

DURHAM POLICE DEPARTMENT

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POLICY #: 1.3.10

SUBJECT: Use of Force, Training and Proficiency

CALEA Standards: 4.3.2; 4.3.3; 4.3.4

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.

Training and Qualifications with Department Issued/Authorized Weapons

- Only those agency personnel demonstrating proficiency at the most recent department training in the use of agency-authorized weapons shall be approved to carry such weapons.
- All employees authorized to carry weapons will be issued a copy of all Use of Force policies and procedure, and will receive training on its content before they are allowed to carry a weapon. The firearm's instructor will prepare a report documenting the issuance and training of this policy to each officer. This report will be submitted to, and maintained by the Captain or his designee.
- Annually, all sworn personnel will review all department Use of Force policies.
- Annually, officers shall satisfactorily complete all scheduled use of force training and range qualifications in accordance with New Hampshire Police Standards and Training Council Rule Pol. 404.03 The annual training includes any electronic controlled weapon such as the Taser.
 - The Durham Police Department requires all applicable employees be re-trained in the use of less lethal weapons and weaponless control techniques once every two years at a minimum. This policy is not meant to prevent less lethal instructors from conducting training every year if they prefer.
- Only certified instructors in specific disciplines shall supervise use of force training and qualification.
 - Instructors must be certified in each weapon system instructed.
 - For instance, a pistol instructor that does not have a shotgun certification, is not permitted to instruct shotgun training; and
 - Firearms instructors would not be authorized to instruct in less lethal weapons systems unless they were properly certified; and,

○ Etc.

- A qualifying range score is a minimum of 80%. A qualifying practical exercise score is 80%. A qualifying classroom test score is 80%.
- Failure to successfully complete the most recent firearms training (“successful completion” is determined at the discretion of the assigned instructor) will result in the suspension of the officer’s arrest authority, the immediate suspension of their authority to carry the applicable weapon, and reassignment to non-enforcement duties until classroom training and range qualifications are successfully completed, or until another determination is made about the employee’s future with the department.
 - If an officer fails to qualify or successfully complete training/remedial training with a less lethal weapon, the Chief of Police shall determine an appropriate course of action with regard to discipline, as applicable.
- The instructor’s shall prepare a Force Options Training Report form documenting each officer’s training and their proficiency with each weapon issued to them, is available to them, or that they are authorized to carry. In addition, the primary firearms instructor shall complete all applicable NHPSTC report forms on or about December 15th of each year and submit the original to the Captain by December 31st of each year for submission to the NHPSTC.
- A copy of all Use of Force training reports shall be maintained by the Captain or his designee. These reports shall be maintained for the term of the officers' employment with the Durham Police Department plus thirty years or until the officer would have reached the natural age of 70 years.
- Firearms Instructors shall inspect weapons used in training within 5 working days of completed training. A passing inspection shall include a clean, properly lubricated, and function checked weapon. The inspection shall be recorded by checking off the appropriate box on the Force Option Training Report form.
- The Captain or his designee shall maintain a Use of Force Training Log for each calendar year. This log shall reflect the names of each employee and the use of force training completed for that calendar year. This log shall be maintained for a minimum period of seven years.
- An officer who fails to successfully complete training or an annual qualification will receive remedial training. The department instructor will be responsible for determining when additional training is unlikely to improve the officer’s performance to the point of successful completion. When the instructor determines that further training is likely to be unsuccessful, a memorandum to that effect will be prepared and forwarded to the Chief of Police for a determination of actions to be taken.

- An officer will not be allowed to carry any weapon with which he or she has not been able to qualify with, or meet standards with, during the most recent training period. Use of Force Instructors shall complete a Force Option Training Report Form for each training class. That report shall be submitted to the Supervising Instructor. Failure to successfully complete this training will result in the suspension of the officer's arrest authority and reassignment to non-enforcement duties until classroom training and practical examinations are successfully completed, or until another determination is made about the employee's future with the department.
- An officer who has taken extended leave or suffered an illness or injury that could affect their ability to use any weapon will be required to retrain and qualify before returning to law enforcement duties.

REMEDIAL TRAINING

- When an officer fails to successfully complete a weapons training session, the instructor shall re-train the officer on those areas that they are found to be deficient. The remedial training may consist of the existing lesson plan for the area of instruction or a modification of that plan. Any changes made to the original plan shall be carefully documented in the (Use of Force) Force Option Training Report.
- The instructor will be responsible for determining when additional training is unlikely to improve the officer's performance to the point of successful completion. When the instructor determines that further training is likely to be unsuccessful, a memorandum to that effect will be prepared and forwarded to the Chief of Police for a determination of actions to be taken.