

**DURHAM POLICE DEPARTMENT**

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**POLICY #: 1.3.2.1**

**SUBJECT: Use of Force Definitions**

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 identify specific terms and phrases associated with the Durham Police Departments Use of Force policies.

**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.

**DEFINITIONS**

1. **“Deadly Force”** means any assault or confinement which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a firearm capable of causing

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serious bodily injury or death, in the direction of another person, or at a vehicle in which another is believed to be, constitutes deadly force. (NH RSA 627:9)

2. “**Less-lethal force**” means any use of force that when used is less likely to cause serious bodily injury or death.
3. “**Deadly Weapon**” means any firearm, knife, or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury. (NH RSA 625:11)
4. “**Serious Bodily Injury**” means any harm to the body which causes severe, permanent, or protracted loss of or impairment to the health of or to the function of any part of the body. (NH RSA 625:11)
5. “**A reasonable belief that another has committed an offense**” means such belief in facts or circumstances which, if true, would in law constitute an offense by such person. If the facts and circumstances reasonably believed would not constitute an offense, an erroneous though reasonable belief that the law is otherwise does not make justifiable the use of force to make an arrest or prevent an escape. (NH RSA 627:5)
6. “**Reasonably necessary**” means an action is reasonably necessary when, based on facts and circumstances known to the officer at the time, a reasonable officer, without regard to underlying intent or motive, would conclude that the action was appropriate.
7. “**Immediate**” as defined by the Meriam Webster's Collegiate Dictionary: 4) occurring, acting, or accomplished without loss or interval of time, (1): near to or related to the present.
8. “**Imminent**” as defined by the Meriam Webster's Collegiate Dictionary: to project, threaten, or is ready to take place.
9. “**Injury**” as defined by the Meriam Webster's Collegiate Dictionary: an act that damages or hurts.
10. “**Physical Force**” is any use of force by a Durham Police Officer with or without a weapon, whether intentional or not, that may cause, or has caused, or is alleged to have caused, or is suspected to have caused injury to another person.
11. “**Objectively Reasonable**” means the determination that the necessity for using force and the level of force used is based upon the officer’s evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

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12. **“De-Escalation”** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
13. **“Exigent Circumstances”** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
14. **“Choke Hold or Stranglehold”** means a physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation.
15. **“Warning Shot”** means to discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.