



Durham Police Department

Response to Resistance and Assault on Officer Analysis

This analysis documents all events categorized as a “use of force” related call for service by members of the Durham Police Department as well as assaults or attempted assaults on Durham Officers occurring in 2023. The term “Response to Resistance” refers to any form of resistance by an offender requiring a response beyond the accepted application of handcuffs by a Durham Police Officer.

Captain Jack Dalton
1/23/2024

Response to Resistance and Assault on Durham

Police Officer Analysis – 2023

Executive Summary

The Durham Police Department has concluded its annual analysis of force-related incidents for the period January 1, 2023, through December 31, 2023. The analysis was conducted by Captain Jack Dalton, who is a 25-year veteran of New Hampshire Law Enforcement.

Documents reviewed as part of this analysis include all 2023 Response to Resistance Reports, all related arrest, offense, and supplemental police reports including shift schedules and training records of all the involved officers.

Procedurally, each time an officer uses any amount of physical force greater than the simple application of handcuffs to safely bring a suspect into custody, that officer must complete a standardized “Response to Resistance Report” and attach any related police reports. Additionally, all secondary officers must complete a supplemental report that will be attached to the Response to Resistance report.

The completed reports are forwarded to the Deputy Chief of Police, who is a State Certified Use of Force instructor. The Deputy Chief reviews the facts and circumstances resulting in force being used and compares them to department policy, applicable State and Federal laws, and applicable judicial review. If the involved officer(s) acted within policy and law, the report is forwarded to the Durham Police Captain for additional review and data collection. If the Deputy Chief and Captain further concur that no violations occurred, the report is approved, filed, and later included in this annual report.

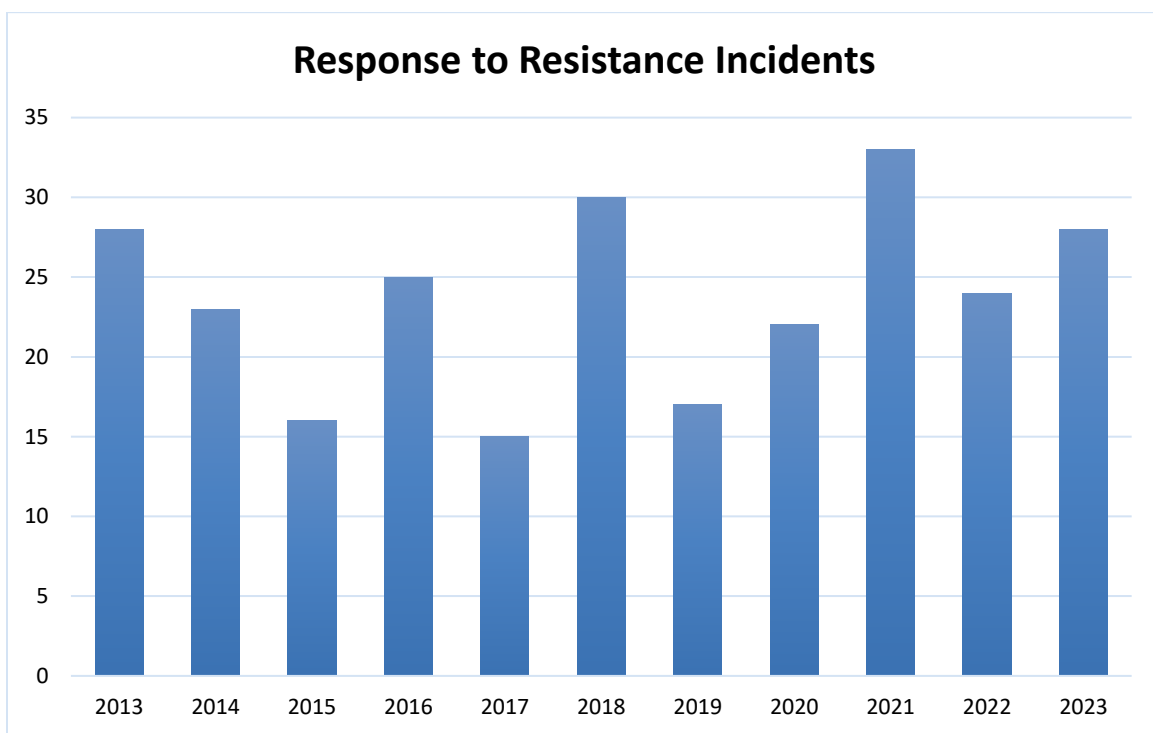
During the Response to Resistance Report review process, if it is believed that a policy violation has occurred, the report is forwarded to the Chief of Police and an Internal Affairs investigation would commence pertaining to the use of force. In 2023, and each year since 1996, no violations of policy/law have occurred when an officer of this agency has engaged in force. Additionally, over this time period there have been no policies detected that would be deemed flawed or not current to modernized police procedures.

In 2023, I analyzed all assaults on police officers in the Town of Durham to determine trends or patterns that will allow the department to enhance officer safety, revise policy, or address training needs. In 2023, of the twenty-eight incidents reported by the Durham Police Department involving the use of force, four resulted in actual assault or attempted assault on the officer(s) involved.

In 2020, most of the department's Use of Force policies were updated to follow the recommended guidelines provided by the Commission on Accreditation for Law Enforcement Agencies (CALEA). After an extensive 2023 review, we did not find any need to update or modify any policies involving force.

Response to Resistance Incidents

In 2023, the Durham Police Department experienced a 6% increase in calls for service from 2022. During the same period, the department experienced a slight increase in the number of instances where officers found it necessary to resort to force to bring a person safely into custody.



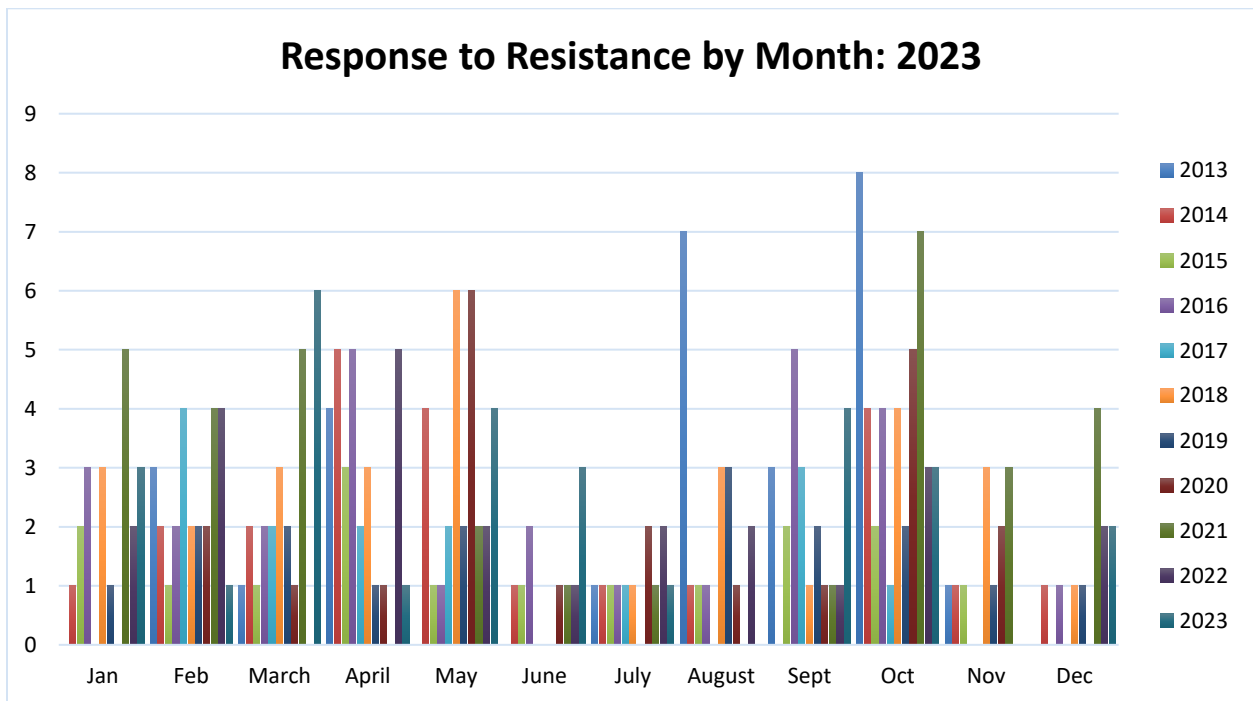
Calls for Service

In our 2020 report, we noted a pattern had developed since 2012. That pattern demonstrated response to resistance increased one year and decreased the next. However, from 2019 to 2020, and again from 2020 to 2021 our response to resistance increased. In 2022, we saw a decrease from 33 incidents in 2021 to 24 incidents in 2022. From 2022 to 2023, we saw an increase of 24 to 28 incidents for the year.

The Durham Police Department responded to approximately 19,952 calls for service in 2023, up from 18,811 in 2022. Of those calls, Durham Police Officers responded to twenty-eight incidents where resistance was displayed by offenders. Durham Police Officers used physical force .14% of the time when responding to calls for service, a statistic that has remained comparative and stable from previous years. Durham Police serviced 1,141 more calls in 2023 than in 2022 resulting in four additional response to resistance incidents. This evidence helps confirm that Durham Police Officers value patience and professionalism in the performance of their duties. It also helps confirm that officers are continuing the practice and principles of conflict resolution, and/or de-escalation, before resorting to the necessity of engaging force to affect an arrest or overcome active resistance by the offender.

The analysis also revealed that there were ten incidents where department members ended the suffering of an injured animal. Those incidents are not factored into this report for analysis purposes.

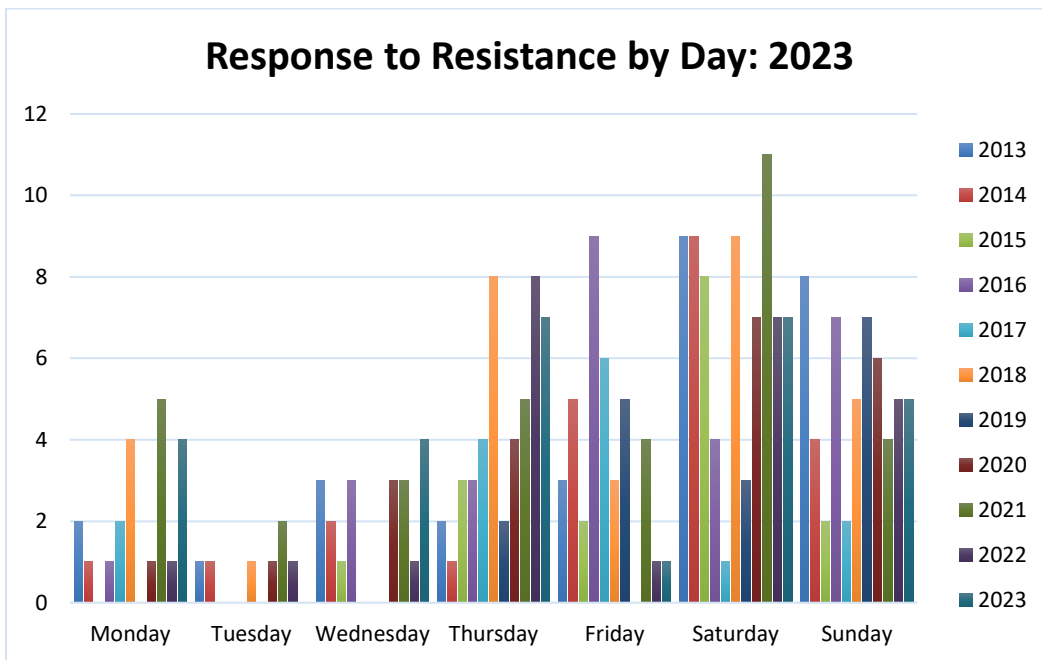
The following statistical analysis serves to correspond to each category that comprises the department’s resistance reports. The goal is to analyze how that breakdown applies to response to resistance incidents occurring in the Town of Durham and how the response by Durham officers impacts the safety of the community. Mutual aid calls and response to resistance actions by members of the Special Reaction Team (SRT) have been included in this analysis.



Response to Resistance by Month: 2023

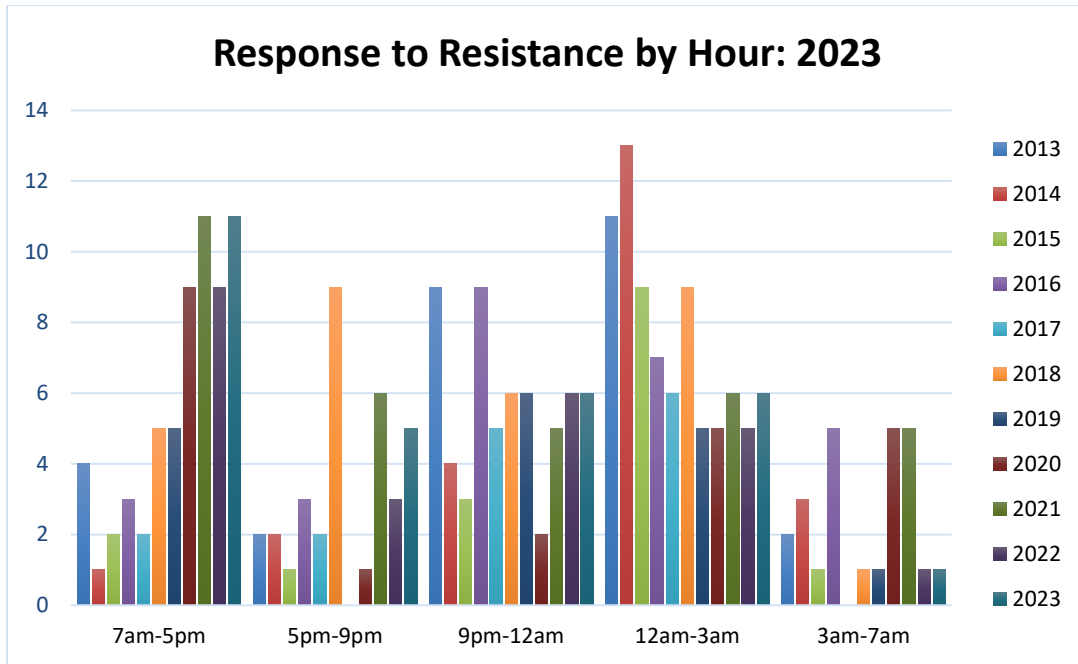
This chart represents a review of response to resistance activity for the past ten years by month. In 2023, Durham officers have responded to acts of resistance during every month except August and November. In previous years, we noted that the beginning of the University of New Hampshire (UNH) academic school year, identified as the end of August to midway through October, remained relatively steady and predictable regarding assault patterns. Six of the twenty-eight incidents reported in 2023 involved UNH students directly.

As in previous years, it is the conclusion of this report that the agency continues to monitor the activity and maintain the current staffing strategy, which is strategically posting additional officers on patrol for both spring and fall. We have identified no obvious pattern that would cause alarm or suggest we change our current strategy.



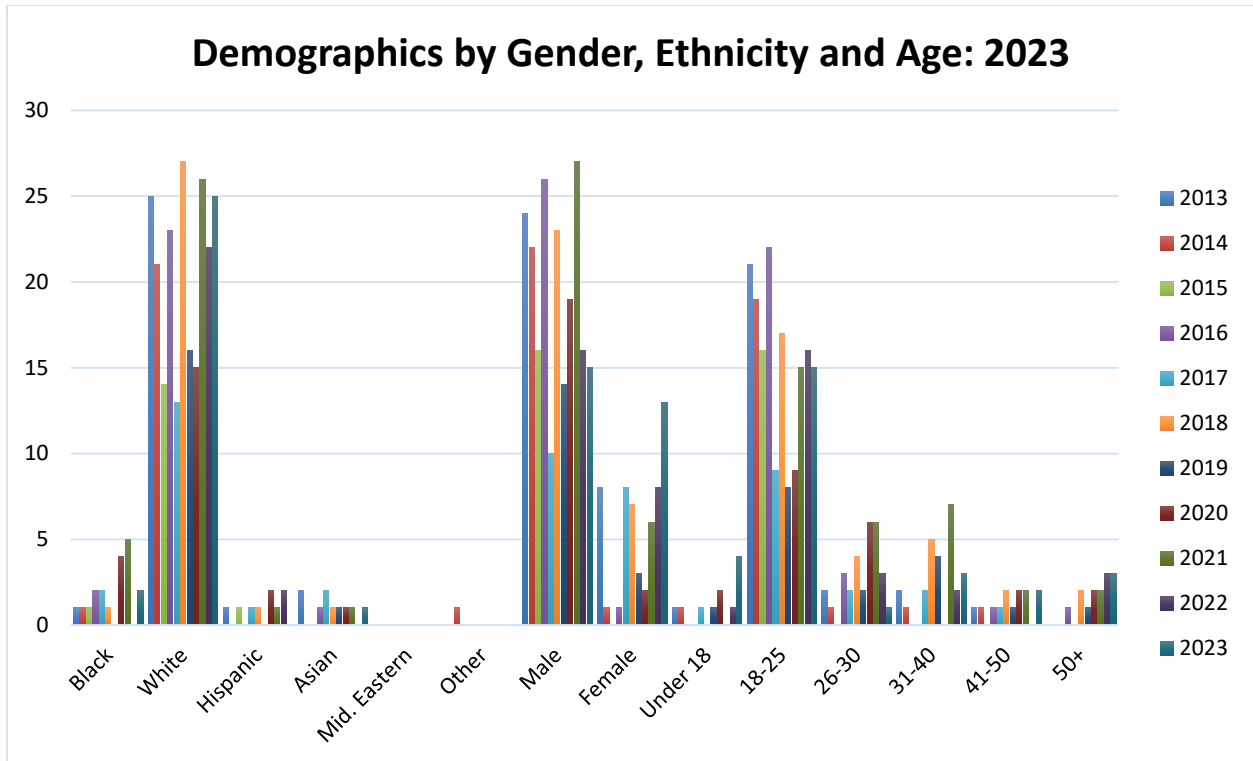
Response to Resistance by Day: 2023

This chart illustrates that in 2023, the most incidents resulted in officers responding to resistance on Thursday and Saturday.



Response to Resistance by Hour: 2023

Analyzing our 2023 response to resistance data hour-by-hour illustrates that the most physically dangerous hours for a Durham officer are between 7:00 AM and 5:00 PM. There were eleven incidents of force that occurred between the hours of 7:00 AM and 5:00 PM. It has now been four years in a row that most of our response to resistance incidents occurred between 7:00 AM and 5:00 PM. A review of the response to resistance incidents that occurred in 2020 through 2023, during the hours of 7:00 AM and 5:00 PM, revealed no apparent pattern of specific types of calls where any type of force was needed. However, between the hours 9:00 PM and 12:00 AM, a much smaller time frame, we encountered six response to resistance incidents. Inherently, between 7:00 AM and 5:00 PM, there is added personnel due to administrative staffing and detectives. Therefore, I recommend keeping our additional staffing between 9:00 PM and 12:00 AM. This data is valuable information to the department when factoring in shift coverage or any possible modifications to the schedule.



**Demographics by Gender,
Ethnicity and Age: 2023**

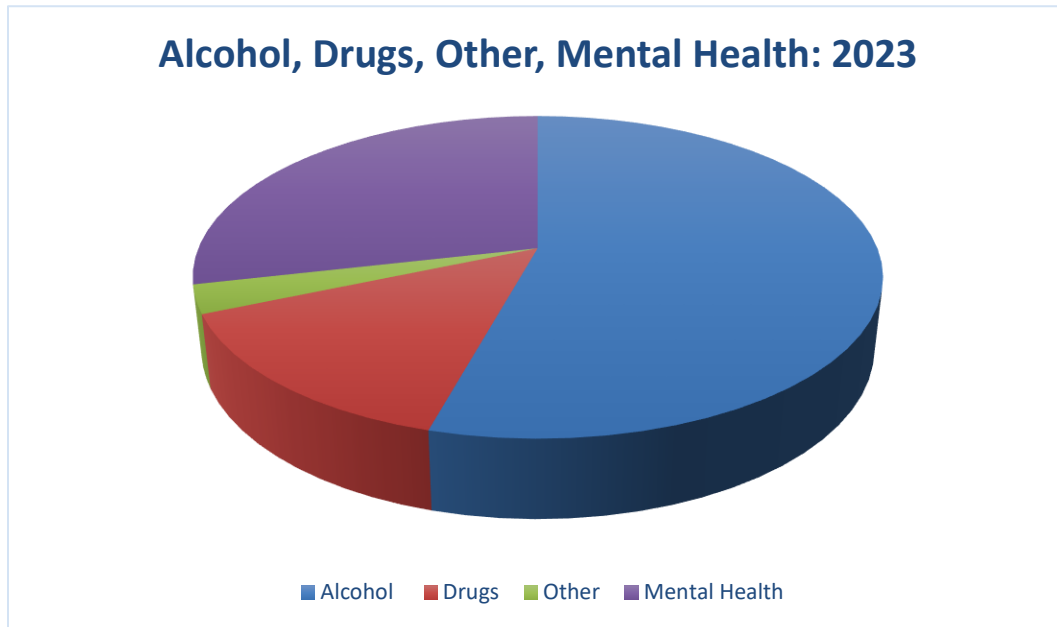
In 2023, fifteen people we encountered were between the ages of 18 and 25. The oldest suspect involved in a response to resistance incident this year was 75-years-old, and the youngest was 14-years-old.

The demographic data has remained consistent over the past ten years. As in previous years, our use of force instructors should continue to take this fact into account when evaluating use of force lesson plans. Officers should always be reminded during training that there is no instance when an officer should make assumptions due to the apparent age, gender, or ethnicity of a suspect.

In 2023, fifteen of the suspects we encountered were males and thirteen were females. The number of female suspects has slightly fluctuated over the years, but this year made up almost half of our Response to Resistance encounters. That said, I have identified no discernable pattern that would signify females are becoming more inclined to resist law enforcement. We will continue observing over the next few years to see if a pattern does develop.

White males and females accounted for twenty-five of the twenty-eight response to resistance encounters by members of the Durham Police Department. There is no

pattern that would suggest any form of bias by any individual officer or the agency. The analysis of response to resistance reports allows for the conclusion that all persons encountered are treated fairly and equally with the officer's response appropriate to the level of force necessary to affect a lawful arrest.



Alcohol/Drugs/Mental Health and Other: 2023

Alcohol and drugs continue to play a significant role in poor judgment and decision making by persons who are subjected to a lawful arrest. Out of twenty-eight response to resistance incidents, twenty-four of the people taken into custody were under the influence of alcohol, drugs, or a combination of both. There is no definitive pattern concerning the types of calls that officers respond to that involve the consumption of alcohol or drugs. One incident involved members of the Strafford County Regional Tactical Operations Unit (SCRTOU) responding to a neighboring community, and two response to resistance incidents took place during mutual aid calls in neighboring communities. (Please refer to the narratives on pages 19 through 30 for additional information pertaining to the SCRTOU calls.)

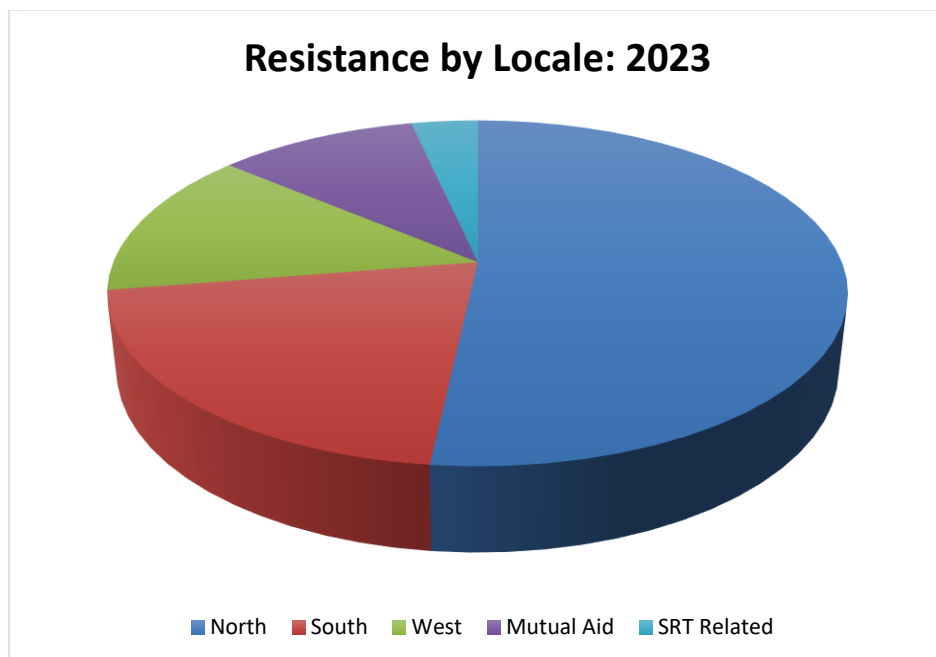
Mental health issues continue to play a significant role in calls involving some form of resistance. Of the suspects encountered in 2023, ten people were suffering from some type of mental health issue at the time of the encounter.

The Durham Police Department's field training program and in-service training programs continue to prioritize de-escalation technique training and awareness. In

2021, we sent a supervisor and a patrol officer to Tennessee to become instructors in de-escalation. In 2023, all department personnel attended a mandatory two-hour de-escalation training put on by the police academy. The department is also scheduled for an eight-hour de-escalation class in February of 2024.

Officers continue to receive annual training in identifying possible mental health related issues, as well as learning appropriate interaction methods. It is a fine line for an officer to make that connection when taking a person into custody who is physically resisting the lawful command of the officer. Unfortunately, it is not unusual for the level of resistance from a person suffering from mental health related issues to be similar of someone attempting to avoid arrest.

It remains critical that Durham officers understand the extra level of patience and restraint that may be required when dealing with a person who is suffering from a mental health issue. In 2023, the department conducted a thorough policy review related to: Involuntary Emergency Admission (IEA), Mental Illness Awareness, Suicide, Mental Illness, and Response Involving Juveniles. As mental health related calls continue to rise around the country, I recommend the department continue to seek new and updated training opportunities so we can stay abreast of what is truly a very challenging issue for law enforcement officers.

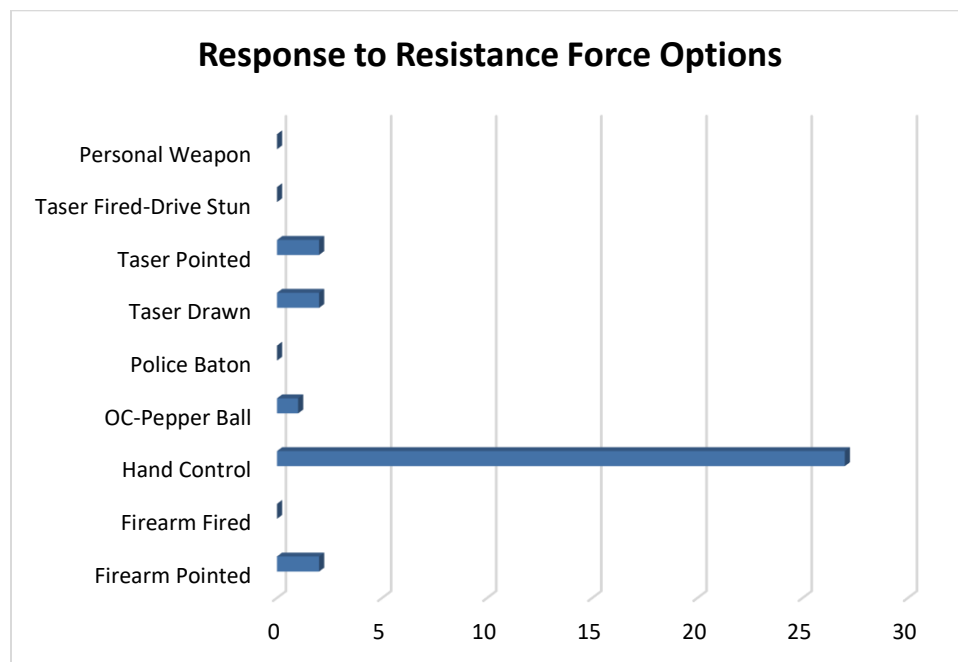


Response to Resistance by Location: 2023

The Durham Police Department assigns officers on duty to sectors identified as North, South, and West. Of the twenty-eight responses to resistance examined in 2023, four occurred on the western side of town. The West Sector is made up of off-campus student housing such as “The Lodges” located on Mast Road, and “The Cottages” located off Technology Drive. There was no noticeable pattern identified in the West Sector from this analysis.

In 2023, fifteen of the department’s twenty-eight response to resistance encounters took place in the North Sector. The North Sector includes all businesses, residences, properties, and roadways north of Main Street. This sector is predominantly off-campus student housing, fraternal organizations, liquor establishments, and food/beverage stores that remain open late at night or into the morning hours. Several major arteries lead to these areas, and they are heavily traversed by vehicle and pedestrian traffic. There were no fraternities or sororities involved in a response to resistance incident in 2023. There was no discernable pattern identified in the North Sector for this analysis.

Durham Police Officers responded to six calls for service resulting in resistant behavior south of Main Street. The South Sector includes businesses, residences, properties, and roadways south of Main Street. This sector is similar to the make-up of the North Sector, but it does not include fraternities and sororities and it does not usually produce the level of foot traffic typically found in the North Sector. There was no noticeable pattern identified in the South Sector for this analysis.

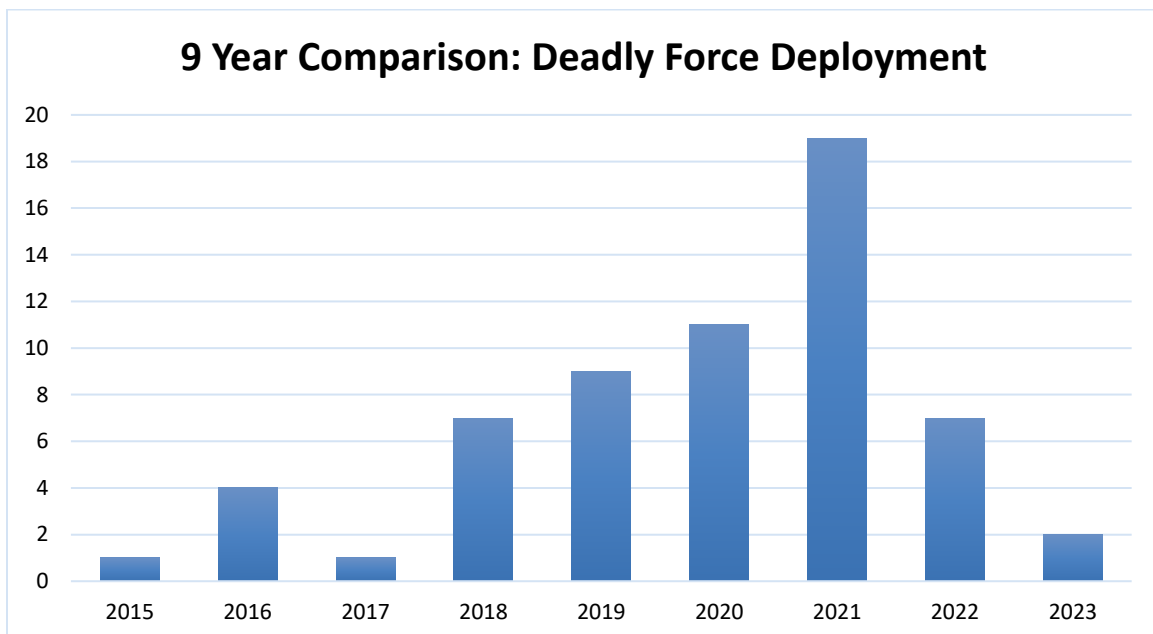


Force Methods/Types/Tools: 2023

Deadly Force Related

In 2023, there was one documented incident where a Durham officer displayed the threat of deadly force. The Incident involved two Durham officers displaying deadly force by deploying a rifle or less-lethal shotgun during the encounter. The incident was SRT related, where one officer pointed his rifle at a suspect while utilizing the bearcat vehicle for cover. Later, in the same incident, another officer pointed a Pepperball Launcher at the suspect. No firearms were discharged in 2023 unrelated to department training.

(Please refer to pages 19 through 30 of this report for summaries of all Response to Resistance incidents in 2023, to include incidents involving the display of deadly force.)



Our analysis found that in 2023, with an increase in the number of calls involving officers responding to some level of resistance, the number of times an officer had to resort to the display of deadly force only increased slightly. (It is important to note that we did not start adding SRT callouts to our response to resistance statistics until 2018.)

Hand on Control Tactics

The use of “hands-on” control tactics is the principal method used by officers to subdue and ultimately gain control of suspects. Twenty-seven of our response to resistance incidents involved the officer taking a person into custody through the utilization of hand control tactics. In several incidents it took more than one officer to gain control and compliance of the suspect. Hand control tactics may include grappling/wrestling with the

suspect or physical control only. Basically, this equates to holding onto the suspect and guiding him/her as they walk towards a transport vehicle or taking them to the ground to gain control. The department must continue to prioritize defensive tactics training, with an emphasis on “hands-on” control techniques. All patrol officers attended a “full scale” Defensive Tactics Training in March of 2023.

Personal Weapons as Striking Tools

For six years in a row there have been no incidents involving an officer physically striking a suspect.

Application of Handcuffs

Traditional hinged handcuffs were used twenty-seven of the twenty-eight times while taking suspects into custody. Handcuffs were double locked and checked for looseness every time it was possible to do so relative to the violent behavior of the suspect. There were five incidents where flex-cuffs were used in addition to the traditional hinged handcuffs.*

(*Flex-cuffs, also known as plastic handcuffs, are a form of physical restraint for the hands or legs made of plastic, which fit most body types.)

Disarmed or at Risk of Being Disarmed

In 2023, no incident involved an officer being disarmed or at risk of being disarmed.

Contributing Factors

In 2023, Durham officers confronted multiple suspects on several different occasions. It is not uncommon in a university community setting for officers to encounter multiple suspects or to deal with large crowds/gatherings. Confronting suspects in large crowds, such as parties, can offer significant challenges. The Durham Police Department understands the delicate nature of these gatherings and officers are taught to use common sense and an abundance of caution when forced to make arrests in such situations.

In 2023, fifteen Durham officers indicated that the low light was a factor when dealing with an individual in a response to resistance situation. All officers in the department have received low light training in 2023 as a part of the semi-annual firearms training. On two occasions, an officer indicated that the suspect’s size, strength, and skills played an important role in the decision to escalate the force continuum.

Injuries

In 2023, one officer was injured while in the act of taking a person into custody. The injury was minor.

Two suspects were treated for injuries that occurred during their direct interaction with a Durham officer in 2023. The injuries were documented as minor scratches. The suspects were treated and released by ambulance personnel.

As in previous years, it is evident from the analysis that Durham officers use the minimum amount of force necessary when taking a person into custody. I believe that our hiring practices and our annual use of force training play a vital role in how Durham officers treat people in custody. Our hiring practices continue to be centered on identifying mature officers that reflect a calm and patient demeanor when communicating in stressful situations. Our training focuses on the appropriate amount of force needed during response to resistance encounters, when that force should stop, and signs and symptoms that would indicate to an officer the suspect is in distress; both mentally and physically. Our policies and trainings also further clarify when an officer has the duty to intervene.

Plainclothes vs. Uniformed Patrol

In 2023, no plainclothes officers were involved in a response to resistance situation without there also being a uniformed patrol officer on scene. All uniformed officers had their badges clearly displayed. Seven incidents in 2023 involved unmarked units, no light bar on roof, and/or undercover and surveillance. Officers involved in response to resistance encounters were wearing the appropriate style uniform for the time of year or assignment. There is no obvious pattern that shows the style of uniform playing a role in the outcome of an encounter.

Verbal Directions

Officers shouted verbal commands during all reported incidents where it was necessary to do so. Officers made every effort to identify themselves as Durham Police Officers and continued to repeat commands when necessary.

TASER X2

The Taser Electro-Muscular Disruption System is an important tool that filled the continuum between Oleoresin Capsicum (OC) and deadly force and proves to be a desirable alternative method of force that substantially limits injury to the suspect and the responding police officer.

The Taser can be deployed two ways. The officer can use discretion to fire the weapon, or drive-stun the suspect. Firing the weapon happens when the officer pulls the trigger, and a cartridge shoots two prongs attached to two separate wires. The prongs enter through the skin and a charge is delivered to the suspect. The duration of the charge is five seconds. When using this method, the Taser deploys its own evidence in the form of confetti that has the Taser serial number of each cartridge used.

Drive-stunning the suspect involves pressing the “arc switch” and placing the cartridge bays against the suspect. The officer can control the seconds utilized by pressing and releasing the arc button. An officer may possibly choose this method when a suspect is wearing loose clothing or is dealing with the suspect in close quarters.

When using the drive-stun method, there is no confetti evidence because cartridges are not used. All the information concerning deployment is downloaded to the computer. Downloading information immediately after deployment is completed when the officer uses the drive-stun method or fires the weapon. Downloaded information will also verify that the officer tested the Taser prior to the start of their shift.

In 2023, officers of the Durham Police Department had no documented incidents of deploying a Taser to subdue a suspect. On two separate occasions in 2023, two officers removed their Taser from their holster and pointed it at a suspect. As agency personnel encounter more and more incidents involving mental health, the Taser provides the officer with a much safer and less-lethal use of force. I believe we need to continue supplying officers with this force continuum option.

OC/Pepper Spray

OC, unlike tear gas, is a highly concentrated form of peppers or other natural substances, therefore the product is deemed biodegradable. OC acts as an inflammatory to the mucous membranes of humans and animals. When applied to the face, it typically causes swelling of the mucous membranes, involuntary closing of the eyes, gagging, coughing, shortness of breath, and an intense feeling of burning on the exposed areas.

In 2023, officers of the Durham Police Department had no documented incidents of using OC spray to subdue a suspect. OC spray remains an effective tool when in close quarters or when the Taser does not affect the suspect in the manner anticipated. It is clear that OC spray can reduce injuries. I recommend that we continue to keep this non-lethal option available to sworn officers.

Police Expandable Straight Baton

The “Police Expandable Straight Baton”, formally known as the ASP Straight Baton, was designated as an “optional” tool on the Use of Force Continuum in 2011. At that time, several of the officers voiced concern and lack of confidence in the straight baton as an effective tool. There were no documented uses of the straight baton in 2023, nor was it used in any manner during the eight previous years. It is my recommendation that the department continue to train in the use of the baton and provide officers with the option to carry it on duty if they choose to do so. When trained properly, and with individual practice, the baton can be a very effective option on the Force Continuum.

Pepperball

Pepper balls contain Pelargonic Acid and Vanillylmaide (PAVA). PAVA is pharmaceutically manufactured. It acts as an inflammatory agent to the mucous membranes of humans and animals. When the powder contacts the face, it typically causes swelling of the mucous membranes, involuntary closing of the eyes, gagging, coughing, shortness of breath, and an intense feeling of burning on the exposed areas. Pepperball Guns are used by members of the Durham Police Department to control and disperse large crowds of moving or resisting demonstrators or to prevent self-destructive acts of violence, such as any violent or potentially violent act by a suspect that is attempting or threatening to commit suicide by any means or cause serious bodily injury to themselves by any means.

In 2023, there were no incidents involving the deployment of Pepperball. It is important we maintain our training and preparation for celebratory events due to their unpredictable nature. It is also important that the organization continue to train and explore optional methods of deployment regarding the use of Pepperball or similar products.

Assaults or Suspected Assaults on Durham Police Officers in 2023

The following is an analysis of all assaults or attempted assaults on police officers in the Town of Durham for 2023. This analysis began in 2017 and will be conducted annually to determine trends or patterns that will allow the department to enhance officer safety, revise policy, or address training needs. In 2023, of the twenty-eight responses to resistance reported by officers of the Durham Police Department, four resulted in an attempt or actual assault of the officer involved.

(Please refer to pages 19 through 30 of this report for summaries of all Response to Resistance incidents in 2023.)

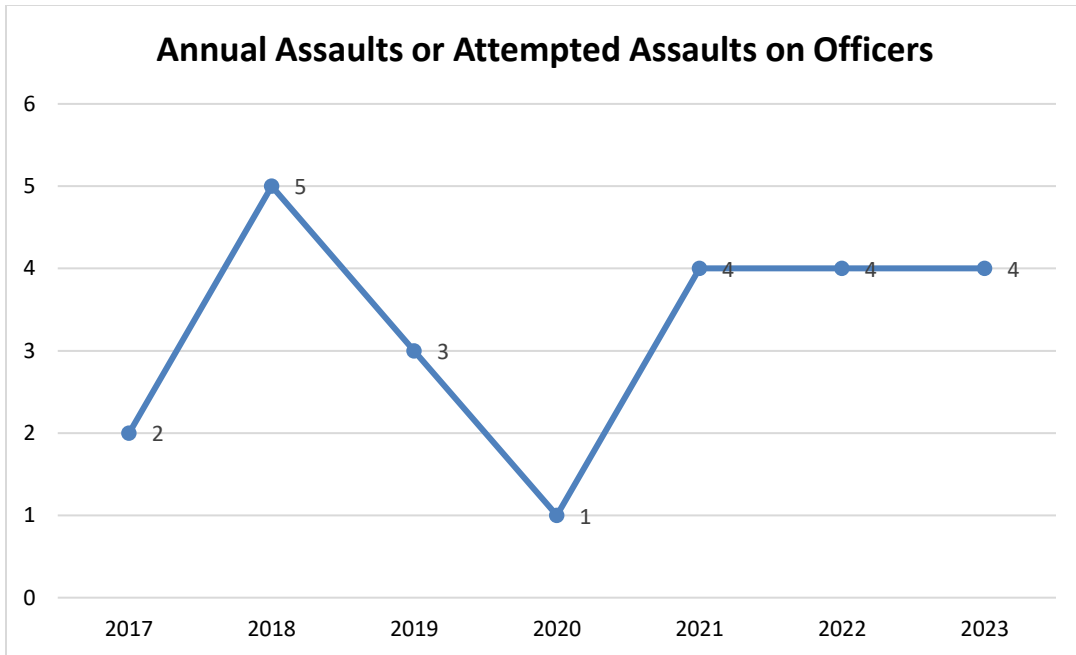


Chart A: Annual Assaults or Attempted Assaults on Officers

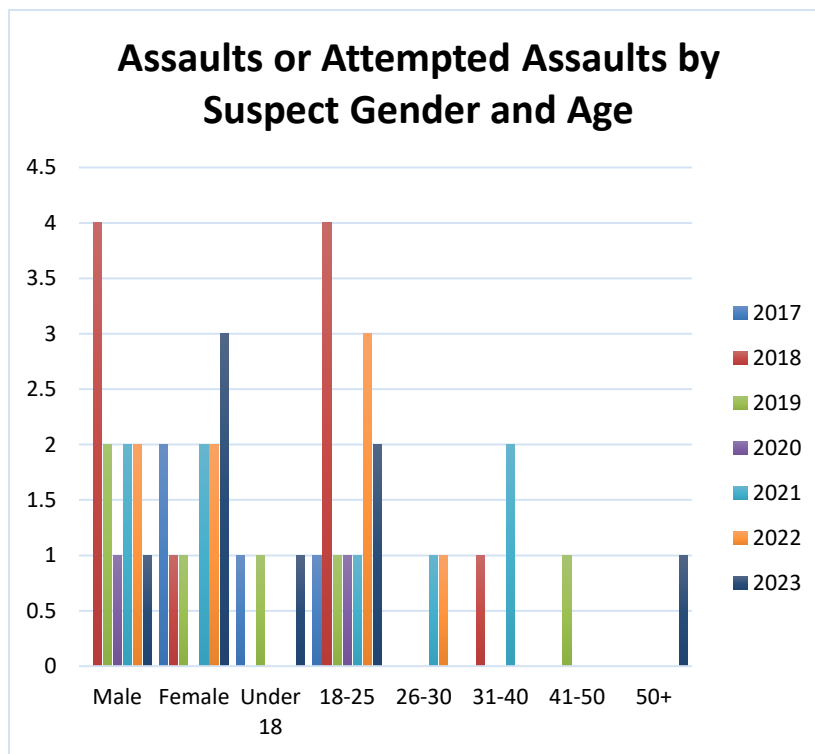


Chart B: Assaults or Attempted Assaults by Suspect Gender and Age

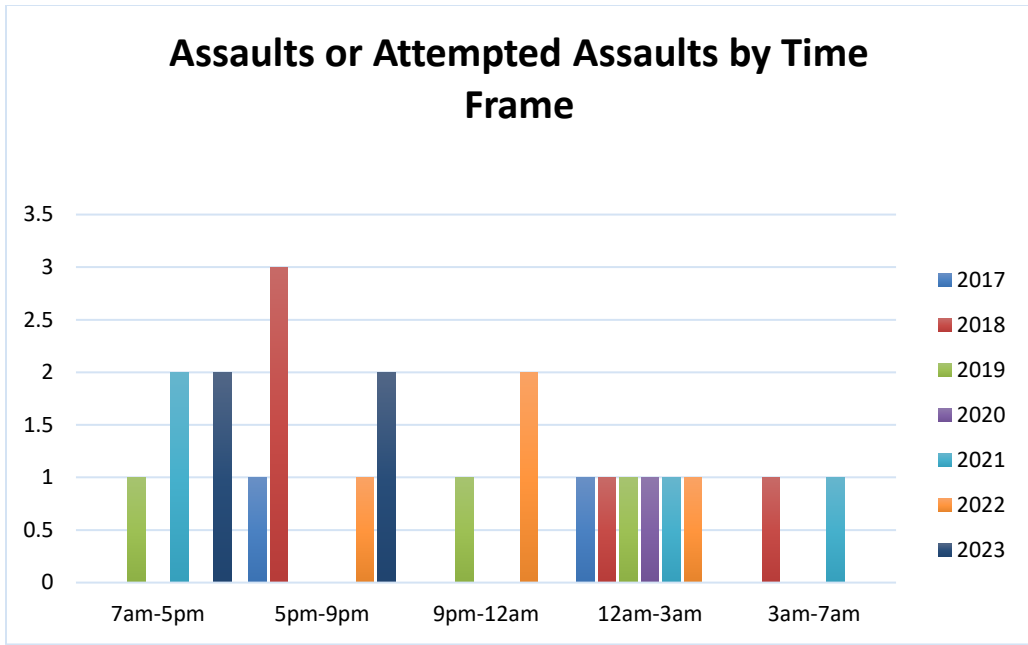


Chart C: Assaults or Attempted Assaulted by Time Frame

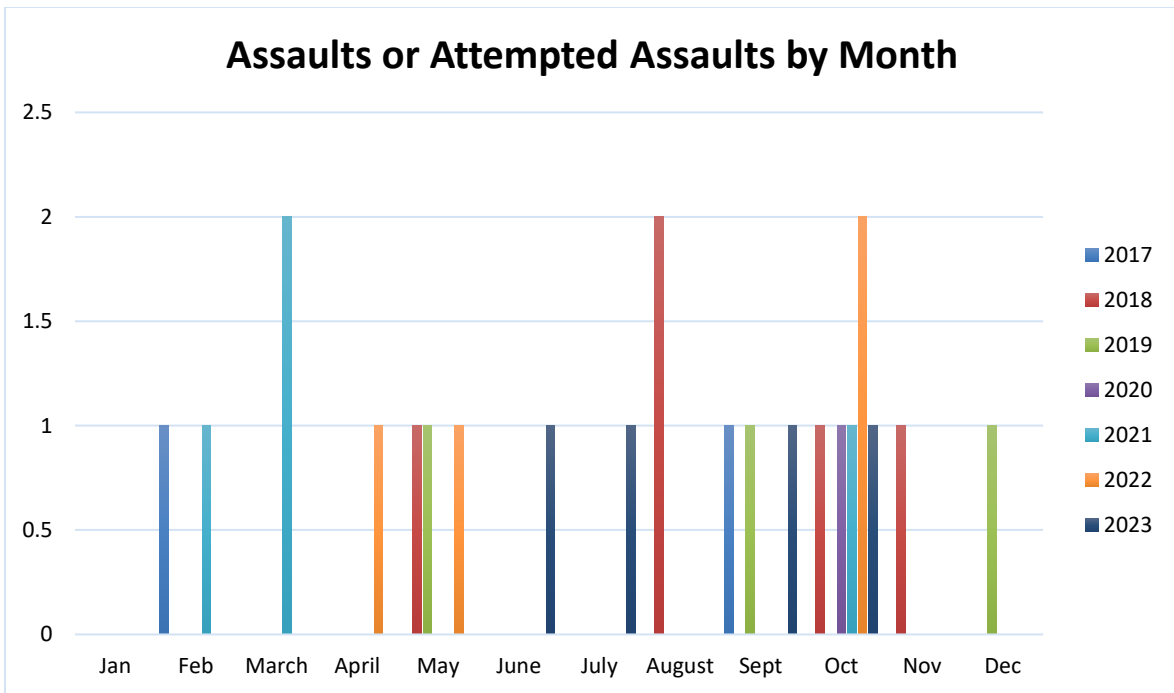


Chart D: Assaults or Attempted Assaults by Month

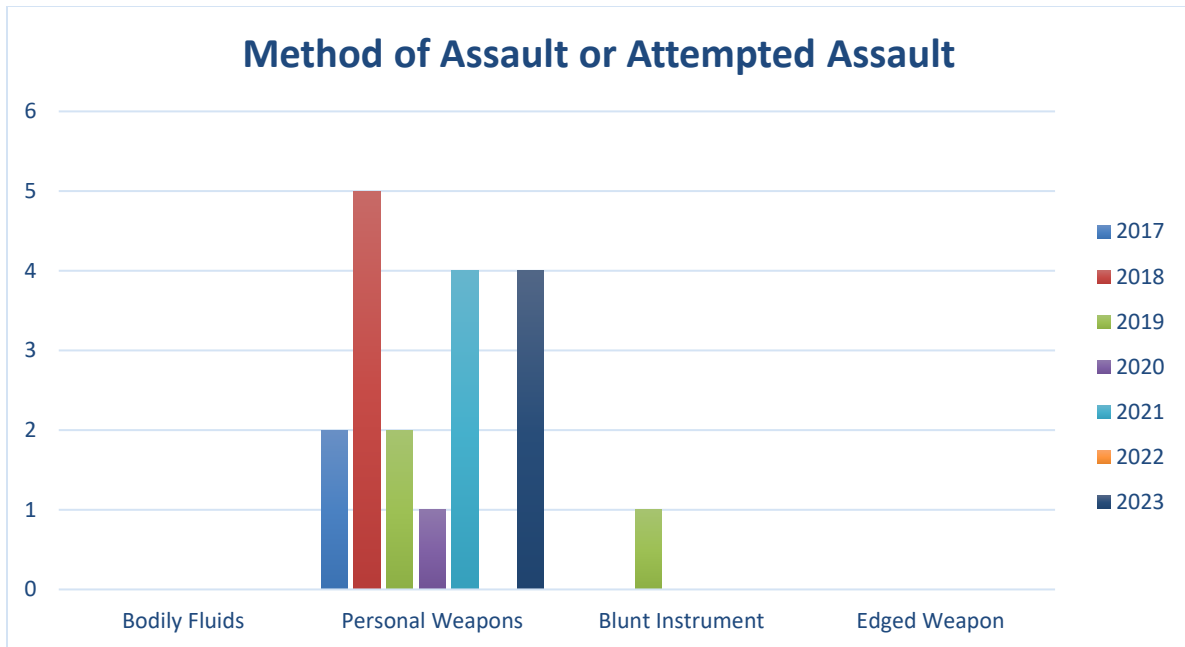


Chart E: Method of Assault or Attempted Assault

Assaults on Durham Police Officers: Trends or Patterns

The analysis over the past seven years shows no emerging patterns or trends that would affect our current staffing levels or shift allocations.

What remains true is the importance of our agency personnel continuing to train with both lethal and less-lethal weapons, such as the Taser and OC.

The primary method of assault by suspects is the utilization of personal weapons such as hands, feet, biting or spitting. Officers primarily use hands-on tactics to prevent the various types of resistance they encounter. It verifies that our officers are using the appropriate level of force when dealing with unarmed or armed suspects.

2019 was the last time a weapon was used against an officer of the Durham Police Department. I recommend that we continue to prioritize our defensive tactics training and remind our officers to remain vigilant no matter the time of day or month, and regardless of gender or age of a suspect when dealing with a hostile situation.

Officer Data: In 2023, the age and relative experience of officers reporting the application of force when responding to resistance generates no discernable pattern.

Identified Deficiencies/Suggestions for Improvement

- Due to the increase in department personnel turnover over the past few years the department will need to prioritize the identification and training of new Taser, Firearms, Pepperball, and Defensive Tactics Instructors in 2024.

Positive Efforts

- Officers continue to be sent to mental health awareness training above and beyond the yearly roll-call refresher training. In 2023, the state mandated mental health training as well, which all officers completed.
- Emergency tactical first aid was taught to all officers in 2023. This training included tourniquet application, CPR and tactical considerations when moving victims.
- Individual tourniquets continue to be purchased for all sworn officers to carry with them during their patrol shifts.
- All officers received Ethics, Bias, and De-escalation awareness training in 2023.
- The agency has continued to review and modify existing policies to maintain best practices related to police response to force.
- Instructors continue to ensure that the firearms, less lethal, and hands on defensive tactics training plan outlines are consistent and complement each other.
- Increased transparency by posting all Response to Resistance policies online.

Recommended Action Steps

- The department should continue refresher training in Use of Force policies and Duty to Intervene policies/trainings.
- The agency should continue refresher training in Ethics, Bias, De-escalation, Standards of Conduct, and Mission and Values to ensure that our officers understand that the agency is committed to a “Guardian” culture. It is critical that we continue to ensure the officers understand and embrace the premise that policing in Durham exists to provide services in a compassionate and unbiased manner.
- Continue to seek mental health, domestic violence, and suicide related awareness training.

- Increase practical training in the use of defensive tactics and simunitions scenarios.
- Continue our practice of training in low-light conditions.
- Continue to provide specialized training for Use of Force instructors and make every effort to identify qualified officers to join the team of certified instructors.
- The department must continue to evaluate all force continuum options; ensuring that whenever new technology emerges, officers are being provided with the most advanced tools and training. By maintaining best practice standards, it will allow our officers to utilize the least amount of force necessary when attempting to gain compliance from a resisting suspect.
- Continue training in verbal de-escalation strategies that have been proven effective in order to lessen the need to respond to violent offenders with force.

Response to Resistance Summaries

The following are summaries of all twenty-eight response to resistance incidents in 2023 where Durham officers used any level of force beyond the application of handcuffs:

#1 & #2

On 1/22/2023, at approximately 12:50 AM, four Durham officers were in the area of 10 Madbury Road speaking with a group of men regarding Disorderly Conduct. As the officers were preparing to clear after giving warnings to the group, they heard loud yelling coming from another group of men and a female in front of 7 Madbury Road. An officer illuminated the group with their flashlight. Several members of the group began pushing and shoving each other resulting in several people falling to the ground, some throwing punches. The four officers approached the group yelling, "Police, stop." Officers observed a female repeatedly punching a man on the ground. She was pulled off the man by one officer, however, she continued to attempt to punch the man. A second officer assisted in pinning her to the ground and another officer was then able to pull her arms behind her back and place her in handcuffs. An additional officer grabbed the man who had been fighting the woman, but the man pulled away as the officer attempted to control him. Eventually, an officer was able to grab his arms and place him in handcuffs.

#3

On 1/27/2023, at approximately 3:00 PM, Durham officers responded to the Oyster River High School where there was a student making homicidal threats. During the investigation, officers determined the juvenile student would need to be transported to the hospital for a mental health evaluation. Upon hearing this, the student became violent and threw office furniture at police and school staff members. Officers attempted to take him into custody, but he resisted and fought with officers. After a significant struggle to get the juvenile secured, he was handcuffed by using grappling and physical control and transported by ambulance to the hospital.

#4

On 2/22/23 at approximately 8:30 PM, Durham officers were dispatched to a reported motor vehicle accident on Frost Drive. Upon arrival, they located a vehicle that sustained heavy damage after colliding with a large tree. Officers made contact with the female operator who appeared to be heavily intoxicated. Upon the suspect's refusal to submit to field sobriety testing, she was arrested for Driving While Intoxicated. She failed to comply with handcuffing and her hands had to be drawn behind her body in order to be handcuffed. During a search, incident to arrest, she repeatedly tried to pull away from officers and tensed her body. Upon being placed in a police cruiser, she began making multiple statements threatening self-harm. Upon returning to the police station, she refused to cooperate with the booking process and attempted to hurt herself using the handcuffs securing her to the bench rail. Officers attempted to remove her from the bench rail for transport to the jail, but she slumped to the floor and refused to cooperate. Officers then attempted to walk her to a police cruiser for transport, but she again slumped to the floor and had to be carried to the cruiser. Once inside the police cruiser, she began kicking the partition and made more statements threatening self-harm. As a result of her actions, her legs were restrained using leg restraints. During booking the next day, bruising and red marks were found on her wrists, which could have been the result of her attempts at harming herself while handcuffed.

#5

On 3/1/2023, at approximately 4:20 PM, Durham officers were dispatched to assist Durham Fire/EMS at the Irving/Circle K, 4 Dover Road, for a report of a man passed out in the driver's seat of his parked vehicle. Upon officers' arrival, Fire Department personnel were speaking with the man who was conscious and alert while seated in his vehicle. He declined EMS treatment when offered to him. When officers attempted to identify him, he began making furtive movements, as if trying to conceal items under his body. One officer grasped his arm and ordered him out of the car. Another officer noticed a fixed blade knife in his pocket near where he was attempting to conceal his

movements. He was then removed from the vehicle and pinned against the car before being handcuffed. A sheathed 3 to 4-inch fixed blade knife was found clipped to his right front pants pocket.

#6

On 3/16/2023, at approximately 1:05 PM, Durham officers were dispatched to a call regarding a suicidal 47-year-old woman. While on their way to the call, officers received additional information that the reporting party was on the phone with the woman, and she had admitted to taking a large amount of prescription medication in addition to cutting herself with a knife. Upon the officers' arrival, the woman was not answering her bedroom door and the door was locked. Officers were forced to kick the door in to check on her. When entering the room, officers reported that the woman appeared unconscious in her bed. When officers started talking to her, she began to move. The officers gave verbal commands to her, as they were concerned that she still may be carrying a knife. When she did not respond, an officer pulled her arm to handcuff her in an attempt to locate and secure the suspected knife. She then began to pull away and roll away from the officers. The officers were forced to pull her to the ground to separate her from the area where they believed the knife was located, and she was then handcuffed. She was transported to the hospital by EMS as a result of ingesting pills and cutting her neck with the knife.

#7

On 3/25/2023 at approximately 9:10 PM, Durham officers were dispatched to Route 4, near the entrance of Wagon Hill Farm, for a report of a vehicle off the road. Upon officers' arrival, they located a 39-year-old woman outside of the vehicle who had been operating the vehicle. The woman reported that she was uninjured. After an on-scene investigation, officers determined that the woman was impaired and told her that she was under arrest for Driving While Impaired. As the officers attempted to handcuff her, she began to pull and twist her arms and tried to walk away from them. She did not willingly submit to the arrest and had to be taken to the ground in order for officers to safely gain control of her. Once on the ground, she continued to twist and pull her arms away from officers. Officers shouted, "Stop resisting," and "Put your hands behind your back," while trying to handcuff her. She then kicked an officer in the leg with her foot while continuing to resist. Once she was safely in handcuffs and in custody, she complained that she had a pre-existing back injury. She was evaluated, treated, and transported by EMS to the hospital.

#8

On 3/26/2023, at approximately 1:50 AM, five Durham officers responded to the area of 53 Manor Street for a report of a man attempting to assault several women. When officers arrived, they observed a shirtless male swinging his arms around wildly and screaming at a crowd comprised of both men and women. Officers identified themselves as police and gave verbal commands for the man to stop his behavior, which he did not comply with. One officer drew and pointed their taser at the man. He then turned and stepped towards an officer and was tackled to the ground. He continued to resist while officers yelled, "Stop resisting." The man was twisting and pulling his arms away. The officers were able to get him into handcuffs using hand control. After being handcuffed, the suspect refused to walk on his own and officers were forced to carry him to the police cruiser. It should be noted that police later learned that the suspect was a 16-year-old juvenile.

#9

On 3/26/2023, at approximately 4:00 AM, four Durham officers were in the booking room attempting to place an agitated 16-year-old juvenile male into handcuffs for transport to a holding facility. When an officer attempted to remove his handcuffs, which were being secured to a bench rail, he reached to grab the officer's arm twice. When the male reached for the officer's arm a third time, another officer grabbed his arm to prevent him from assaulting the officer. The male's left arm was secured in an arm hold, while two officers held his right arm to remove it from the bench rail. Officers gave repeated commands to stop resisting, stop attempting to grab the officer, and to stop tensing and pulling his arms away. Once his right arm was free of the bench rail and both arms were held securely, he was placed in transport handcuffs. Officers stood the male up and attempted to walk him to a police cruiser. The male refused to walk on his own and had to be assisted along by three officers. He then refused to sit in the rear of the police cruiser and had to be physically placed inside by three officers. He was then secured for transport.

#10

On 3/30/2023, at approximately 11:00 PM, a Durham officer was parked on Main Street in the area of Campus Convenience, when two intoxicated men began to physically fight each other. The two men were on the ground fighting when the officer approached them and ordered them to stop. One man stopped and sat down on a bench while the other man began to run away down a dimly lit alley. The officer ordered this man to stop and threatened the use a taser if he did not comply. He then stopped, and the officer attempted to place him in handcuffs. He then began twisting and pulling away from the officer. The man was then brought to the ground until additional officers arrived on

scene. The man held his arms under his body while officers told him to put his hands behind his back and to give the officers his arms. Officers needed to pull his arms behind his back in order to get him into handcuffs. Once in handcuffs, he became cooperative. As a result of this incident, an officer sustained a knee injury and the suspect had minor scrapes. It was unknown if the scrapes were sustained from the initial fight or through the altercation with officers. The suspect was evaluated by McGregor EMS and refused further treatment.

#11

On 4/13/2023, at approximately 11:35 PM, a Durham officer observed two men standing near the alley next to Campus Convenience drinking beers. The officer approached the men, who then attempted to hide in the alley. The officer asked them to step out and provide their identification. One of the men then ran from the scene and a foot pursuit ensued. The officer yelled for the man to stop running numerous times to no avail. The suspect ran down to the University Market parking lot, over to Jenkins Court, and then down Pettee Brook Lane while other officers responded to assist. The man then ran into a wooded area behind 13 Jenkins Court where he slipped, fell, and attempted to get back up to continue running. Verbal commands were given again for him to stop. Another officer arrived and was able to tackle the man and prevent him from running any further. Two additional officers arrived and assisted in bringing his hands behind his back in order to be handcuffed. The suspect sustained minor scrapes to his knees and arms and was evaluated by McGregor EMS. He declined further treatment.

#12

On 5/6/2023, at approximately 1:20 AM, two Durham officers observed two men urinating near the metered parking lot on Pettee Brook Lane. Officers attempted to stop the men, but they took off running. The officers ordered the men to stop but they continued running. At this point, the officers engaged in a foot pursuit towards Paul College on Garrison Avenue. The men crossed Garrison Avenue where they split up. One man tripped and fell in a grassy area on Garrison Avenue. He tried to get back up but was tackled by an officer. This man immediately stopped resisting arrest and was taken into custody without further issues. The second man was taken into custody without issue on Brooke Way.

#13

On 5/7/2023, at approximately 12:45 AM, two Durham officers were on patrol on Woodman Road when they saw a man throw a glass beer bottle in the air, resulting in it smashing in the middle of the road. The officers attempted to talk to the man, and he initially stopped, but then fled on foot. After a brief foot chase, an officer caught up to the suspect. While telling the suspect to stop running, the officer was able to push him over.

When the suspect fell to the ground, the officer was able to get on top of him, but he then began pushing the officer off him. The officer was able to transition the man to his stomach, where he was placed into handcuffs without further issue.

#14

On 5/8/2023, at approximately 12:25 AM, the Special Reaction Team (SRT) was activated to the town of Middleton, NH for an armed man who had barricaded himself inside a residence. The man had strangled his brother earlier in the night and had displayed a firearm. Numerous attempts were made to get the man to surrender peacefully before the SRT was activated. Two Durham officers who are part of the SRT responded to assist. One Durham officer was assigned to the bearcat vehicle on an immediate action team, while the other Durham officer was assigned to the rear of the residence on a secondary arrest team. Numerous attempts were made to get the suspect to surrender peacefully utilizing the public address system and with phone calls. With the suspect still refusing to come out, an SRT member utilized a noise flash distraction device, but the man still did not respond. Eventually, SRT members used the bearcat ram bar to open the front door. A drone was deployed inside the residence, which located the suspect in the basement. The suspect destroyed the drone and then came to the door. One Durham officer pointed his rifle at the man while utilizing the bearcat for cover. The suspect was given additional verbal commands over the public address system. The suspect failed to comply with commands and was extremely agitated, yelling and swearing at the officers on scene. The suspect eventually retreated into the house. A while later, the suspect exited the house through a rear window and fled into the woods. Both Durham officers chased after the suspect, who stopped on the next street over from his residence. While standing in the roadway, the man showed his hands but refused to immediately cooperate with additional commands. One Durham officer pointed a Pepperball Launcher at the suspect and the other Durham officer, for a second time, pointed a rifle at the suspect. He was then taken into custody without further issue.

#15

On 5/22/2023, at approximately 10:35 AM, Durham officers responded to a residence for a welfare check of a woman threatening suicide. The woman stated that if anyone responded to help her that she would become "violent." Upon the officer's arrival, they encountered an intoxicated and unclothed woman. Officers attempted to bring her outside of the residence to separate her from any potential weapons. As they attempted to escort her outside of the residence, she began pulling her arms away from the officers. The officers then had to pull her to the ground and onto her stomach to handcuff and detain her. The woman was extremely intoxicated, but not injured. She was transported to the hospital for a mental health evaluation.

#16

On 6/14/2023, at approximately 12:10 PM, Durham officers were dispatched to a residence for a 9-1-1 call reporting that a woman was on the line with a crisis center stating she was intoxicated and wanted to harm herself or others. Officers responded and contacted the woman, who was confirmed to be intoxicated and had cut marks on her arms. Early in the interaction, the woman admitted to being suicidal and homicidal and officers used de-escalation techniques to talk the woman out of the house. While attempting to engage her in conversation, her behavior became erratic and uncontrolled. When she attempted to re-enter the residence to get away from the officers, she was physically restrained. She began to pull and twist to get away from the officers who were attempting to handcuff her and place her in protective custody. After a brief struggle, she fell to the ground and continued to pull and twist to try to get away. She was handcuffed and safely taken into custody without any injuries. She was transported to the hospital in the care of EMS for a mental health evaluation.

#17

On 6/22/2023, at approximately 8:00 AM, Durham officers were notified that a man was posting messages regarding killing police on social media. The reporting party, who is also a family member of the suspect, filed Involuntary Emergency Admission (IEA) paperwork on the man after reading the threatening posts. After officers confirmed the homicidal threats, they went and tried to make contact with the man, but he refused to answer police knocking at his front door. The man was then heard locking his door and turning up a stereo system to an extreme decibel. At this time, his apartment's personal medical alarm sounded and the emergency light above his front door activated. Officers tried calling his cell phone twice, but the man immediately hung up the phone upon answering it. Officers continued to knock on the door and called out to the man several times. He responded twice by shouting derogatory comments. With increasing safety concerns and all attempts to get the man to open the door exhausted, officers entered the apartment using a master key. Once the door was unlocked, officers were able to enter the apartment. When the man refused to show his hands, an officer drew and pointed a taser at the man to confirm he did not have a weapon.

The man eventually showed his hands and did not resist. Officers were able to apply handcuffs without issue. He was transported to a hospital for a mental health evaluation.

#18

On 6/22/2023, at approximately 3:35 PM, Durham officers responded to a Durham business after staff called to report an unknown female, "acting out" and attempting to enter their kitchen and other prohibited areas. The reporting party believed the woman was not impaired but appeared to have mental health issues as she was being difficult when speaking with staff.

Upon arrival, and after speaking with staff, officers were informed that the woman was now acting aggressively towards staff and refusing to leave. Officers spoke with the woman, who was verbally uncooperative and exhibiting unusual behavior. Officers told her she needed to leave the private establishment. After the officers gave multiple lawful orders for the woman to leave, she refused and was placed under arrest for Criminal Trespassing. Officers took her into custody by grasping both of her arms in an attempt to place her in handcuffs. She then started screaming and began twisting and pulling her arms away from the officers. She was eventually placed in handcuffs and escorted to a police cruiser.

While attempting to place the female in the police cruiser, she actively resisted by twisting and turning her body. She had to be lifted off the ground and placed in the police cruiser. At one point during the struggle the woman lifted her right leg, moving her knee towards an officer's chest. Another officer interrupted the attempted assault by bending the woman's right knee to get her leg inside the police cruiser. The woman was subsequently charged with Resisting Arrest.

#19

On 7/5/2023, at approximately 9:00 PM, Durham officers were dispatched to assist officers of the Town of Lee, who were addressing two suicidal juveniles on Route 125. Upon the officers' arrival, they found the two juveniles secured in the Lee police cruisers who had not been thoroughly searched. The officers realized that one juvenile had slipped out of her handcuffs. A Durham officer discovered that one of the juveniles used a razorblade, which she had kept hidden, to repeatedly cut her own neck while inside the Lee cruiser. The second juvenile used the handcuffs she had slipped out of and attempted to break the windows of the Lee cruiser. Upon being removed from the cruiser, she began spitting on officers and was subdued using basic control holds. She then grasped an officer's hand and would not release it until a pressure point manipulation was used. She was re-handcuffed and secured in the cruiser, only to escape from handcuffs again. She again used the handcuffs in a second attempt to escape from the Lee cruiser. When officers attempted to remove her from the cruiser, she kicked an officer in the arm and knee and was brought to the ground. While being flex-cuffed, she attempted to headbutt an officer in the groin area. It was later

discovered that the juvenile also had razorblades concealed within her clothing. Both juveniles were subsequently transported to the hospital for physical and mental health treatment.

#20

On 9/11/2023, at approximately 3:55 PM, Durham officers responded to Route 4 for a report of a suicidal woman who was “dancing and lying down” in the roadway. Upon their arrival, Officers located the woman in a shed on a nearby property and immediately recognized her from prior incidents. She had a cut on her head, which was bleeding. Upon not listening to officers’ instructions, officers forcibly removed the woman from the shed by gaining control of her arms. Once removed, she was told she was being taken into protective custody for a mental health evaluation at a local hospital. The woman immediately started thrashing, twisting, and pulling away from the officers. The officers were forced to take her to the ground to try and handcuff her safely. She continued pulling away and attempting to conceal her hands under her body. Officers instructed her to stop resisting and to give them her hands. The Officers were forced to pull her hands behind her back so that they could handcuff her. Durham Fire medics and McGregor EMS were called immediately to evaluate the woman. While escorting her to a police cruiser, the woman started thrashing, jumping, and dropping her body weight. She was lowered to the ground, again, and placed on her side in the recovery position to ensure her airway remained open. This decision was made so that the officers could prevent her from hurting herself and others while waiting for EMS to arrive. When EMS arrived, the officers assisted in removing the handcuffs and restraining the woman in the stretcher. She was then transported to the hospital for a mental health evaluation.

#21

On 9/18/2023, at approximately 8:15 PM, a Durham officer was at a hospital with a woman who was suspected of Driving While Intoxicated (DWI). After the woman was evaluated by the medical staff, the officer informed the woman she was under arrest for DWI. The woman refused to put her hands behind her back or comply with the officer’s commands. The officer had to take control of her arms as she began to pull away from him. The officer told her several times to put her hands behind her back and stop resisting. The officer was forced to use his left knee to pin her right leg up against the hospital bed to prevent her from pulling away further. The officer was finally able to pull her hands behind her back to be handcuffed. The handcuffs were then checked for proper fit and double-locked. A short time later, the woman was able to get one of her hands free from the handcuffs. The officer was then forced to use hand control methods to turn her around and secure her with smaller chain-style handcuffs.

#22

On 9/30/2023, at approximately 9:15 AM, Durham officers responded to assist the Durham Fire Department with a medical emergency where a woman was actively having a seizure. Medical personnel and officers located the unconscious female in the bathroom of her apartment. When the woman regained consciousness, she became combative punching and kicking at the medics. This is a common symptom during the postictal period after experiencing a seizure. Officers assisted in restraining the woman by holding down her arms and legs, while medics evaluated her and prepared her for transport to the hospital. The woman was transported to the hospital by ambulance for medical treatment.

#23

On 09/30/2023, at approximately 10:25 PM, a Durham officer was flagged down about a possible burglary in progress in an occupied dwelling. Officers were given a description of the suspect, who witnesses said was fleeing on foot. While searching the area for the suspect, an eyewitness spotted him trying to get into a vehicle, presumably to drive away from the scene. An officer saw the suspect, announced his presence, and commanded the suspect to stop. The suspect then turned and fled into the woods adjacent to the roadway next to his vehicle. The officer chased the suspect into the woods and tackled him to the ground to take him into custody. The suspect was handcuffed and placed under arrest without any further resistance.

#24

On 10/14/2023, at approximately 1:30 PM, a Durham officer assigned to a traffic detail attempted to address a man who was in possession of an open alcoholic beverage on a public sidewalk. The officer tried to stop the man to address the open container violation, but he continued to walk away. The officer announced that they were a police officer before taking ahold of the man's backpack to stop him from continuing to walk away. He then twisted away from the officer and fled on foot. The officer had to chase the suspect and was able to detain him by grabbing the back of his shirt and bringing him to the ground. The suspect was handcuffed and placed under arrest without any further resistance.

#25 & 26

On 10/14/2023, at approximately 7:45 PM, Durham officers were dispatched to a reported fight with several involved parties in the downtown area. Two officers assigned to mountain bike patrol were in close proximity and immediately responded. At the time of their arrival, it appeared that the fight was still active, and a man and woman were being held back by witnesses as they were still attempting to fight a third involved party.

Witnesses identified that the two suspects being held back had possibly assaulted someone. Officers made contact with the two suspects to gain control of them and stop them from fighting. As the two officers did so, the man attempted to strike the officer with his fist. The officer grabbed the man and brought him to the ground, where he was held to discontinue the attempted assault. While doing so, the suspect pushed the officer and attempted to pull away from him by vigorously twisting and turning. The officer was finally able to gain control of the man and handcuff him. As both officers were handcuffing the man, the woman involved approached an officer and kicked him twice in the leg and hip area. The second suspect was brought to the ground and placed in handcuffs. Both the man and the woman were placed under arrest.

#27

On 12/07/2023, at approximately 10:25 AM, a Durham officer was following up with a 75-year-old man who was attempting to retrieve his motor vehicle that had been towed. The vehicle had been deemed unsafe to operate on the roadway. The officer had a conversation with the man and his family, and an agreement was reached that the man would have the vehicle towed to a repair facility to be made safe for the roadways. At this point, the man attempted to leave by driving the unsafe vehicle off the lot. The officer told him to stop, and the man then reversed quickly, nearly striking the officer's police cruiser. The officer told the man to get out of the vehicle, but he refused. As the officer attempted to pull him from the vehicle, the man assaulted the officer with a punch to the head. The officer used soft hand control to bring him to the ground, detain him, and place him under arrest in handcuffs. He was evaluated on scene and then transported to the hospital for mental health related issues, as well as from an injury he sustained when he purposely slammed his head off the exterior window of the police cruiser to commit self-harm.

#28

On 12/14/2023, at approximately 9:53 PM, a Durham officer was dispatched to a motor vehicle complaint for a vehicle that was described as, "All over the Road." The officer checked Dover Road and then Newmarket Road, ultimately locating the vehicle on Newmarket Road, near Laurel Lane. The officer conducted a motor vehicle stop and approached the vehicle to begin speaking with the 36-year-old female operator. The officer noted signs of impairment and requested she complete Standardized Field Sobriety Tests. The woman declined, and the officer told her she was under arrest based on observations of impairment. A second officer responded to the scene to assist the first officer. The woman refused to get out of the vehicle after being told she was under arrest for Driving While Intoxicated. The initial contact officer ordered her to step out again, and the woman refused, saying, "No." The initial contact officer opened the driver's door while the backup officer opened the passenger door. The officers removed

the woman's seatbelt and had to physically pull her from the vehicle. As the officers pulled the female out of the vehicle, she stiffened her muscles making it more difficult to remove her. The officers then placed her in handcuffs.

Conclusion

After reviewing all relevant data from previous years, I conclude that in 2023, there is no developing pattern to suggest that any officer is using force greater than what is reasonable and necessary to affect the arrest or detention of violently resisting persons. There is no data that suggests any Durham officer is acting in an aggressive manner. The evidence over the years is compelling and proves that Durham officers use an extreme amount of restraint and professionalism when under duress, when provoked, and when threatened with harm. I believe it is a credit to our instructors, hiring process, field training program, as well as adherence to sound policy and procedures under the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation process that allows our success to continue.