

Revised 5-31-06, 2-8-12, 9-26-12, 3-19-14, 11-16-15, 6-8-20

DURHAM POLICE DEPARTMENT

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POLICY #: 1.3.3

SUBJECT: Use of Deadly Force Limitations

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.

DEADLY FORCE LIMITATIONS

- Officers are **NOT** authorized to use firearms in the following circumstances:

Revised 5-31-06, 2-8-12, 9-26-12, 3-19-14, 11-16-15, 6-8-20

1. To fire a warning shot,
 2. To fire from or at a moving vehicle, unless the vehicle itself is being used by the driver as a weapon to attack the officer or another person, and only if no other reasonable course of action is available to the officer to preserve life or prevent serious bodily injury,
 3. When a reasonable person would feel that the risk of harm to innocent persons outweighs the benefits of firing,
 4. Unintentional discharges are prohibited under all circumstances, whether on duty or off duty.
 5. Keeping in mind the fluid and tumultuous nature of calls involving persons threatening self-harm, deadly force should not be used against persons whose actions are solely a threat to themselves or property. Officers should still ensure the safety of the public, themselves, and other officers by ensuring deadly force options are available in case the person's actions turn threatening to officers or others. Officers may use the less lethal shotgun to prevent self-destructive acts of violence, such as any violent or potentially violent act by a suspect that is attempting or threatening to commit suicide by any means or cause serious bodily injury to themselves by any means.
- No distinction shall be made relative to the age, sex, race, or walk of life when defending against deadly force. Self-defense and **imminent** threat to life shall be the only policy guideline used for employing deadly force.
 - Durham Police Officers are prohibited from using chokeholds (or strangleholds) of any type.
 - Except for general maintenance, storage, and training, members shall not draw or exhibit their firearms unless circumstances create reasonable cause to believe that it may be necessary to lawfully use the weapon in conformity with other sections of this manual.

WEAPON RETENTION, CUSTODY, & SAFETY

- Handguns shall be holstered by a searching officer prior to physical contact with a prisoner to conduct any type of search.
- **An officer shall remove and secure their firearm in a gun locker prior to processing any prisoner or fingerprinting a suspect.**
- Members shall not participate in unauthorized exercises in weapon retention or survival situations. Only blue training guns or taped blue handled handguns that have been rendered incapable of firing by the department Armorer and checked personally by both the instructor and the student (or similar "dummy" weapons), shall be used in weapon retention exercises.

Revised 5-31-06, 2-8-12, 9-26-12, 3-19-14, 11-16-15, 6-8-20

- Unless specifically authorized as part of a valid police purpose, the following shall be prohibited:
 1. The consumption of any alcoholic beverage while carrying a firearm,
 2. The carrying of a firearm within six hours after having consumed any alcoholic beverage,
 3. The carrying of a firearm at any time while under the influence of an alcoholic beverage.

- Officers shall keep their finger out of the trigger guard until the weapon is pointed at an intended target.

- Officers shall be responsible for the safe storage and handling of firearms in their custody. They shall not lend their department issued weapon to any other person, nor surrender it to anyone except a superior or other person in lawful authority.

- At home, members shall keep their departmental issued firearms locked in a safe place when not under the direct control of the officer. All reasonable precautions should be taken to keep weapons away from children, mentally challenged or mentally disturbed family members, or visitors to the home.

- When using a public restroom, weapons shall not be removed or placed where they can be stolen, but shall be kept with the officer at all times.

WEAPON MODIFICATION

- No weapons system shall be modified in any way without approval from an appropriately qualified weapons instructor and the Captain.

- The Durham Police Department Weapons Modification Form shall be completed and submitted to the appropriate instructor.

- All modifications shall be completed by a certified armorer for that weapons system.