

Revised: 5-31-06, 9-26-12, 6-30-14, 10-31-18, 6-8-20, 6-18-20

DURHAM POLICE DEPARTMENT

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POLICY #: 1.3.1

SUBJECT: Use of Force to Accomplish Lawful Objectives- Force Continuum

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 force continuum guidelines governing the use of force by Durham Police Officers.

Policy

The Durham Police Department recognizes and respects the value and special integrity of human life. In giving law enforcement officers the lawful authority to use force to protect the public welfare, it is necessary to carefully balance all human interests. Therefore, it is the policy of the Durham Police Department that its members use only the amount of force that is reasonable and necessary to accomplish lawful objectives, while protecting the lives of the officers or others.

Also, it is the policy of this department that personnel will follow the model of the Confrontational Continuum, as defined by New Hampshire Police Standards and Training Council, when a use of force is necessary in the performance of their duties.

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

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commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

FORCE CONTINUUM

- The Force Continuum is best described as a circle or toolbox, as it does not require or encourage linear progression towards higher levels of force. An officer may utilize any reasonable and necessary level of force to accomplish lawful objectives.
- In determining what, if any, level of force is reasonable, officers should utilize the following decision making process:
 1. Collect information.
 2. Assess the situation, threats, and risks.
 3. Consider police powers and agency policy.
 4. Identify options and determine best course of action.
 5. Act, review, and re-assess.

Note- The numbering of force categories shall not imply an officer must follow a strict sequence before utilizing an otherwise reasonable force option.

1. **Command Presence:** Visual appearance of officer where it is obvious to the subject due to the officer's uniform or identification that the officer has the authority of law.
2. **Verbal Commands:** Words spoken by the officer directing the subject as to the officer's expectations
3. **Soft Empty Hand Control:** Officer's use of hands on the subject to direct the subject's movement; Techniques that have a low potential of injury to the subject.
4. **Chemical Spray:** Where subject exhibits some level of active resistance/active aggression, officers may use chemical spray to temporarily incapacitate the subject.
5. **Conducted Electrical Weapon:** Where subject exhibits some level of active resistance/active aggression an officer may use a conducted electrical weapon to temporarily incapacitate the subject.

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6. **Hard Hand Control:** Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction.

7. **Impact Weapons:** Batons, ASP/Expandable Baton may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.

8. **Canine:** Use of canine to bite and hold subject to prevent escape or to gain control of a subject who is actively aggressing toward officer(s). Prior to deployment of a canine, a warning in the form of an announcement shall be made.

9. **Deadly Force:** Any force that creates a substantial likelihood of causing serious bodily harm or death.