

Revised 5-31-06, 2-7-12, 10-31-18, 6-8-20

DURHAM POLICE DEPARTMENT

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

POLICY #: 1.3.4

SUBJECT: Use of Less Lethal Force

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 employing Less Lethal 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.

USE OF LESS LETHAL FORCE

- When deadly force is not authorized, officers will assess the incident to determine which less-lethal technique, or weapon will best de-escalate the incident and bring it

Revised 5-31-06, 2-7-12, 10-31-18, 6-8-20

under control safely. Less-lethal weapons such as a baton, TASER X2, oleoresin capsicum spray, handcuffs, etc., that are issued by the department, after adequate training in their use, may be used or displayed under the following conditions:

1. to protect themselves or another from physical harm; or,
 2. when necessary to preserve the peace, prevent the commission of offenses, or prevent suicide or self inflicted injuries; or,
 3. when making lawful arrests and searches, overcoming resistance to arrests or searches, and preventing escapes from custody.
- When off-duty, officers may only carry their department issued O.C. Spray, ASP, and Handcuffs in the State of New Hampshire. They may be worn out of state only when the officer is on-duty.
 - Only those less-lethal weapons that are issued by the department are authorized for carry either on or off-duty. No other less-lethal weapon will be authorized for carry.

However, Officers may carry additional sets of handcuffs: either of the hinged or chain type while on duty so long as the handcuffs have been function checked by a Defensive Tactics/Handcuffing Instructor and the Officer meets all training requirements.

Non-Traditional Tools or Weapons

- When circumstances necessitate, Durham Police Officers may use whatever tools, weapons, objects or other non-traditional means of defense when department issued tools or weapons are unavailable for whatever reason, unable to be deployed, fail to operate, or are found to be ineffective in the defense of themselves or a third person against the use of force. If used, the officer must complete a Response to Resistance Report and Review form and clearly articulate the need to use the tool as a defensive weapon.

Knives

- The carrying of knives on-duty is authorized as a cutting tool within the limitations established below.
- For the safety of officers carrying knives on their person while on-duty, only those knives that meet the following requirements are authorized:
 1. The knife must be of folding, lock-back style manufacture;
 2. When extended, the blade must not exceed 4.5” in length;
 3. When extended, the blade must automatically lock into place;
 4. When stored on the officer’s person, the folded knife must be secured and hidden from view, except that any securing clip may be visible.

Revised 5-31-06, 2-7-12, 10-31-18, 6-8-20

- Multi-bladed or tooled knives, such as Swiss Army Knife, Boy Scout Knife, Leatherman Knife, or like design of other manufacture may be carried in the officer's assigned cruiser or other vehicle, but may not be carried on their person while on-duty unless the knife meets the limiting criteria established above.
- Except that which is described within this section, no additional authorization to carry a knife while on-duty is required.