

Revised 5-31-06, 3-19-14, 6-8-20

DURHAM POLICE DEPARTMENT

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POLICY #: 1.3.2

SUBJECT: Use of Deadly Force

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.

PURPOSE

The purpose of this policy is to establish the guidelines for officers to use when determining when or when not to use deadly force.

POLICY

It is the policy of the Durham Police Department to arm its officers with those tools necessary to defend themselves or third persons(s) from the use of force. Durham Police Officers shall only use that force which is both reasonable and necessary to accomplish lawful objectives.

GENERAL PROVISIONS

- An officer has a duty to intervene to prevent or stop the use of excessive force by another officer.
- All uses of force shall be documented and investigated pursuant to this agency's policies.
- An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate to reduce the need for force.
- Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

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USE OF DEADLY FORCE

- A Durham Police Officer may use deadly force only when he/she reasonably believes that the act is for the purpose of defending him/herself or a third person from the **imminent** use of deadly force.
- Firearms are issued to Durham Police Officers for self-defense and protection of the public, recognizing that in the performance of their duties they may have to deal with dangerous persons who place them in life threatening situations.
- Deadly weapons shall not be used if other, less drastic means of apprehension are possible. Where firearms are used, officers shall exercise reasonable caution to avoid injury to innocent persons they are not seeking to apprehend.
- Durham Police Officers are prohibited from using chokeholds (or strangleholds) of any type unless the act is for the purpose of defending him/herself or a third person from the imminent use of deadly force.
- If less drastic means of apprehension are not possible, officers shall fire their weapons to STOP an assailant from completing a potentially deadly act.
- For maximum stopping effectiveness, the officer should shoot at center body mass, or if it is believed that the assailant may be wearing a ballistic vest or may not be stopped by shooting only at center mass for some other articulable reason, a “double tap” to center body mass and a shot to the center of the head area may be appropriate. Additional shots may be fired at the discretion of the officer if such additional rounds are reasonable and necessary to stop the confrontation.
- Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force. This shall not prevent an officer from using reasonable force if such notification is not feasible or safe.