BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD05 Response to Resistance / Use of Force

POLICY: Officers are agents of the state authorized to use various degrees of force to effect arrests to ensure the public safety. Officers employ objectively reasonable force necessary to accomplish a legal purpose. Officers should use only the force that is necessary and appropriate for compliance to control of a suspect and only until compliance or control has been achieved.

In determining whether a particular response to resistance (use of force option) is objectively reasonable the officer must consider;

1. **the seriousness of the offense the officer suspects when the force option is employed;**
2. **whether or not the subject poses an immediate physical threat to the officer or others and the degree of that threat;**
3. **whether the subject is actively resisting or attempting to evade arrest by flight;**
4. **whether the totality of the circumstances justify the Officer's response.**

This policy is not to be construed to require Officers to assume unreasonable risks. In assessing the need to use force, the paramount consideration should always be the safety of the Officer and the public. The reasonableness of an Officer's decision to use force under this policy must be viewed from the perspective of a reasonable officer faced with the circumstances of the Officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, uncertain, rapidly evolving and without the advantage of 20/20 hindsight.

For all responses to resistances /uses of force, Officers will use contemporary techniques as instructed by certified instructors and/or in accordance with current training and practice.

Officers trained or certified with devices and tools should carry them in approved holders when performing uniform patrol functions unless otherwise authorized by the OIC. They should be removed only when their use is anticipated and shall be secured safely when not in use.

Officers will receive a copy of the Directive pertaining to use of force annually during firearms training. A member of the Department Firearms Committee will review the directive with Officers during annual firearms qualifications. All Officers shall be issued copies of and instructed in this policy prior to being authorized to carry any weapon or tool.

CONTENTS:

I. Definitions, Response Options & Initial Procedures
II. Response to Resistance / Force Options
III. Post-Event Procedures & Agitated Chaotic Events
IV. Reporting
V. Review
VI. Carrying of Non-Issued Equipment Intended for the Use of Force
VII. Firearms

I. DEFINITIONS, RESPONSE OPTIONS & INITIAL PROCEDURES

A. ACTIVELY RESISTANT –Any affirmative action used by the subject to defeat the officer's ability to take the subject into custody.

B. CONTROL/RESTRAINT – Techniques, with or without tools, which redirect movement or cause compliance to direction.

C. FORCE – Conduct on the part of a Police Officer that is designed to assist the Officer in controlling a situation, actions or behavior of a person/s.

D. LETHAL FORCE – Force that creates a substantial likelihood of causing death or serious bodily injury.

An Officer may use lethal force to protect him/herself or another person from what the Officer reasonably believes to be an imminent threat of death or serious bodily injury. An Officer may also use lethal force to prevent the escape of a suspect where the officer has probable cause to believe that the subject has committed a violent crime involving the infliction or threatened infliction of serious bodily harm or death AND it is reasonable to believe that the freedom of the suspect poses an imminent threat of death or serious bodily injury to the Officer or other persons.

E. NON-LETHAL FORCE – Levels of force that when employed temporarily control or immobilize a subject, but are not substantially likely to cause serious bodily injury or death.

An Officer is justified in using non-lethal force upon another person when, and to the extent that, he/she reasonably believes it necessary to arrest, detain, effect custody, to defend himself/herself or a third person from what he/she reasonably believes to be the imminent use of non-deadly force.

F. FIREARMS – Refers to Department-issued handguns, shotguns, rifles, 37mm launchers, 40mm launchers, or other approved weapons.

G. GRENADIER – Denotes an Officer trained and certified in the use of special impact munitions (SIMs) and during a deployment is any Officer armed and ready to use SIMs. The title differentiates the SIM armed Officer from conventionally armed Officers who would also be present during a confrontation, thus minimizing possible confusion when orders are given. Only Officers trained as Grenadiers by certified instructors will be authorized to carry and utilize SIMs.

H. IMMINENT – "Imminent" for the purpose of this policy means impending or about to happen.

I. IMMOBILIZATION – Immobilization of a suspect may be accomplished with control and restraint techniques, chemical agents, electronic control devices or impact techniques. Immobilization may be appropriate when a suspect becomes actively resistant or there is reasonable fear for the safety of the suspect or the safety of others.

J. IMPACT TECHNIQUES – Techniques used to strike or jab with the intent to immobilize and gain control of a person.

K. REASONABLE BELIEF – Facts or circumstances which would cause a reasonable Officer to act or think in a similar way under similar circumstances.

L. RESPONSE TO RESISTANCE REPORTS – A report/database entry will be completed whenever an Officer uses force beyond that of persuasion or beyond compliant handcuffing or meets physical resistance during a detention or arrest, or takes any action that may reasonably result in injury to another person.

M. SERIOUS BODILY INJURY – Injury which creates a substantial risk of death or which causes substantial loss or impairment of the function of any bodily member or organ; substantial impairment of health or substantial disfigurement.

II. RESPONSE TO RESISTANCE / FORCE OPTIONS

The dynamics of all encounters are different and it is impossible to attempt to categorize and define the levels of force appropriate in any given situation. It is, however, reasonable to categorize the levels of force that may be used, to various degrees in any situation. When an Officer determines that the use of force is necessary and appropriate, he/she shall, to the extent possible, utilize objectively, reasonable force as determined by the particular needs of the situation.

A. Officer Presence/Verbal Commands – Officers should use verbal de-escalation techniques when appropriate. Persuasion may occur by a show of authority of an Officer either by a uniform presence or obvious identification as a police Officer. Verbal and non-verbal commands should be given to direct and let a subject know what is expected of him/her. The subject should be informed by what authority he/she is being detained, arrested or taken into custody and what he/she must do to comply. Officers should inform subjects that if they are not compliant what result will occur. Officers should document their verbal orders in regard to arrest, investigative detention or protective custody and verbal warnings in regard to non-compliance and the result.

The option of Officer presence and verbal commands should not be construed to suggest that an Officer should risk the loss of control of a situation, thus endangering the safety of himself/herself or others, through the application of persuasion in situations where the use of escalated force is the proper choice.

B. Control/Restraint (including soft empty-handed control techniques) – Officers use a variety of techniques in accordance with their training to gain compliance of passively or actively resistant subjects including but not limited to techniques using their hands, elbows, arms and bodies as well as tools such as straight batons, PR-24 batons, and other tools.

C. Aerosol Agents – Oleoresin Capsicum (OC), 5% solution is the defensive agent used by the Department. It may be issued in one of several delivery systems including individual "fog" spray, individual "stream" spray, and a crowd control "fog" system (used in special circumstances only as authorized by the Officer in Charge).

Aerosol Agents are designed to provide a device to respond to various threat levels and may be utilized to address subjects who are actively resisting. When Oleoresin Capsicum (OC) or an ECD has been used the Officer shall, as soon as practical, provide the subject with the Administrative Warning form in preparation for providing care for the individual contaminated by the product.

D. Electronic Control Device (ECD) –The TASER brand electronic stun device, Model X2, Model X26 or the XREP shotgun specialty impact munitions round are the tools used by the Department. The ECD is generally used to respond to threat levels which place the Officer or other individuals in danger of physical harm due to the actions and behaviors of a suspect. ECDs are appropriate for subjects who are actively resistant, but shall not be used on passively resistant subjects. Flight alone is not a justification for use of an ECD and officers should consider the nature of the offense, the level of suspicion with respect to the person fleeing and the risk to others if the suspect is not apprehended immediately, as well as the type of ground where the subject will foreseeably fall.

1. ECDs are not to be used in a punitive or coercive manner and shall not be used to awaken, escort or gain compliance from passively resistant subjects.

2. Special consideration must be given to special populations that may be more susceptible to injury including the elderly, persons of small stature, children and those who the Officer has reason to believe are in ill health, pregnant or obviously cognitively impaired to the point of being unable to comply with instructions. If an officer knows that a subject suffers from a physical disability

that would substantially increase the danger to the subject by using an ECD or if an officer knows that a subject suffers from a mental disability that would interfere with the subject's ability to understand and comply with an officer's commands the officer should refrain from using the ECD unless alternative tactics are not reasonably viable.

3. Absent the threat of a weapon or other special circumstance resulting in threat of imminent serious bodily injury, ECDs should not be used;
    a. When the Officer knows that the subject has come into contact with a flammable substance or there are flammable substances in the atmosphere.
    b. When the subject is a member of the special populations group as listed above.
    c. Where the officer knows a female is pregnant.
    d. When, based on known factors, the subject is obviously physically disabled and it is reasonable to believe that use of an ECD would likely increase the danger to the person in a substantial way AND the subject does not pose an articulable threat regardless of their disability.
4. Special considerations that should also be factored into any use include;
    a. In an environment where the subject's fall could reasonably result in death or serious bodily injury.
    b. When the subject has physical control of a motor vehicle in motion.
5. Deployment and Aftercare
    a. Certified ECD Officers shall discharge the ECD the least number of times and no longer than necessary in order to gain compliance.
    b. Preferred target areas for deployment of the ECD in the probe mode include:

    c. Targeting a subject from the front: The subject should be targeted to avoid probes being deployed into the chest and head. The appropriate target area is a horizontal line approximately even with the elbows and below or a horizontal line approximately 2 inches lower than the sternum and below. An ideal probe deployment from the front will "split the hemispheres" having one probe strike a subject above the belt line and the other probe striking the subject in the thigh or leg thereby activating the hip flexor. The groin area should be avoided.

    d. Targeting a subject from the back: The subject should be targeted to avoid probes being deployed into the head and neck. The area above where the trapezius muscles merge with the narrow portion of the neck should be avoided. The area below a horizontal line drawn even with the shoulders across the neck and below is the recommended target area.

    e. Certified ECD Officers may if practical, remove ECD probes at the scene of the deployment. If not practical or if one of the following occur, only emergency medical staff shall attempt to remove the ECD probes;
        (1) The subject is hit in a sensitive area such as the face, head, groin, breasts, or stomach (of a pregnant subject).
        (2) The subject does not appear to recover properly after deployment, or if the Officer then encounters problems when attempting to remove the probe.

f. Persons subjected to an ECD deployment SHALL be medically evaluated if one of the following occurs;

(1) The subject is a member of the special consideration population as defined in Section J.2 of this policy.

(2) The individual was subjected to more than three ECD deployments (5 second cycles or cycles of lesser duration) or has been subjected to more than one ECD device, or was subjected to a continuous ECD cycle of 15 seconds or more; or was subjected to a deployment that struck the subject's chest area.

(3) The subject has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to the ECD exposure or does not appear to recover properly after the deployment.

(4) The subject requests medical attention or is identified as having a known medical condition while being administered the ECD Administrative Warning to identify such information.

g. The ECD Officer shall make reasonable attempts to collect the probes, evidentiary tags (AFIDS), cartridge and wires used in the deployment for evidence in its use in the incident. When practical, reasonable attempts shall be made to also photograph the impact area of the probes.

h. As soon as feasible, that an Administrative Warning is given to the subject(s) of the ECD deployment in preparation for providing care for the individual.

5. Reporting - The deploying Officer shall notify the OIC as soon as practical regarding all deployments and shall complete a Response to Resistance report.

6. Officers should avoid deploying more than one ECD on a single subject at the same time unless special circumstances exist such as an ineffective probe spread on the first ECD or the first ECD fails to achieve immobilization of the subject. Secondary Officers responding to the scene should attempt to cuff the immobilized subject under power or position themselves to control the subject using empty hand control techniques while the subject is under power rather than deploying a second ECD. Secondary Officers should attempt to secure the subject as soon as practical given the facts of the particular incident.

7. Officers may use the ECD on handcuffed subjects when justified. The officer needs to consider the fact that the subject is already restrained. The subject needs to be an immediate threat of injury to the officer or others and/ or attempting to flee or continuing to actively resist. The officer needs to consider the nature of the offense. The officer should consider whether other control techniques might result in greater injury to the subject.

E. Police Batons – The Monadnock PR-24 or straight baton (standard or expandable) are the tools used by the Department. The baton is designed to respond to various threat levels. Since the levels of force used in response to threats differ, the Officer must evaluate the level of the threat to determine the appropriate techniques to be employed. Batons can be used in accordance with approved techniques and target areas as a tool for control and restraint techniques, impact techniques and as an instrument to assist in the movement individuals or groups of individuals.

There are circumstances that are exigent in nature, by the level and immediacy of a threat, that a baton may not be able to be utilized even though an impact device would be appropriate. In such circumstances, an Officer may utilize alternate techniques or devices, as good judgment would deem appropriate. An example of such techniques or devices would include the use of arms and legs, flashlight, clipboard or other such method. Additionally, under circumstances that present an *imminent risk of serious bodily injury or death*, improvised weapons such as pens, knives carried by officers to cut ligatures and seat belts and other such tools or instruments could be used.

F. Specialty Impact Munitions

1. An extended range impact weapon or ECD. Describes a variety of munitions including pepperball launchers, and munitions designed to be launched from the 12-gauge shotgun, 37-millimeter gun, 40-millimeter gun, the TASER XREP shotgun or thrown by hand. SIMs are designed to achieve immobilization of a suspect without causing serious bodily injury or death when used by a trained operator (Grenadier) following established rules of engagement. SIMs may be used to deliver lethal force under specific circumstances. Weapons intended for use as delivery systems for special impact munitions are dedicated to that purpose only and distinctively marked.

2. SIMs are designed to function as extended range impact weapons and their use is justified whenever use of an impact technique is appropriate. The intended role of SIMs is to immobilize resistant persons at safe distances to prevent injury to Officers or the public. They may be used to prevent the escape of suspects under appropriate circumstances. In these cases, the severity of the threat posed by the continued freedom of the suspect must be carefully weighed. SIMs are also effective in crowd control and riot situations. When their use is anticipated in this capacity, the Grenadier will obtain clearance from the Officer in Charge prior to deploying one or more SIMs.

The decision to use Specialty Impact Munitions for the sake of the suspect should never be done at the risk of Officers' safety or that of the public. Officers are not required to assume unreasonable risks in deploying SIMs against a suspect threatening to use deadly force. Specialty Impact Munitions may be used against wild and domestic animals, to drive them away or to deter an attack. Where an animal poses a threat of bodily injury or must be euthanized conventional firearms should be used.

3. AUTHORIZATION AND QUALIFICATIONS FOR USE OF SIMs – Specialty Impact Munitions will only be deployed and used by Officers trained and certified in their use. These Officers will be referred to as "Grenadiers," an expedient term to differentiate them from non-authorized Officers who may be present at the scene or on duty. Prior to actually firing one or more SIMs, the Grenadier will first receive authorization from the Officer in Charge unless the situation evolves so quickly that prior authorization is not practical. When lethal force is justified, or when a situation escalates to that point, no authorization is necessary.

4. AVAILABILITY OF SIMs – When feasible and/or available, the shift commander will designate at least one Grenadier at the beginning of each shift. The Grenadier will check out the designated SIM delivery device and carry it with him/her in the field. All Officers and Dispatchers should know who the designated Grenadier for their shift would be. Additional Grenadiers may be deployed as necessary.

5. PRE and POST DEPLOYMENT – Grenadiers shall ensure that all SIMS brought into the field for use have current "expiration" dates and if deployment methodologies or guidelines are

listed on the munitions; that those guidelines display ONLY the current Department practice. Any munitions that are "expired"/out of warranty or those that display non-current deployment guidelines should be removed from service. If SIMS are deployed, an effort should be made to the extent it can be done safely, to recover any deployed canisters or containers post-deployment so that they may be tagged into evidence.

G. Lethal Force - Firearms

1. When the decision is made to use lethal force, Officers may continue its application until the subject surrenders or no longer poses an imminent danger. Even when lethal force is permissible, Officers should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use. For example, background or peripheral environments should be considered.
2. The following special provisions shall apply:
   a. **Warning shots are strictly prohibited**
   b. Discharging a Firearm and Moving Vehicles – An Officer will not discharge a firearm at or from a moving vehicle except in extreme circumstances when necessary to preserve human life to protect him/herself or another person(s) from what the Officer reasonably believes to be an imminent threat of death or serious bodily injury.
   c. Unholstering Firearms – Firearms should only be drawn when an Officer has reason to fear for his/her safety or the safety of others, and at no other time in any public place.
   d. Dangerous/Injured Animals – Firearms may be utilized to kill a dangerous animal or one so badly injured that humanity requires its removal from further suffering when no other disposition is reasonably practical.
   e. Alcohol or Drugs – Officers will not use any Department approved firearm while under the influence of alcohol or regulated drugs.

3. After Lethal Force has been deployed - If able, Officers shall immediately call for an ambulance and render appropriate first aid until the arrival of rescue personnel.

4. In the event an Officer(s) has employed lethal force, or takes an action that results in (or is alleged to have resulted in) serious injury or death, the following will occur:

   a. The OIC should take control of the incident scene.

   b. The incident location should be secured for purposes of investigation.

   c. The involved Officer(s) should be removed from the scene to Burlington Police Headquarters or a treatment facility if necessary. An Officer should be assigned to stay with the involved Officer(s). If available, a Peer Officer Support Team (POST) member should be assigned this task.

   d. The involved Officer(s) should walk through the scene to assist the Officer(s) with recollection of the event prior to the end of the Officer's shift when practical.

   e. The involved Officer(s) should, circumstances permitting, provide a Public Safety Statement prior to leaving the scene and as contemporaneous to the event as possible when practical. The Public Safety Statement will be obtained prior to the end of the involved Officer(s)' shift when practical. The Public Safety Statement will consist of the following:

1. Type of force used.
2. Direction and approximate number of shots fired by the involved officer(s) and suspect(s).
3. Location of injured persons.
4. Description of outstanding suspect(s) and his/her direction of travel, time elapsed since the suspect was last seen and any suspect weapon(s).
5. Description and location of any known victims or witnesses.
6. Description and location of any known evidence.
7. Other information as necessary to ensure officer and public safety and assist in the apprehension of outstanding suspects.

5. Appropriate personnel should be contacted, including but not limited to the Detective Services Bureau supervisor, Deputy Chiefs of Operations and Administration, Chief of Police and Peer Officer Support Team members or counselors as necessary.

6. An Administrative Investigation by the Department should be initiated immediately whenever agency members have employed lethal force. Special provisions are described below:

a. The Bureau of Internal Affairs will oversee the inquiry.

b. The involved weapon shall be taken from the Officer for the purpose of investigation; As soon as practical, pending authorization from the Chief of Police or his/her designee, the Officer shall be issued a replacement weapon.

c. An interview of the involved Officer(s) shall occur as soon as is practical considering the need to balance proper investigative follow up with the medical or psychological needs of the Officer(s).

d. The inquiry should generally be completed within five (5) days.

e. The Officer shall be placed on administrative leave or assigned to the Administrative Services Bureau pending completion of the inquiry.

f. Psychological follow-up for post-incident trauma will be directed by the Chief of Police. Responsibility for payment of such services shall be borne by the City. An Officer may with prior approval of the Chief of Police, seek psychological follow-up from a licensed professional of his/her choice. Initial psychological follow-up must be completed by an Officer before the Officer is reassigned to duty.

g. The Officer shall be kept informed of the progress of the inquiry and upon completion, notified in writing of the outcome.

h. The Chief of Police, or his/her designee, shall notify the State's Attorney and City legal counsel. The Chief may request an independent review or investigation by an outside agency.

i. Reports - Except for authorized range practice or the disposal of an animal or following incidents resulting in possible serious injury or death to a person, Officers will submit a written report of the circumstances surrounding all on-duty force used and firearm discharges prior to the end of their shift. In the event of an incident involving serious injury or death to a person, the Officer shall submit his/her report expeditiously, unless the Chief or his/her designee determines that mitigating circumstances exist which prohibits expeditious completion of the report. In such cases, the report shall be completed as soon as is practical once the mitigating

circumstance(s) has been resolved. A written report will be generated when an Officer uses force or when unintentional discharge of a department-approved weapon occurs while on or off duty. The report should include a description of the actions of the subject that necessitated a particular use of force, the reasons why force was required and a description of the type of force utilized by the Officer and any injuries to or complaint of injuries by the subject or the officer and a description of any medical treatment received.

H. Factors in Choosing the Level of Response to Resistance/Force Deployed

1. Circumstances that may be considered in the officer's assessment of physical threat include but are not limited to: the following:
    a. age
    b. size
    c. skill level
    d. number of suspects
    e. instrumentality
    f. proximity to weapons
    g. prior experience with the suspect(s)
    h. location of the encounter
    i. background or peripheral hazards
2. Absence of a Safe Alternative: Officers are not required to use or consider alternatives that increase danger to themselves or to others. Among the factors affecting the ability of Officers to safely seize a suspect, the following are relevant:
    a. Response to Commands – Verbal warnings prior to using force should be given when feasible, i.e., when to do so would not significantly increase the danger to Officers or others.
    b. Availability of Cover – Availability of cover provides a tactical advantage. An Officer in a position of cover may gain additional time to assess the need to use lethal force without incurring significant additional risks.
    c. Time Constraints – There are inherent disadvantages posed by the issue of action/reaction lag time. This, coupled with the uncertainty of any instrument to instantaneously stop a threat, creates additional time considerations during any use of force encounter.

III. POST-EVENT PROCEDURES & AGITATED CHAOTIC EVENTS

Whenever an Officer responds to resistance/uses force and a subject sustains an injury, becomes unconscious, displays a further altered mental status, or states that they are injured, officers should render aid commensurate with their training and experience and summon emergency medical assistance as quickly as possible under the circumstances. If the Officer recognizes indicators that the subject is suffering from an Agitated Chaotic Event (Excited Delirium) the Officer should have emergency medical assistance staged prior to physical or tooled intervention to control the subject. Indicators that a subject is suffering from an Agitated Chaotic Event include: intense paranoia, extreme agitation, severe emotional swings, disorientation about time, place, and purpose, hallucinations, incoherent speech or screaming, pressured speech, grunting guttural sounds or agonal breathing, violent behavior, bizarre behavior, "eight ball" eyes and breaking glass. In the case of the **Agitated Chaotic Event** the Officer(s) should attempt to control and restrain the subject as soon as possible and **shall** seek medical attention for the subject immediately. The Officer should document that he / she informed medical personnel that the officer believes the subject is suffering from an Agitated Chaotic Event (Excited Delirium) and the Officer should obtain and document any medical information related to: toxicology, stimulant, drug presence, core body temperature,

blood pressure, heart rate, pH level and potassium levels. In addition, Officers should, to the extent possible, obtain photographs or video of a subject suffering an Agitated Chaotic Event to **document any trauma or lack thereof.**

IV. REPORTING

A report/database entry is required whenever an Officer responds to resistance/uses force beyond that of persuasion; meets physical resistance during a detention or arrest or takes any action that may reasonably result in injury to another person. Incidents requiring the completion of a Response to Resistance Report include, but are not limited to: discharge of a firearm other than in training, use of a baton or specialty impact munitions, use of defensive agent, use of electronic control device, use of any improvised weapons or techniques, any strike with a blunt object, any punch, kick or other strike; dog bite(s), intentional ramming with a vehicle; or any type of force resulting in actual or alleged injury or death.

The response to resistance / use of force report should contain details of the subjects actions and the officers responses.

A report shall not be required for compliant handcuffing or compliant directions followed. Except for unusual circumstances outlined below, every response to resistance/use of force report is due by the completion of the shift during which the use occurs. In the event of a critical or unusually stressful incident, officers may be asked to complete a preliminary "public safety" draft of a report to document basic information that can further an investigation. In such instances, a full report may be completed during their next duty shift.

Officers should be mindful to describe in detail the subject's actions that led to the officer's response.

Officers should also take all reasonable steps to gather and preserve any electronic (e.g. audio or visual recordings) or physical evidence regarding Response to Resistance / Use of Force events. Events such as the brief detention or arrest and continued custody of a subject using only compliant handcuffing, may not require a Response to Resistance report, however, the incident does require a narrative report detailing the facts and circumstances of the use and type of authority by the Officer who applied it.

V. REVIEW

A. Analysis of response to Resistance / Use of Force – The Administrative Deputy Chief is responsible for conducting a monthly review of Response to Resistance reports. The purpose of these reviews is to ensure that present Departmental policy is being followed and to assess the need for policy or procedural modifications; and to identify trends that would indicate the need for further training.

B. The Administrative Deputy Chief is also responsible for the completion of an annual report on the use of force to be submitted to the Chief of Police.

C. Specific supervisors will be assigned by the Administrative Deputy Chief to perform initial response to resistance / use of force report review in order to ensure continuity of the review process. If this supervisor is directly involved in the use of force they will not review the officer's report and the review will be assigned to another supervisor in the pool of supervisors designated by the Administrative Deputy Chief. If the content of the report is inadequate the report will be returned to the Officer and the Officer will add more detail.

D. **If a response to resistance / use of force results in serious bodily injury or death to any person, OR results in a discharge of a firearm, OR a K9 is deployed resulting in a bite, OR a neck restraint is**

applied to the subject rendering the subject unconscious, OR the subject receives any other injury that requires medical attention or medical screening the involved officer will notify a supervisor to respond to the scene. The supervisor will complete an investigation including a brief narrative documenting the scene, witnesses present and their statements, photograph or video record the scene and the subject(s) documenting injuries or lack thereof. The supervisor should ask the subject if they are injured and if they require medical attention and document the subject's responses and to ensure medical attention when necessary. In the case of a use of force resulting in serious bodily injury or death to any person OR resulting in the discharge of a firearm, OR a K9 is deployed resulting in a bite, OR a neck restraint is applied rendering a subject unconscious the supervisor responding to the scene will notify the Operations Deputy Chief.

VI. CARRYING OF NON-ISSUED EQUIPMENT INTENDED FOR THE USE OF FORCE

Burlington Police Officers will not carry non-issued equipment intended for the use of force unless the Officer has been authorized in writing by the Chief of Police to do so and has been certified by an authority recognized by the Chief of Police. The Officer will maintain proficiency and certification by an authority recognized by the Chief of Police in the use of this equipment. It is not expected that "proficiency" or training will apply to any improvised tools or techniques used during exigent circumstances.

VII. FIREARMS

A. DUTY WEAPONS.

While on duty, all Officers of the Department will carry only those firearms and ammunition that are issued by the Department.

1. Duty weapons will be a .40 caliber Glock. All duty weapons will be "factory" approved.
2. Only Department approved ammunition may be used in any weapon carried on duty, and the ammunition must be factory fresh (new).
3. Any modifications or accessories to the Department weapon must have the prior written approval of the Firearms Committee, Department Armorer and the Chief of Police.
4. The Administrative Services Bureau will maintain all Department firearm records.
5. Prior to being authorized to carry a weapon on duty, Officers must qualify with the weapon under Department standards and as required by 20 V.S.A. 2355(a)(4), and Rule 31(b) of the Vermont Criminal Justice Training Council Rules & Regulations. Before being qualified to carry a weapon, the Officer must demonstrate knowledge of the weapon as to parts, fieldstripping, cleaning and safe handling techniques. They must also be able to demonstrate level 1 and 2 malfunction clearing.
6. All weapons should be inspected by the Department Armorer or Firearms Instructor prior to use on duty and will be kept serviceable by the carrying Officer as follows:
    a. The firearm will be cleaned after training use, before the next tour of duty.
    b. The firearm will be kept clean from dust, lint and other particles that tend to collect on the weapon through daily carrying.
    c. The firearm will be kept properly lubricated.
    d. When on duty the firearm will be fully loaded with a round in the chamber.

7. All duty leather will be of similar type and style as is currently issued by the Department. Uniformed Officers are required to carry a double magazine pouch with two extra magazines. Plain-clothes Officers are required to carry at least one extra magazine.

8. All Officers, while outside police headquarters during regular work hours, shall carry a firearm and be equipped to reload the weapon as designated above. The effected Officer's Deputy Chief may authorize exceptions to this requirement. Officers in plain clothes who are carrying a firearm that is visible should display a badge and/or identification simultaneously to the extent possible.

B. FIREARMS PROFICIENCY

1. As required by V.S.A. Title 20, Chapter 151, Subsection 2358, Rule 32, Officers will receive annual firearms training and demonstrate proficiency with any/all approved weapon(s) that he/she is authorized to use.

2. Training in use of force will only be conducted by instructors certified by the Vermont Criminal Justice Training Council. All instruction in use of force will be documented and reported to the Administrative Deputy Chief.

3. In the event an Officer fails to qualify with his/her on duty firearm, the Training Unit, in conjunction with the Department's Firearms Instructors will arrange a remedial training plan for the Officer to ensure that annual qualification is achieved. If the Officer fails to qualify before his/her regularly scheduled shift following the expiration of his/her qualification the Officer shall be assigned to administrative duty until he/she demonstrates proficiency.

4. Whenever remedial training is recommended, a firearm instructor will be present during the training. Remedial training should consist of review and practice in the basic firearm shooting components (handgun or shoulder arm) and range practice. The firearm instructor will complete and file an outline of the remedial plan, and the results of the training session.

C. SHOTGUNS

Shotguns are an integral part of the field Officer's equipment and may be deployed at the Officer's discretion utilizing the standards as set forth in this Directive.

1. The Officer in Charge shall:
   a. Ensure that shotguns are signed out and inspected
   b. Ensure that shotguns are returned empty with the safety on, action open and undamaged prior to placing in storage
   c. Notify Administrative Services Bureau of damage or malfunction
   d. Conduct periodic familiarization of the shotgun with Officers under their immediate command

2. If an Officer chooses to carry a shotgun while on patrol the Officer shall:
   a. Inspect and perform a safety and function check of the shotgun at the beginning of each shift, and sign the shotgun out on the equipment inventory sheet before each tour of duty
   b. Report any malfunction of a Department shotgun to the OIC

c. Secure the shotgun in a locked rack within the police vehicle

d. Secure the shotgun in the equipment requisition room of USB at the end of each tour of duty empty, with the action open and with the safety on. Notify OIC of the return of the weapon

3. Department Armorers shall:

a. Inspect and maintain all department weapons. They shall ensure that all department shotguns are fired no less than once annually.

b. All repairs shall be made by a Department Armorer and he/she shall maintain current record of all maintenance performed.

4. Cruiser Carry of Shotgun:

a. A loaded Department shotgun carried in a police vehicle shall contain five rounds of .00 buckshot in the magazine, action closed and the safety shall be in the "ON" position. A shotgun shall not be carried in a police vehicle with a round of ammunition in the chamber.

b. Shotgun slugs shall also be available for duty use.

c. Shotguns while being carried by an Officer in a non-tactical situation shall be carried with the muzzle pointing up and the height of the top of the muzzle should be above the head of the tallest person within the general area.

d. The loading and unloading of Department shotguns shall be done outside of Police Headquarters. Shotguns stored in reserve shall be maintained in the equipment room unloaded, action open and the safety shall be in the "ON" position.

D. PATROL RIFLES

1. The AR-15 patrol rifle, in configurations approved by the Firearms Committee, is the patrol rifle available for use in the field as an assigned rifle to an individual officer or assigned daily. Only Department approved ammunition shall be used as recommended by the Federal Bureau of Investigation.

2. Assigned rifles will be issued to a designated group of officers. Additional, shared rifles will be available to officers not issued a rifle. Shared rifles will be sighted by the department firearms instructors annually. Officers will sign out rifles at the beginning and return them at the end of each shift.

3. Issued rifles will be provided to individual officers for long term use and are not transferable unless authorized. Issued rifles may be subject to approved modifications only as specified below.

4. Officers carrying rifles are required to qualify annually as specified by the firearms committee.

5. The Officer in Charge shall:

a. Ensure that officers assigned or issued a patrol rifle have them during their shift are accounted for and inspected;

b. Notify the Administrative Services Bureau and Firearms Supervisor of damage or malfunction.

6. Officers assigned or issued a patrol rifle are required to have them in the field and available while on patrol. Officers may seek permission from the OIC, under special circumstances not to carry the rifle with them while on patrol. The request will be noted on the OIC daily log.
    a. Inspect and perform a safety and function check of the rifle in approved area at the beginning of each shift
    b. Report any malfunction of a department patrol rifle to the OIC
    c. Secure the rifle in a locked rack within the police vehicle or in a hard or soft sided case in the trunk of the vehicle. The vehicle must be locked at all times.
    d. Secure the rifle in its case in their department locker or in designated secure locations at the end of each tour of duty. All ammunition and magazines removed, chamber cleared and safety on.
    e. With prior written approval from a department firearms Supervisor or Deputy Chief an officer may train with his/her issued rifle at an official "rifle" range while off duty (i.e. one of the local fish and game clubs).

7. Cruiser-carrying of the patrol rifle:
    a. A loaded department rifle carried in a police vehicle shall contain a magazine-loaded 2 rounds below the manufacturer's stated capacity (e.g. 28 rounds in a 30 round magazine). The bolt will be forward, the chamber empty and the dust cover closed. The safety selector will be set in the ON position. A rifle shall not routinely be carried in a police vehicle with a chambered round. Officers shall charge the weapon when they deploy it from the vehicle for possible use. Following deployment, as soon as it is prudent, they will download any chambered rounds before returning the weapon to the rack and/or case in the vehicle. When clearing the rifle of a chambered round the rifle will be pointed in a direction that ensures minimal risk of damage or injury in the event of an accidental firing.
    b. Rifles will be transported by Officers in non-tactical situations with the muzzle up or slung with the muzzle down.

8. Department Armorers shall inspect and maintain all department weapons annually. They shall ensure all department patrol rifles are fired no less than once annually;
9. All repairs shall be made by a Department Armorer or other qualified sources, approved by a Department Armorer. A record shall be maintained of all maintenance performed.

10. Officers issued a patrol rifle, at their own expense, will be permitted to purchase and use approved non-magnified sights, (i.e. EOTech or Aimpoint). Officers can also add a stand alone magnifier as long as the magnifier can be immediately disengaged from the sight system so that the sight can be used without magnification (An example of this type of magnifier is the EOTech 3x spring loaded magnifier). The officer shall complete all annual training with the sight in place prior to using it while on patrol. At no time will the department be responsible for lost or damage to sights or magnifiers that are personally owned.

11. Officers issued a patrol rifle at their own expense, will be allowed to add an approved fore end pistol grip. The officer shall complete all annual training with the grip in place prior to using it while on patrol. At no time will the department be responsible for lost or damaged grips that are personally owned.

E. FIREARMS SAFETY

1. The Department does not require or encourage the carrying of a firearm while off-duty. If an Officer chooses to carry a firearm other than the Department issued firearm off-duty, he/she is encouraged to demonstrate and document proficiency with the firearm. The latter should not be construed in any way as an endorsement of off-duty carry.

2. Except for general maintenance, storage or authorized training, Officers will not draw or exhibit any firearm in public unless circumstances create a reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.

3. Officers will not point or direct their firearm at a person unless circumstances create reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.

4. An unintentional discharge barrel will be for loading and unloading of weapons. The muzzle of the weapon will be pointed into the unintentional discharge barrel when chambering or ejecting a live round.

5. The Department encourages storing the Department approved weapon securely at Headquarters when off duty. Wherever an Officer chooses to store her/his weapon it must be secured in such a way as to reasonably insure that no unauthorized person will have access to or gain control of the weapon. The Department encourages Officers to store their weapon unloaded.

6. Officers will exercise all customary safety precautions and obey all appropriate rules or directives while practicing on the range.

7. Officers shall keep their firearms in clean, in working condition with special care taken to clean and lubricate the weapon after firing.

8. No alterations in the mechanical action or functions of any weapon carried on duty shall be made unless by the Department Armorer for that weapon.

Reviewed and adopted by the Burlington Police Commission on February 26, 2013.

Michael E. Schirling, Chief of Police

26 FEBRUARY 2013
Effective Date