
- 4. Any use of these agents will be reported immediately in the relevant arrest or offense report, in addition to completing a Use of Force report.

E. Canine Apprehensions

- 1. The police canine is a tool utilized to assist officers in various situations. The use of a canine constitutes a defensive technique, and the use of such force is the responsibility of the canine handler.
- 2. Any bites by the canine will be handled consistent with the General Order regarding the Police Service Dog Program.

F. Less-lethal Direct Impact Munitions

1. Use of less-lethal munitions is considered a defensive technique.
2. Only officers who are currently certified in less lethal munitions may use them.
3. The target area choice for deployment of the projectile should be delivered consistent with the following:
 - a) The officer should balance the need for immediate incapacitation with the potential for injury.
 - b) Primary target areas include large muscle groups of the body, which are the buttocks, thighs, and calf.
 - c) Secondary target areas consist of more skeletal and medium muscle groups, which are the shoulders, arms, wrists, abdominal area, and knees.
 - d) When the officer is justified in using deadly force, the following are also approved target areas: chest, groin, spine, lower back, head, and neck.

G. Pepper Ball Custom Carbine Launcher

1. The Departments .68 caliber Pepper Ball Custom Carbine is a less-lethal chemical agent delivery system that uses high-pressure air to deliver PAVA powder projectiles from a safe distance. It may be used in situations listed in section VIII, subsection F above. Use and desired points of impact are as depicted in 4. a) through d) with the exception that, specific to the Pepper Ball Custom Carbine Launcher, the chest is not considered a deadly force target area but rather an authorized primary target area of the body. Additionally, the system may be used:
 - a) to prevent identified suspects in crowd control situations from throwing objects at police or third persons;
 - b) to manage large crowds of moving or resisting demonstrators, to include violent or potentially violent crowds that have refused general orders to disperse.

H. Other Weapons

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

3. Officers are authorized to carry knives appropriate for use as a tool that may be utilized for the purpose of cutting articles, seatbelt straps, etc., as may be required in the course of duty and shall only be used as weapons where extreme circumstances require their use as a last resource.

IX. AID TO INJURED PERSONS [4.1.5]

- A. Consistent with the criteria listed below, whenever a person has been injured as the result of any force applied deliberately or accidentally by a member of this Department, the officer or supervisor on-scene shall have the dispatcher notify the Keene Fire Department and request an ambulance to provide medical aid:
 1. whenever requested by a person that weapons or force was used against;
 2. whenever a person against whom weapons or force was used is unconscious or unable to respond;
 3. whenever, in the judgment of an officer or supervisor, medical aid appears warranted, regardless of the wishes of the injured person;
 4. to assess the wounds of a person who has been subject to specialty impact munitions;
- B. The officer shall notify the Shift Commander when a request for medical aid has been made.
- C. When a person has been contaminated with O.C. spray or Pepper Ball round(s), he or she shall be decontaminated at the earliest practical time.
 1. As circumstances permit, decontamination should include:
 - a) exposing the prisoner to fresh air and ventilation;
 - b) rinsing the affected areas with water;
 - c) providing verbal reassurance that the effects will pass.
- D. Officers shall initiate immediate medical attention when a detainee significantly suffers from the effects of O.C. spray for more than forty-five (45) minutes after contamination or whenever abnormal symptoms are observed.
 1. Officers should determine if the prisoner suffers from bronchitis, asthma, emphysema, or similar respiratory disease and, if so, initiate immediate medical attention.

X. REPORTING AND REVIEW OF USE-OF-FORCE INCIDENTS [4.2.1]

- A. Any member of this Department who uses force consistent with the following criteria shall complete and file a Use of Force report, KPD Form 1-2, prior to the end of the shift in which the force was used, or at a date set by the Shift Commander if the officer was not on duty, or if there are other extenuating circumstances:
1. when a member discharges a firearm for other than training or recreational purposes; [4.2.1a]
 2. when a member takes an action that results in, or is alleged to have resulted in, injury or death of another person; [4.2.1b]
 3. when a member applies force through the use of lethal or less-lethal weapons; [4.2.1c]
 4. draws or displays a firearm, baton, or specialty-impact weapon against any person; position sul with a firearm, or the vertical carry position with the baton does not require UOF reporting.
 5. when a member uses weaponless physical force to overcome deliberate resistance; or, [4.2.1d]
 6. whenever the Tactical Team is deployed.
- B. A supervisor shall be notified whenever force has been used under any of the above criteria.
- C. Use of Force reports will be completed whether the incident or act was intentional, accidental, or unintentional.
- D. The Use of Force report shall be submitted with the appropriate arrest or offense report(s).
1. If no offense or arrest report is required, the Use of Force report should be indexed to the call number.
- E. The Use of Force report shall be reviewed by the supervisor approving the OF or AR report, who will sign the form and indicate if the force was consistent with policy. [4.2.2]
1. If the reviewing supervisor feels the use of force is out of policy or, for any reason, feels the incident should be looked at more closely, it will be referred for further review.
 2. The report will then be reviewed by a Use of Force instructor to determine compliance with policy and/or a need for training or a policy change.

- F. A designee of the Police Chief shall receive and maintain all Use of Force reports filed.
1. The designee shall review them for:
 - a) completeness;
 - b) developing trends; and,
 - c) effectiveness of weapons, techniques, or training.
- G. The designee shall submit an audit of all reports annually. The audit report shall include an analysis of the agencies use of force activities, policies, procedures, and potential future training focal points *[4.2.4]*
- H. The findings of these reviews will be used by Use of Force instructors for evaluation and training purposes.

XI. QUALIFICATIONS AND PROFICIENCY

A. General

1. Only Agency members demonstrating proficiency in the use of Department-authorized weapons are approved to carry such weapons. *[4.3.2]*
2. Consistent with NH PS&TC Policies 404.03 and 404.04, all police officers shall receive training on the agency's Use of Force policies and demonstrate proficiency with all approved lethal weapons at least annually. *[4.3.3]*
3. In-service training for other less-lethal weapons and weaponless control techniques shall be conducted at least biennially.
4. Proficiency training must be monitored by a certified weapons or tactics instructor. *[4.3.3a]*
 - a) For duty rifles, all members will qualify with Department issued Aimpoint Patrol Rifle Optic (Aimpoint Pro), if mounted, as well as with fitted iron sights.
 - b) Designated Department snipers' patrol rifles may be outfitted with a Leupold VX-R Patrol 1.25-4x20mm Fire Dot SPR scope without iron sights. In this case, they only need to qualify with the mounted scope.
5. The instructor shall be responsible for documenting training and proficiency consistent with the appropriate General Orders regarding training. *[4.3.3b]*

6. Any member who fails to qualify with a Department-issued weapon, as required by NH Police Standards and Training Council or standards determined by the Keene Police Department, will be relieved of normal duties until qualified under a remedial program.
 - a) Whenever an officer is unable to qualify with a Department weapon before leaving the session, the Police Chief and the member's Division Captain shall be notified.
7. When a member does fail to qualify with an Agency-issued weapon, the instructor shall evaluate the weapon being used and, if not deficient, the instructor shall then: *[4.3.3c]*
 - a) assess the performance and identify the reason that the member is failing to qualify; and,
 - b) provide or arrange for immediate specific instruction to remedy the problem.
8. If the member remains unqualified:
 - a) specific exercises or other action designed to correct the problem shall be assigned; and,
 - b) the member shall be retested as soon as possible.
9. All members authorized to carry lethal and less-than-lethal weapons shall be issued copies of this General Order and instructed in all aspects of it, to include the Department policy on the use of force, the use of warning shots, the appropriate use of less-than-lethal weapons, and the procedures for rendering appropriate medical aid, before being authorized to carry such weapon. *[1.3.12]*
 - a) The issuance of the General Order and the instruction will be documented by a Department instructor conducting the training.
 - b) This training will be conducted as part of the initial Orientation phase of the Field Training and Evaluation Program.

XII. DEPARTMENT FORCE INSTRUCTORS

- A. The Chief shall designate an officer(s) to be the Department Force Instructor for: Firearms, Baton, Aerosol Agent, Chemical Munitions, Specialty-Impact Munitions, and Arrest and Control Tactics.
 1. Any officer so designated must possess, or obtain prior to conducting any training, appropriate instructor certification from a recognized agency.

2. All weapons proficiency training shall be conducted by a certified weapons instructor.
- B. These officers shall perform these duties in addition to all other duties/responsibilities commensurate with their position within the Department.
 - C. Each appointed officer shall work closely with the Administrative Services Division Captain and with other Department instructors to ensure program compatibility, course content, and that Department goals and objectives are met.
 - D. Officers designated as force instructors shall be responsible for:
 1. assessing Departmental needs;
 2. formulating and implementing training programs;
 3. documenting training and proficiency;
 4. providing documentation of required training for the NH PS&TC; and,
 5. all other aspects of their areas as it relates to officer safety, current law, and trends in training.
 - E. The Administrative Services Division Captain and Police Chief shall periodically review the instructor and course content to ensure that the best and most accurate level of training is being provided for Keene police officers in the areas of use of force.
 - F. Each of the instructors shall file all lesson plans, attendance rosters, and training results with the Administrative Services Division Captain.

XIII. AUTHORIZED WEAPONS AND OPTICS *[4.3.1]*

- A. Only weapons, ammunition, and optics issued and authorized by the Department shall be used by agency members in the performance of their responsibilities.
 1. Officers on duty are required to carry a fully-loaded, authorized sidearm, with which they have qualified and which is issued by the Department, except as follows:
 - a) as waived by an appropriate supervisor for specific assignments;
 - b) while entering booking facilities, lock-ups, correctional facilities, court, detention facilities, or mental health facilities where they may be properly secured.

2. Officers may privately purchase alternate sights for the issued sidearm; however, the specific sights shall be approved before purchase by the Firearms team leader and a Division Captain. These alternate sights shall be mounted by a Department armorer.

B. Officers may carry their Department-issued weapon and ammunition off-duty, subject to the following:

1. Officers' use of Department-issued weapons is subject to the same laws, rules, and regulations that apply to on-duty use;
2. Officers carrying their Department-issued weapons off duty must have their badge and official identification cards with them at all times and must display them whenever the weapon is drawn or the first and safest opportunity to do so.
3. Officers who carry Department weapons off duty shall carry them in a safe, concealed manner and avoid unnecessary display of the weapon except when there is justification for its use.
4. Officers shall not carry any firearms while judgment or performance is impaired to any degree by alcohol or drugs;
5. Officers are not required to carry weapons off duty.

C. Off-Duty Weapons in Other States

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

D. Specific Departmental weapons shall be issued which are identified by serial and/or inventory numbers.

E. All weapons obtained for use by the Keene Police Department shall be inspected and approved by a qualified weapons instructor or armorer prior to being issued. Such inspection shall include: *[4.3.1c]*

1. For Firearms and Specialty-Impact Munition Launchers:
 - a) checking the action of all mechanical parts;
 - b) the effectiveness of safety devices;
 - c) the condition of the bore;

- d) the condition of the sights / optics;
- e) that no after-market modifications impair the safe and efficient operation of the weapon;
- f) that the weapon dry-fires or live-fires properly;
- g) that each weapon will be able to efficiently perform its intended purpose.

2. For Batons:

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

3. For O.C. Spray:

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

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

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

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

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

H. When inspection determines a weapon should be removed from service, a member of the armory staff shall repair or replace the weapon with a similar weapon immediately.
[4.3.1d]

- 1. In the case of firearms, the officer will be qualified on the new firearms as soon as possible.

2. O.C. spray canisters will be removed from service when the canister has only twenty-five percent (25%) or less of the agent remaining.
- I. A complete record of all weapons approved by the Keene Police Department will be maintained by the Administrative Services Division Captain or his or her designee and updated annually. [4.3.1e]
 1. For firearms, the record shall list: type, description, identifying model, and serial number; the member to whom the firearm is assigned; all dates of inspections, repairs, or malfunctions; and the armorer who inspected and reissued the weapon.
 2. For specialty-impact munitions launchers, the record shall list: type, description, identifying model, and serial number; and the member certified to use.
 3. For batons, the record shall list: type, description, identifying model, and serial number; the member to whom the baton is assigned; all dates of inspections, repairs, or malfunctions; and the armorer who inspected and reissued the weapon.
 4. For O.C. spray, the record shall list: type and description; the member to whom the O.C. canister is issued; all dates of inspection; and dates of newly issued canisters.
 - J. No Keene Police Department weapon may be used in any other employment, law enforcement or otherwise, or for recreational purposes unless authorized in writing by the Police Chief.
 - K. Uniformed officers of the Keene Police Department shall carry all issued duty belt-weapons while on duty.
 1. Weapons shall be carried in their Department-issued holsters unless the situation dictates that their use is necessary and warranted.
 - L. No member of the Keene Police Department shall carry any firearm, firearm optic, or ammunition while on duty that is not issued by the Keene Police Department.

WEAPON / OPTIC <i>[4.3.1a]</i>	DUTY AMMUNITION <i>[4.3.1b]</i>	PRACTICE AMMUNITION
Glock 17	9mm Winchester Ranger T 147-grain HP	Mixed manufacture that matches duty Point of Aim/Point of Impact
Glock 19	9mm Winchester Ranger T 147-grain HP	Mixed manufacture that matches duty Point of Aim/Point of Impact
Mossberg 500	12 gauge 00 buck, mixed manufacture 12 gauge slug, mixed manufacture 12 gauge field load, mixed manufacture 12 gauge CTS #2570 breaching round 12 gauge direct impact TD drag stabilized bean bag	Mixed manufacture that matches duty Point of Aim/Point of Impact
AR-15 (M4-type semi- automatic)	.223 caliber Hornady 60 grain TAP LE	Mixed manufacture that matches duty Point of Aim/Point of Impact
Stoner SR-25 .308	Hornady 168 Grain A-Max TAP Precision .308 caliber	Mixed manufacture that matches duty Point of Aim/Point of Impact
Remington 700 Bolt Action	Hornady 168 Grain A-Max TAP Precision .308 caliber	Mixed manufacture that matches duty Point of Aim/Point of Impact
Ruger Mark II Semi- Auto Pistol	.22 caliber mixed manufacturer	N/A
Monadnock Autolock Baton	9152 or 9146 models, sized to officer	--
Distraction Device	Def Tec #25 CTS #7290	Same as duty ammunition
Defense Technologies Federal Labs 37mm	Def Tec 37mm Muzzle Blast OC #1140 CTS 37mm Muzzle Blast #3440 CTS 37mm OC Def Tec 37mm Skat-Shell CS #1172	Same as duty ammunition
Defense Technologies Federal Labs 40mm	40mm CTS OC #4441 40mm DT Ferret Barricade Penetrator OC 40mm Direct Impact Stun Round OC 40mm DT Ferret Penetrator CS CTS Impact Black Rubber Def Tec Orange Impact OC #6320 Def Tec Blue Sponge Impact CTS 40mm Direct Impact Foam Baton #4557 Def Tec Ferret 40 Powder CS #1262	Same as duty ammunition
CS Grenade	Def Tec Flameless Expulsion #2040 Def Tec Tri-chamber #1262 Def Tec Tri-chamber CS Flameless #1032	Same as duty ammunition

WEAPON / OPTIC <i>[4.3.1a]</i>	DUTY AMMUNITION <i>[4.3.1b]</i>	PRACTICE AMMUNITION
Handheld spray/foam	Guardian Oleoresin Capsicum (OC) 2 oz. spray First Defense MK-3 Oleoresin Capsicum (OC) 1.6 oz. spray Guardian Oleoresin Capsicum (OC) 2 oz. foam First Defense MK-3 Oleoresin Capsicum (OC) 1.6 oz. foam Guardian Oleoresin Capsicum (OC) 1 lb. spray First Defense MK-9 Oleoresin Capsicum (OC) 1 lb. spray	Mixed manufacture inert OC 2 oz. spray Mixed Manufacture inert OC 1.6 oz. spray Mixed manufacture inert OC 2 oz. Foam Mixed manufacture inert OC 1.6 oz. foam
Pepper Ball Custom Carbine Launcher-Custom SX	.68 caliber 3 gram round Hard plastic frangible sphere Pepper Ball Live Round (White/Red) .5% PAVA Pepper Ball Live X Round (Red/Black) .5% PAVA Pepper Ball Glass Breaking round ((White)	Pepper Ball Inert Round (Purple/White)
LEUPOLD VX-R Patrol 1.25-4x20mm (30mm) Matte FireDot SPR	N/A	N/A
Aimpoint Patrol Rifle Optic (PRO) 2 MOA	N/A	N/A

XIV. USE OF FORCE BY THE ANIMAL CONTROL OFFICER

- A. Subject to the appropriate provisions of this General Order, the Animal Control Officer is authorized to carry a 12 gauge shotgun for the purpose of destroying a seriously injured or ill wild animal or a seriously injured or ill domestic animal when the owner cannot be identified or contacted and/or where the degree of injury or suffering requires immediate action.

XV. FORMS

- KPD 1-2 Use of Force Report;
- KPD Form Safety Report.

Document Control Data

General Order #: 0106 Number of Pages: 21 Date of Initial Issue: 03-15-95

Revisions: 06-15-20 (M)

CALEA Standards: 6th Ed., 1.2.2, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.2.4

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References: RSA 594:4, RSA 627:5; Graham v. Connor 490 US 386 (1989); The Law Enforcement Officers Safety Act of 2004.