

FORT FAIRFIELD POLICE DEPARTMENT

Standard Operating Procedure

320 – SITUATIONAL USE OF FORCE

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Legacy SOPs Replaced	SOP 13A – Situational Use of Force SOP 13B – Use of Taser
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Authority	Chief of Police
Version	1.0

I. PURPOSE

To establish clear procedures governing the lawful use of force and to provide guidance regarding reporting, accountability, and review requirements. This policy ensures that when it is necessary for officers to use force it is consistent with constitutional protections, Maine statutory authority, and accepted professional law enforcement practices, while preserving human life, protecting the public, and safeguarding officer safety.

II. POLICY

The agency respects the value and integrity of all human life. Officers shall attempt to achieve voluntary compliance through advice, warnings, persuasion, and de-escalation whenever feasible.

When resistance or a threat to safety is encountered, officers have a duty to act within the scope of their lawful authority and may use only that force which the officer reasonably and actually believes is necessary to bring the situation under control.

Force shall not be excessive, and officers should employ the least intrusive option reasonably likely to be effective under the circumstances. This policy shall be applied in conjunction with applicable statutory authority and related agency policies governing specific force tools and techniques.

III. DEFINITIONS

Actual Belief – A subjective state of mind in which the officer holds a genuine or honest conviction regarding the necessity of a particular action based on the circumstances known at the time.

Bodily Injury – Physical pain, physical illness, or any impairment of physical condition. (Ref. Title 17-A M.R.S. §2(5))

Canine (K-9) – A department-authorized dog that is trained and certified for law enforcement purposes, including handler protection and suspect apprehension. Deployment of a canine is considered a use of non-deadly force unless the manner of deployment creates a substantial risk of death or serious bodily injury.

Chemical Agents / OC – Oleoresin Capsicum or similar chemical agent designed to temporarily incapacitate a subject through irritation of the eyes, skin, and respiratory system. Use of chemical agents is considered non-deadly force.

Chokehold – Any physical restraint or technique that restricts or is intended to restrict an individual's airway, breathing, or blood flow to the brain. Chokeholds are prohibited unless the use of deadly force is justified.

Command Presence – The projection of authority through verbal and non-verbal communication intended to gain voluntary compliance without the need for physical force.

Compliance Techniques – Physical control methods, including joint manipulation, pressure points, and takedowns, used to gain control of a subject who is resisting or failing to comply.

Deadly Force – Force that is intended to cause, or that a reasonable person would know is likely to cause, death or serious bodily injury. (Ref. Title 17-A M.R.S. §§2(8), 107, 108)

De-escalation – Actions taken by an officer to stabilize a situation and reduce the immediacy of a threat so that more time, options, and resources become available to resolve the situation with reduced or no force.

Electronic Weapon – A department-issued device designed to deliver an electrical current to temporarily incapacitate a subject. Use is considered non-deadly force when applied in accordance with training.

Excessive Force – Force that exceeds the level reasonably necessary based on the totality of the circumstances.

Firearm – A weapon designed to expel a projectile by the action of an explosive. (Ref. Title 17-A M.R.S. §2(12-A))

Imminent – Ready to take place; impending or about to occur.

Impact Weapon – A device such as a baton used for striking or defensive control purposes.

Individual Actions – A classification system describing subject behavior, including cooperative, passive resistance, active resistance, active aggression, assaultive (high risk), and life-threatening behavior.

Less-Lethal Force – Force not intended to cause death or serious bodily injury, though such outcomes may occur depending on use.

Less-Than-Lethal Munitions – Department-approved projectiles designed to incapacitate with reduced likelihood of causing death or serious bodily injury.

Non-Deadly Force – Force not intended to cause death or serious bodily injury and not reasonably expected to do so.

Officer Presence – The identification of an officer's authority through appearance, demeanor, and professional conduct intended to promote voluntary compliance.

Officer Response Options – The range of force and control techniques available to officers based upon the totality of the circumstances and subject behavior.

Physical Force – Any bodily impact, restraint, or confinement, or the threat thereof, against another person.

Reasonable Belief – A belief that an objectively reasonable officer would hold under similar circumstances.

Serious Bodily Injury – Bodily injury creating substantial risk of death or serious, permanent disfigurement or impairment. (Ref. Title 17-A M.R.S. §2(23))

Situational Use-of-Force Options – A dynamic process by which officers assess circumstances and select appropriate response options.

Weapon of Availability – Any non-issued object used defensively in exigent circumstances when no reasonable alternative exists.

IV. LEGAL AUTHORITY

A. General Authority

Officers shall use force only in accordance with the United States Constitution, the Constitution of the State of Maine, and applicable statutory authority, including but not limited to Title 17-A M.R.S. §§15, 106, 107, 108, and 110.

All use of force incidents shall be evaluated under an objective reasonableness standard based on the totality of the circumstances known at the time, without the benefit of hindsight. Officers shall consider the severity of the offense, the immediacy of the threat, and the level of resistance when determining the necessity and level of force.

B. Non-Deadly Force

Officers may use a reasonable degree of non-deadly force when the officer reasonably believes such force is necessary to effect a lawful arrest, prevent escape, defend the officer or another from the imminent use of non-deadly force, or prevent self-harm.

In determining the appropriate level of force, officers shall consider the subject's behavior, level of resistance, physical characteristics, the number of officers present, and any factors that increase the risk of injury.

Officers shall recognize that if they know or should reasonably know an arrest or detention is unlawful, no force is justified.

C. Deadly Force

Officers may use deadly force only when the officer reasonably believes it is necessary to defend the officer or another from the imminent use of deadly force, or to prevent the escape of a person who has committed or attempted a violent felony and poses a continuing threat to human life.

When feasible, officers should provide a warning and consider all reasonable, available alternatives. Deadly force shall be used only when lesser force options are ineffective or clearly inappropriate.

Just because a subject is fleeing does not justify the use of deadly force.

Officers shall consider the risk to uninvolved people before discharging a firearm.

Chokeholds and similar restraints are prohibited unless deadly force is justified.

D. Medical Aid and Monitoring

Officers shall provide or request medical assistance without delay whenever force results in injury, when a subject requests care, or when a subject displays signs of medical distress.

Officers shall remain alert to indicators requiring immediate attention, including signs of excited delirium, overdose, positional asphyxia, or other medical compromise.

Officers shall continuously monitor subjects following the use of force and ensure individuals in custody are positioned to allow normal breathing. All care provided or offered, including refusals, shall be documented.

V. OPERATIONS

A. General Use of Force Principles

Officers shall continuously assess and reassess evolving situations and adjust their level of force accordingly. The force applied shall be proportional to the subject's resistance and the threat presented.

Officers shall use only the level of force that is objectively reasonable, reasonably necessary, and likely to be effective under the circumstances.

Officers shall consider de-escalation techniques whenever feasible, including communication, time, distance, cover, and the use of additional resources. Officers shall recognize that rapidly evolving situations may limit these options.

B. Firearms

Officers shall carry only agency-authorized firearms and ammunition and ensure all weapons are properly maintained and inspected.

Officers shall not discharge firearms as warning shots or for coercion.

Officers shall not discharge firearms at or from a moving vehicle unless deadly force is otherwise justified. Officers shall avoid intentionally placing themselves in the anticipated path of an occupied vehicle. Whenever reasonably feasible, officers shall maintain distance or reposition to a place of safety rather than attempt to stop or block a moving vehicle with their body. Officers shall employ sound tactical positioning to reduce the likelihood of unnecessarily creating circumstances in which the use of deadly force may become the only apparent means of self-defense.

Officers shall consider backdrops, bystanders, and the risk of unintended injury before discharging a firearm. Use of a firearm as an impact weapon is prohibited unless no reasonable alternative exists to prevent imminent injury.

Any discharge, other than training or authorized animal dispatch, shall be immediately reported and fully documented.

C. Less-Lethal Force Tools

Officers may use department-issued less-lethal force tools (as detailed in subparagraphs 1 through 4 below) when non-deadly force is justified, and such force is objectively reasonable under the totality of the circumstances.

Only officers trained and authorized in the deployment of specific tools or systems may utilize those tools.

Officers shall consider the seriousness of the offense, subject behavior, threat level, risk to officers or the public, environmental conditions, number of officers present and the availability of reasonable alternatives when deploying less-lethal force tools.

1. Chemical Agents

Only officers trained and certified in the use of chemical agents may deploy them and only department issued chemical agents may be used. Officers deploying chemical agents shall provide objectively reasonable decontamination as soon as it is safe and practical and monitor subjects for adverse reactions. Chemical agents shall not be used for coercion or punishment and shall not be used on restrained individuals unless objectively necessary to prevent injury. All deployments shall be fully documented.

2. Impact Weapons

Only trained and certified officers shall deploy impact weapons and only department issued impact weapons may be used. Officers shall strictly follow trained target areas and avoid strikes to the head, neck, or spine unless deadly force is justified. Officers shall clearly articulate justification for all strikes.

Following deployment, officers shall secure, monitor, and ensure medical evaluation of the subject. All deployments shall be fully documented.

3. Less-Lethal Munitions

Only trained and certified officers shall deploy such munitions and only department issued munitions may be used. Officers shall use less-lethal munitions only in accordance with training and shall consider the seriousness of the offense, subject behavior, and risk to officers and the public when deploying less-lethal munitions.

Deployment should be coordinated, announced, and when feasible, directed by a supervisor.

Following deployment, officers shall secure, monitor, and ensure medical evaluation of the subject. All deployments shall be fully documented.

4. Electronic Control Devices (ECDs)

Only trained and certified officers shall deploy electronic control devices (ECDs) and only department issued ECDs may be used. Officers shall use electronic weapons only in accordance with training and when justified by subject behavior and threat level. When practical and other officers are participating an announcement should be made.

Officers shall use the minimum number of cycles necessary and avoid repeated or prolonged activations unless required to prevent injury.

Officers shall avoid prohibited uses, including deployment on individuals in elevated positions, near flammable materials, or where a fall or secondary injury is likely, unless deadly force is justified.

Following deployment, officers shall secure, monitor, and ensure medical evaluation of the subject. All deployments shall be fully documented.

D. Duty to Intervene and Report

Officers who observe another officer using force that is objectively unreasonable or unnecessary shall intervene when safe and feasible.

Officers shall promptly report the incident to a supervisor and provide a complete and accurate written account.

E. Reporting Use of Force

Officers shall document all use of force incidents in accordance with agency procedures.

Reports shall include the reasons for the initial contact, subject behavior and resistance level, officer perception of the threat, force used, de-escalation efforts employed, injuries observed or reported, medical care provided or offered, and all involved parties.

Supervisors shall review all reports for completeness, accuracy, and policy compliance and shall take corrective action or refer for further investigation when deemed necessary.

F. Deadly Force Incidents

Any use of deadly force by an officer, regardless of outcome, shall immediately be reported through the chain of command and in accordance with Maine Attorney General protocols, agency policy, and applicable law.

The scene shall be secured and preserved pending arrival of authorized investigative personnel. Officers shall protect evidence, identify witnesses, preserve recordings, and maintain scene integrity consistent with investigative and public safety needs.

The agency shall cooperate with the Maine Office of the Attorney General and other investigative agencies designated and authorized to assist with the investigation.

Public statements regarding deadly force incidents shall only be made by the Chief Law Enforcement Officer. Unauthorized disclosure of investigative information is prohibited.

Nothing in this section prohibits the release of information required by law or authorized by the Chief Law Enforcement Officer in coordination with the Office of the Attorney General.

G. Administrative Review and Annual Analysis

The Chief Law Enforcement Officer or designee shall conduct administrative review of reportable use-of-force incidents to identify policy compliance issues, training needs, equipment considerations, supervisory concerns, or potential corrective action.

The agency shall conduct and document an annual analysis of use-of-force incidents to identify trends, patterns, training considerations, equipment issues, and potential policy revisions.

APPENDIX A

BOT & MLEAP STANDARDS CROSSWALK

Use of Force Policy

Authority

25 M.R.S. § 2803-B – Law Enforcement Policies

BOT 1A-1 – Use of Physical Force Policy

Addressed in: Sections I, II

Definitions

Authority

BOT 1A-1 – Required Definitions

17-A M.R.S. § 2

Addressed in: Section III

Legal Authority for the Use of Force

Authority

17-A M.R.S. §§ 15, 106, 107, 108, and 110

BOT 1A-2 – Legal Authority and Authorized Use of Force

MLEAP 6.02 – Use of Force

Addressed in: Section IV

General Use of Force Principles and De-escalation

Authority

BOT 1A-2 – Authorized Use of Force

BOT 1A-3 – De-escalation

MLEAP 6.02 – Use of Force

Addressed in: Sections II, V.A

Firearms

Authority

BOT 1A-2 – Authorized Use of Force

MLEAP 6.02 – Use of Force

Addressed in: Section V.B

Less-Lethal Force Options

Authority

BOT 1A-2 – Authorized Use of Force

BOT 1A-3 – De-escalation and Force Alternatives

MLEAP 6.02 – Use of Force

Addressed in: Section V.C; Appendices E and F

Medical Aid and Monitoring

Authority

BOT 1A-4 – Medical Assistance Following Use of Force

MLEAP 6.07 – Medical Aid Following Use of Force

Addressed in: Section IV.D; Appendix G

Duty to Intervene and Report

Authority

BOT 1A-5 – Duty to Intervene and Report

MLEAP 6.03 – Duty to Intervene

Addressed in: Section V.D

Use of Force Reporting

Authority

BOT 1A-6 – Reporting and Documentation

MLEAP 6.08 – Use of Force Reporting

Addressed in: Section V.E; Appendix D

Deadly Force Incidents

Authority

BOT 1A-7 – Deadly Force Investigations

Maine Attorney General Deadly Force Investigation Protocol

MLEAP 6.09 – Deadly Force Investigation

Addressed in: Section V.F; Appendix C

Administrative Review and Annual Analysis

Authority

BOT 1A-8 – Administrative Review

MLEAP 6.10 – Administrative Review and Annual Analysis

Addressed in: Section V.G

Training

Authority

BOT 1A-9 – Training

MLEAP 2.05 – Use of Force Training

Addressed in: Integrated throughout the policy and appendices.

APPENDIX B

SITUATIONAL USE-OF-FORCE RESPONSE OPTIONS

Situational use-of-force decisions are dynamic and continuously evolving. An officer's response shall be based upon the totality of the circumstances known at the time, including the severity of the offense, level of resistance, immediacy of threat, environmental conditions, officer safety concerns, number of officers present, and the availability of reasonable alternatives. In all instances, the level of force used shall be only that level of force reasonably necessary to complete the lawful task at hand.

Individual Actions	Potential Officer Response Options
Cooperative	Officer Presence, Command Presence, Verbal Direction
Resistive (Passive)	Command Presence, Verbal Direction, Compliance Techniques
Resistive (Active)	Compliance Techniques, Less-Lethal Force
Active Aggression	Compliance Techniques, Less-Lethal Force
Assaultive / High Risk	Compliance Techniques, Less-Lethal Force, Deadly Force <u>if justified and reasonable</u>

Life-Threatening	Less-Lethal Force, Deadly Force <u>if justified and reasonable</u>
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Officers are not required to progress sequentially through response options when the totality of circumstances reasonably justifies a higher level of force. They are also not required to use a level of force that is objectively insufficient to reasonably meet the threat encountered in a specific situation.

APPENDIX C

DEADLY FORCE INCIDENT PROCEDURES

Any use of deadly force by an officer, regardless of outcome, shall immediately be reported through the chain of command and handled in accordance with Maine Attorney General protocols, Maine law, agency policy, and applicable investigative requirements.

Immediate Responsibilities

The officer(s) involved shall:

- Ensure scene safety;
- Address ongoing threats;
- Request medical assistance;
- Notify communications and supervisory personnel;
- Preserve evidence when feasible; and
- Identify witnesses and involved people.

Scene Preservation

Supervisors and responding personnel shall:

- Secure and preserve the scene;

- Restrict unauthorized access;
- Protect physical evidence;
- Preserve audio/video recordings;
- Maintain investigative integrity; and
- Coordinate with authorized investigative agencies.

Notifications

The Chief Law Enforcement Officer or designee shall ensure notification of:

- The Maine Attorney General's Office;
- The Office of the Chief Medical Examiner when appropriate; and
- Other agencies required by law or protocol.

Officer Separation and Integrity Considerations

When practical, involved officers should remain separated pending supervisory direction and investigative coordination. Officers shall not discuss the incident except as necessary for public safety, scene stabilization, or lawful investigative purposes.

Public Information

Public statements regarding deadly force incidents shall be coordinated through the Chief Law Enforcement Officer or designee. Unauthorized disclosure of investigative information is prohibited.

APPENDIX D

USE OF FORCE REPORTING REQUIREMENTS

Officers shall complete a use-of-force report whenever force beyond routine escort or handcuffing techniques is used or whenever required by agency policy.

Use-of-force reports should include:

- The reason for the initial contact;
- Subject's behavior and resistance level;
- Threat assessment;
- De-escalation efforts when feasible;
- Force used;
- Injuries observed or reported;
- Medical care provided or offered;
- Witness information;
- Evidence collected; and
- Supervisory notifications.

Whenever practical, photographs shall be taken of:

- Injuries;
- Alleged injuries;
- Damaged property;
- Relevant evidence; and
- Significant scene conditions.

Supervisors shall review reports for completeness, policy compliance, training concerns, and investigative follow-up requirements.

APPENDIX E

ELECTRONIC WEAPON POST-DEPLOYMENT GUIDELINES

Following deployment of an electronic weapon, officers shall:

- Secure and monitor the subject;
- Request EMS evaluation when required;
- Photograph probe impact sites when feasible;
- Document the number and duration of activations;
- Preserve cartridges and probes as evidence when appropriate; and
- Document all related observations and actions.

Officers shall request EMS evaluation whenever a subject:

- Requests medical attention;
 - Displays signs of medical distress;
 - Appears unable to properly recover;
 - Has been exposed to multiple cycles;
 - Has sustained secondary injuries;
 - Was struck in a sensitive area; or
 - Displays signs consistent with excited delirium, overdose, or positional asphyxia.
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APPENDIX F

LESS-LETHAL MUNITIONS GUIDELINES

Less-lethal munitions may be used when objectively reasonable and consistent with agency policy, training, and the situational use-of-force model.

Factors officers should consider include:

- Seriousness of the offense;
- Threat posed by the subject;
- Availability of other force options;
- Risk to officers or the public;
- Environmental conditions;
- Potential collateral injury; and
- Ability to safely deploy the munition system.

Only trained and authorized personnel shall deploy less-lethal munitions.

Subjects struck by less-lethal munitions should be medically evaluated and all deployments shall be documented in accordance with agency reporting procedures.

APPENDIX G

MEDICAL AID AND MONITORING CONSIDERATIONS

Following any use of force, officers shall continuously monitor individuals in custody for signs of injury or medical distress.

Officers shall request EMS whenever an individual:

- Requests medical care;
- Displays signs of injury;
- Appears under the influence of drugs or alcohol;
- Exhibits signs of excited delirium, overdose, or positional asphyxia;
- Appears unable to properly recover following force; or
- Displays signs of serious bodily injury.

Officers shall document:

- Medical aid requested or provided;
- Refusals of treatment;
- EMS involvement;
- Observable injuries; and
- Relevant subject statements.