

DURHAM POLICE DEPARTMENT

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POLICY #: 11.2.1

SUBJECT: Organization, Command Protocol

NOTE: This written directive is for the internal governance of the Durham Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

Command Protocol

- When the Chief of Police is scheduled to be unavailable for duty, the Deputy Chief will be appointed as Acting Chief. This designation will be distributed to all personnel in written or computer generated format. The Acting Chief will have authority identical to that of the Chief for the duration of the absence. If the Deputy Chief is also scheduled to be absent, the Captain shall be appointed Acting Chief; in the Captains absence the senior Sergeant, etc.
- If the Chief of Police has been so grievously injured or has been declared by medical authority as incompetent that he is unable to command, then the Town Administrator shall appoint an Acting Chief until such time that the Chief of Police is able to resume command.
- It is the specific intent of this policy that there will always be a clearly defined officer, either the Chief or an appointed Acting Chief, who has overall command of the Department with full authority to act as required.
 - ❖ When activities within the department include elements of both divisions, the command responsibility shall be that of the Deputy Chief, unless otherwise delegated to the Captain.
 - ❖ When outside agencies or units are called for expert or technical assistance, the commanding officer of the outside agency shall have command of their unit. However, overall command of the operation shall remain within the Durham Police Department; the outside agencies commander shall act as an advisor to the Commanding Durham officer. For example, if a SWAT Team were called to Durham, the over-all responsibility for the use of the SWAT Team would be that of the on-scene Durham Commander.
- Each Division is commanded by the Deputy Chief or Captain. However, the Captain shall be subordinate to the Deputy Chief. When the Deputy Chief is scheduled to be unavailable for duty the Captain will act for the absent Deputy Chief.

- Each employee is accountable to only one supervisor at any given time.
- Under circumstances when more than one Sergeant is present for shift, Officer's answer to the Sergeant assigned as Shift Supervisor.
- In the absence of a Sergeant or Command Staff, the senior Patrol Officer present has supervisory responsibility.
- All employees are required to follow the lawful orders of a superior, including those orders that have been relayed from a superior by an employee of the same, lesser, or equivalent civilian rank. If no superior officer is present, those orders of the most senior officer present shall be obeyed.
 - ◆ Under emergency conditions, when orders are in conflict, the subordinate must follow the orders issued by the most superior officer. However, if the emergency permits, the subordinate shall advise the superior officer that the order is in conflict with orders previously given.
 - ◆ No member shall knowingly issue an order in violation of any law or departmental regulation. Unlawful orders shall not be obeyed. The officer to whom the order was given shall notify the ordering officer of the illegality of the order. Responsibility for refusal to obey rests with the officer to whom the order was given. The refusing officer shall be strictly required to justify their action.
- No officer that refuses to follow an unlawful order shall be subject to discipline. Officers shall be required to report an unlawful order to the next superior officer in the chain of command (i.e., if an unlawful order is issued by a sergeant, a captain shall be notified).

Span of Control

- To promote adequate supervision, guidance, and coordination for employees under normal day-to-day operation of the Durham Police Department, no Sergeant shall supervise more than ten patrol officers. Should the number of Patrol Officers assigned to a shift, detail, or planned emergency exceed ten, a second Sergeant shall be assigned and the supervisory responsibility will be shared with the number of patrol officers divided equally. If the number of Sergeants needed to supervise a shift, detail, or planned emergency exceeds two, the Deputy Chief or Captain shall be assigned to oversee the operation.
- When activities within the department include elements of both divisions, the command responsibility shall be that of the Deputy Chief, unless otherwise delegated to the Captain.

- During normal day-to-day operation of the department, command will follow the chain of command established below.

Chain of Command

- Department personnel will observe the chain of command detailed in the organizational chart to communicate within the department and as a basis for unity of command. The chain of command will only be usurped in the most extreme circumstances or when authorized by an immediate supervisor.

Authority and Responsibility

- Personnel shall be granted authority commensurate to their responsibility.
- Each employee is accountable for the use of delegated authority.

Supervisory Accountability

- Supervisory personnel are accountable for the performance of employees under their immediate control.

Communication, Cooperation, and Coordination

- The Durham Police Department encourages the active communication, cooperation, and coordination of activities of the Operations and Administration Divisions. To facilitate this, the Chief of Police shall schedule staff meetings with the Deputy Chief, Captain and Sergeants on an as needed basis. Each staff meeting will be followed up by a department meeting if needed.
- Officers are encouraged to use bulletin boards and e-mail to ensure the effective communication of information between officer's and divisions.
- As needed, a detective will attend briefings to update patrol officers of ongoing investigations and other division activities.