



STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY
DIVISION OF STATE POLICE
PROFESSIONAL STANDARDS OF CONDUCT



DIRECTIVE TITLE: USE OF DEADLY FORCE

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CHAPTER 41-L
USE OF DEADLY FORCE

41-L.1.1 Definitions:

- A. "Deadly force" means any assault or confinement which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury. Purposely firing a firearm capable of causing serious bodily injury or death, in the direction of another person or at a vehicle in which another is believed to be, constitutes deadly force. (NH RSA 627:9, II)
- B. "Deadly weapon" means any firearm, knife or other substance or thing which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing death or serious bodily injury. (NH RSA 625:11, V)
- C. "Serious bodily injury" means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body. (NH RSA 625:11, VI)
- D. A reasonable belief that another has committed an offense means such belief in facts or circumstances which, if true, would in law constitute an offense by such person. If the facts and circumstances reasonably believed would not constitute an offense, an erroneous though reasonable belief that the law is otherwise does not make justifiable the use of force to make an arrest or prevent an escape. (NH RSA 627:5, VI)

41-L.2.1 Justification for Use of Deadly Force
(NH RSA 627:5, II & VIII):

- A. A Division member is justified in using deadly force only when he reasonably believes such force is necessary to defend himself or a third person from what he reasonably believes is the imminent use of deadly force.

- B. Nothing in the preceding section constitutes justification for conduct by a law enforcement officer amounting to an offense against innocent persons whom he is not seeking to arrest or retain in custody.

SOURCES: NH RSA 625:11, 627:5 and 627:9

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