

DURHAM POLICE DEPARTMENT

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Durham, New Hampshire 03824
(603)868-2324**

POLICY #: 1.3.6.1

SUBJECT: Use of Force, Officer Involved Shooting

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 provide guidance to the Durham Police Department when an officer has shot a suspect(s) in the performance of their duty.

POLICY

It is the policy of the Durham Police Department to provide guidance to any officer involved in a shooting while in the performance of their duties; the responding supervisor(s); and the administrative staff.

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.

PROCEDURE

When a Durham Police Officer is involved in a shooting incident, the following procedure shall be followed in as much as circumstances allow:

Involved Officer(s) Responsibility

1. The involved officer(s) shall notify the dispatch center immediately.
 - a. If no other communication is possible, the officer(s) should make every effort to broadcast the location of the shooting.
 - b. Dispatchers hearing a broadcast location with no other communication shall dispatch officer(s) to investigate under the assumption that an officer is in need of immediate assistance.
2. A Supervisor and back up officer(s) shall be called to respond to the scene.
3. If possible, the involved officer(s) should take all reasonable steps to ensure public and officer safety once the shooting stops.
4. The involved officer(s) should call for medical assistance and provide life saving first aid if practical to the situation.
 - a. The Durham Fire Department and/or McGregor EMS, or appropriate agency to be notified if the incident happens outside the jurisdiction of Durham, shall be called to stage near the scene to render medical aid as soon as safety permits.

Supervisor Responsibility – Scene Not Secure

1. Upon arrival, the Supervisor must take any additional steps necessary to assure public and officer safety, secure the scene and establish a perimeter.
2. The Supervisor must physically examine every involved officer (including a pat feel) to check for unknown injury. If necessary, the Supervisor may direct the involved officers to remove body armor to check for penetration.
3. The Supervisor shall order involved officers to give a verbal briefing of the events that led up to the shooting, of the shooting itself, and of any action taken by the involved officers after the shooting but before the Supervisor arrived.
 - a. The Supervisor should take notes, but should not record this initial briefing nor require the involved officers to prepare written statements *at that time*.
 - b. Recorded and/or written statements may be taken at later time/date as required by other sections of this manual.
4. In the event that a suspect has fled the scene, the Supervisor shall collect or cause to have collected, all information about the suspect description, direction of travel, involved vehicles, etc.

- a. Collected information shall be immediately broadcast as a statewide Officer Safety BOLO and STOP AND HOLD.
 - b. If the suspect is not taken into custody within 20 minutes of the shooting, the BOLO and STOP AND HOLD shall be expanded to include all New England states with special attention to jurisdictions within any distance attainable over that time period.
 - c. Additional broadcasts may be made as frequently as necessary, until such time that the suspect(s) have been captured.
5. If a suspect has fled on foot, the Supervisor may request K-9 and/or NHSP helicopter over-flights to search for the suspect(s), as applicable.

Supervisor Responsibility – Scene Secure

1. The Chief of Police, Deputy Chief of Police, and/or Captain must be notified as soon as is practical.
2. Once the scene is secure and no additional threats exist, the supervisor shall seize all Durham Police Department owned firearms that were involved in the shooting incident.
 - a. Unless circumstances dictate otherwise, the supervisor should immediately replace the seized firearm(s) with their own firearm (and other on-duty officer's firearms if necessary).
3. Once the scene is determined to be safe, the Supervisor shall direct a limited number of medical personnel into the scene to render any needed medical aid.
 - a. Although public safety is the first priority, every reasonable effort must be made to preserve evidence.
4. Injured officers shall be transported by ambulance to the nearest hospital.
 - a. A Durham police officer shall be assigned to meet the ambulance at the hospital to act as department liaison.
 - b. In the event that no Durham Police Officer is available, a request for mutual aid to the agency with jurisdiction at the hospital shall be made, however, the mutual aid officer should be relieved by a Durham Officer as soon as practical.
5. Uninvolved injured persons shall be transported by ambulance to the nearest hospital.
 - a. A Durham Police Officer/Detective shall be assigned to the hospital as soon as practical to further the investigation.

6. Injured suspect(s) shall be considered “in custody”.
 - a. An officer shall be assigned to maintain custody during ambulance transport and while the suspect(s) are treated at a local hospital. The officer must maintain custody until relieved by the Chief of Police or designee.
7. As soon as practical, the Supervisor shall cause the involved officers to be separated from one another and removed from the scene.
8. The Supervisor shall direct uninvolved officers (if necessary, mutual aid shall be called) to begin canvassing the immediate and surrounding area for other injured persons.
 - a. When searching officers encounter a locked or unlocked home, business, apartment or other possibly occupied structure that falls within the “danger” zone and they get no response from within, the Supervisor may authorize (forced) entry to check for injured persons at their discretion.
9. The Supervisor shall direct uninvolved officers (if necessary, mutual aid shall be called) to begin canvassing the immediate and surrounding area to properly identify all possible witnesses.
10. The Supervisor shall direct uninvolved officers (if necessary, mutual aid shall be called) to begin photographing the immediate and surrounding area as well as persons standing on the perimeter for evidentiary purposes.
11. The Chief of Police or designee shall contact the on-call Strafford County Attorney and notify the on-call assistant attorney general. The on-call assistant attorney general can be reached 24 hours a day at **(603) 931-9060**. (*Refer to Attorney General’s “Updated Procedure for Reporting of and First Response to Homicides, Suspicious Deaths, Deaths of Person in Official Custody and Officer Involved Incidents” memo for additional phone numbers if the on-call assistant attorney general cannot be reached*)
12. After contacting the Attorney General’s Office, notification should next be made to State Police Dispatch at **(603) 271-3636** if the State Police will be responsible for the investigation.
13. If a Durham Police Officer is injured or killed, the applicable In the Line of Duty Injury or In the Line of Duty Death policy shall be followed.

See Policy 1.3.6, Use of Force, Report and Review for further guidance.

These steps may be interchanged at the discretion of the Supervisor as circumstances require.

DURHAM POLICE DEPARTMENT
Officer Involved Shooting Checklist

SUPERVISOR

- Notify Dispatch, location, medical and Injuries
- Secure scene/establish perimeter
- Render medical assistance to injured
- Check all officers for injuries/wounds
- Contact-Brief Deputy Chief/his designee
- Contact State Police/AG's Office
- Exchange weapons with officers involved and ensure that the appropriate serial number and officer's information is logged
- Notify Union Representative
- Photographs (If the situation allows. Do not enter crime scene and disturb evidence)
- Secure involved cruisers: Do not disturb any evidence, make sure cruisers are not left unattended
- Call in next scheduled patrol shift

ADMINISTRATION

- Chief to notify insurance company
- Notify all officers involved in writing of Administrative Leave within twelve (12) hours of the incident
- Notify all department members of the incident as soon as practical, so information is not received through press
- Meet with officers on Administrative Leave regarding protocol on steps prior to returning to work
- Following shift called in to cover officer put on Administrative leave
- Medical evaluation for officer involved requested/needed
- Meet with Attorney General's Office
- Response to Resistance report completed prior to meeting with the Attorney General's Office
- Administrative review of Response to Resistance report
- Ensure that all employees are fully informed of the availability of the Employee Assistance Program (EAP)
- Schedule Post Shooting Debriefing

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