


<b>East Haven Police Department</b>  	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No.</b> <b>105.1<del>2</del><sup>1</sup></b>
	<b>Subject/Title:</b> <b>Uniforms, Equipment, and Personal Appearance</b>	<b>Issue Date:</b> <del>September 26, 2023</del> <u>January 30, 2024</u>	
		<b>Effective Date:</b> <del>October 15, 2023</del> <u>February 15, 2024</u>	
	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>	
<b>References/Attachments:</b>  <b>Policies and Procedures #: 210</b>		<b>Rescinds:</b> <b>105.1<del>1</del><sup>0</sup></b>	
		<b>Amends:</b> <b>N/A</b>	

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the wearing of the uniform, prescribed equipment, and personal appearance.

## II. POLICY

- A. It is the policy of the East Haven Police Department that all employees shall adhere to the uniform, appearance, and equipment standards set forth in the procedures stated within.

## III. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Upon employment, employees of the Department are issued identification cards, which contains the Department's name, the employee's photograph, name, rank and badge number, if applicable. All sworn employees of the Department are also issued police badges.
- B. It is expected that employees of the Department will have their Department-issued identification cards readily available while on duty.
- C. Identification cards, including police badges and all Department-issued gear, are to be returned to the Department upon suspension or termination. Lost or stolen identification cards and/or police badges shall be reported immediately to an on-duty supervisor, and an incident report and/or memo shall be completed by the employee reporting the loss or theft.

## IV. PROCEDURES

### A. Uniforms

1. All uniformed on-duty personnel shall wear the uniform of the day as prescribed by the Chief of Police with the approval of the Board of Police Commissioners.
2. While on duty, the complete uniform shall be worn to include the officer's badge and name plate or the authorized embroidered facsimile of such. The authorized embroidered facsimile (badge and name plate) shall be displayed when applicable as outlined within this directive.
  - a. The officer's badge and last name shall be affixed prominently and displayed conspicuously on the outer-most garment of the uniform.
  - b. Any plainclothes personnel/officer who has to interact with the public and wears an outer uniform garment shall display his/her badge and last name conspicuously on the outer-most uniform garment.
  - c. An officer is not required to display his/her badge or name when working an assignment during which the aforementioned identification requirements will:
    - 1) Place the officer's safety and/or any other member of the public's safety in jeopardy; or
    - 2) Compromise the integrity of a sensitive investigation during the duration that such conditions exist.
  - d. No unauthorized clothing or equipment shall be worn, nor shall uniforms be altered in any way except for size.
3. All on-duty personnel shall have readily available their Department-issued identification cards.
  - a. Personnel, when feasible, shall present his/her Department-issued identification card when requested by a member of the public except when the withholding of such information is necessary for the performance of his/her police duties.
4. Uniforms shall be clean and pressed and tailored to ensure a proper fit. Personnel are responsible for care and proper maintenance of uniforms.
5. Personnel assigned to plain clothes units shall dress conservatively in a business-like manner.
6. All personnel shall wear uniforms when working on Department-authorized and privately paid police jobs off-duty, e.g., road jobs.
7. Unless otherwise directed, uniformed personnel shall wear uniforms when testifying in Court; when appearing in official capacity before the Board of Police Commissioners, uniforms or business attire shall be worn.

8. All personnel shall wear uniforms whenever directed to do so by the Chief of Police or his/her designee.
9. All personnel wishing to wear their uniforms outside the scope of this directive must obtain authorization from the Chief of Police.

#### B. Classes of Uniforms

1. Class A Uniform is the dress or ceremonial uniform consisting of:
  - a. For patrol officers.
    - 1) Blouse Coat: Single-breasted navy blue blouse coat. The officer's patch collar pins will be worn. The officer's uniform badge, silver-color name plate, and any award ribbons earned by the officer will be worn immediately above the officer's badge.
    - 2) Uniform Shirt: A navy blue long-sleeved uniform shirt will be worn with a black uniform tie with a silver-colored Department-approved tie clasp.
    - 3) Uniform Pants: The pants will be navy blue in color. The uniform pants will have a copen (medium blue) nylon braid strip that runs the full length of both pant legs.
    - 4) Top Round Pin-Down Uniform Hat: Only the top round pin-down uniform hat comprised of solid blue navy material may be worn as part of the Class A uniform.
    - 5) Uniform Footwear: Black, low quarter, polished leather or patent leather uniform shoes, or polished black or patent leather paratrooper boots may be worn.
    - 6) Department approved duty belt.
    - 7) Other Optional Wear. Depending upon the circumstances, the Special Order may specify other optional wear to be worn as part of the Class A Uniform.
      - a) White uniform gloves.
      - b) Uniform coat, jacket, or raincoat, dependent on weather conditions.
        - i. The same insignia as the blouse coat will be worn except the officer's name plate.
        - ii. Mourning ribbon to be worn over the uniform badge.
  - b. The Class A uniform for detectives, superior officers and command staff shall be the same as that for patrol, with the substitution of gold-colored insignia, name plate and badge. Command staff at the rank of Lieutenant or above will wear a white shirt.

- c. When wearing award pins with the Class A Uniform, they shall be displayed in a holder above the badge. The top pin shall be the American flag followed by the display order as outlined in Policies and Procedures # 210 – Recognition.
2. The Class B Uniform is the regular on-duty uniform.
  - a. Summer Class B Uniforms.
    - 1) Navy blue short-sleeved shirt with silver name plate, badge, American flag pin, and collar pins. Navy blue pants or navy blue covert/hidden cargo pants with blue piping.
    - 2) When wearing the summer shirt, the top button only will be unfastened.
    - 3) Command staff at the rank of Lieutenant or above may wear a white shirt when authorized by the Chief of Police.
    - 4) The uniform hat will be a top round pin-down style.
  - b. Winter Class B Uniform.
    - 1) Navy blue long-sleeved shirt with black tie, silver name plate, badge, American flag pin, and collar pins. Navy blue pants or navy blue covert/hidden cargo pants with blue piping.
    - 2) Officers may wear a black or navy blue shirt or turtle neck rather than the black tie.
    - 3) Command staff at the rank of Lieutenant or above may wear a white shirt when authorized by the Chief of Police.
    - 4) The uniform hat will be a top round pin-down style.
    - 5) During cold or extreme weather conditions, a black colored wool winter hat may be worn instead. It must be embroidered to the Department's specifications.
3. When wearing award pins with both the summer and winter uniforms, they shall be displayed in a holder above the badge. The top pin shall be the American flag followed by the display order as outlined in Policies and Procedures # 210 – Recognition.
4. Class C Uniform.
  - a. Navy blue BDU style pants (no piping) or navy blue covert/hidden cargo pants with blue piping, navy blue short-sleeved shirt either button down or polo style, for the summer uniform and long-sleeved shirts or polo style for the winter. The badge and last name with rank shall be an embroidered patch on all shirts. The badge above the left pocket indicating rank and name and rank above the right pocket.
  - b. For sergeants and above, the insignia of rank are to be embroidered on both left and right sides of the shirt collars.

- c. For the ranks of detective and above, the embroidery shall be gold in color.
- d. For patrol officers the embroidery shall be silver in color.
- e. The embroidery rank abbreviation designation above the right pocket shall use the following format.
  - 1) Chief “Last Name”
  - 2) Dep. Chief “Last Name”
  - 3) Insp. “Last Name”
  - 4) Capt. “Last Name”
  - 5) Lt. “Last Name”
  - 6) Sgt. “Last Name”
  - 7) Det. “Last Name”
  - 8) Ofc. “Last Name”
- f. If the polo-style summer or polo-style winter shirt is worn, the word “Police” must be visible across the back of the shirt. The badge should be an embroidered patch on the left chest and the name and rank on the right chest.
  - 1) Command staff at the rank of Lieutenant or above may wear a ~~white or~~ navy blue polo-style shirt. A white polo-style shirt may be worn when authorized by the Chief of Police.
  - 2) For sergeants and above, the insignia of rank are to be embroidered on both left and right sides of shirt collars.
- g. The uniform hat will be a Department-approved black baseball style hat, which shall adhere to the following Department specifications:
  - 1) 5.11 adjustable uniform hat.
  - 2) “39THIRTY” New Era structured stretch cotton cap.
  - 3) Worn only with Class C or Class D uniforms.
  - 4) The black baseball style hat shall be embroidered with the Department’s patch centered on the front and the American flag centered on the back.
  - 5) No other baseball style hats shall be worn while in Class C or D uniforms.



- b. During the warmer months of the year, officers shall wear the Department-issued bicycle shirt with dark blue Department-issued bicycle shorts. The bicycle shirt shall be embroidered to the same standards as the Class C Uniform.
  - c. The high-visibility jacket or the bicycle jacket may be worn when applicable.
  - d. When operating the bicycle, the bicycle helmet shall be worn.
  - e. The bicycle uniform shall only be worn when assigned to bicycle duty.
- 3. Traffic Duty.
  - a. Officers shall wear the Department-prescribed OSHA approved high-visibility traffic vest, traffic shirt or traffic jacket when performing traffic duty assignments.
- D. Plainclothes Personnel
  - 1. Plainclothes personnel shall dress in a businesslike manner, unless permitted otherwise by this directive.
    - a. Businesslike manner for men shall consist of a collared dress shirt, dress pants, and tie. Sport jackets are optional.
    - b. Businesslike manner for women shall consist of skirts, dresses, pant suits or slacks with a dress shirt, blouse or sweater.
      - 1) Sworn personnel are not permitted to wear skirts or dresses.
    - c. When testifying in court, plainclothes personnel shall wear a suit.
    - d. Personnel on special assignment may be exempt from certain uniform and grooming requirements upon approval of the Chief of Police or his/her designee.
  - 2. Plainclothes personnel will be permitted to wear polo-type shirts and cargo pants, provided they maintain a neat appearance.
- E. Wearing of the Uniform
  - 1. All classes of uniforms as outlined in this directive bearing the Department insignia will be worn only while on duty, engaging in Department-authorized activities, while traveling directly to and from duty, or with the permission of the Chief of Police.
  - 2. If making any stops outside of the direct travel route between the on-duty location and home while in any class uniform, the Department insignia must be covered by civilian attire.
- F. Equipment and Accessories
  - 1. Outerwear and Jackets.
    - a. Personnel in uniform may wear suitable uniform-type jackets provided that they display the Department patch/insignia, badge, and rank (if applicable).
    - b. All outerwear must be black or dark navy blue in color.



- c. Rain gear is allowed during inclement weather and does not have to display Department patches, or insignia.
    - 1) While wearing rain gear, the Department badge must be displayed.
  - d. High-visibility outerwear (e.g. traffic vest) shall be worn for situations that require this type of outerwear.
  - e. All high-visibility outerwear must meet OSHA standards and be the color high-visibility yellow/green.
2. Shoes and socks.
- a. Uniform shoes shall be plain black and be capable of taking a high polish. Shoes shall be kept well-polished and maintained.
    - 1) If the shoes have a buckle, it shall be covered by the pants.
    - 2) Black uniform tactical boots that are not capable of being polished may only be worn with the Class C or Class D Uniform provided they are kept clean and neat.
  - b. Heel height shall not exceed one inch.
    - 1) This section does not apply to plain clothes or civilian personnel, provided that the footwear worn is stable and sufficient to prevent injury.
    - 2) Plain clothes personnel conducting an investigative or enforcement operation or assisting patrol officers, shall not wear shoes with heels that exceed one inch while conducting those activities.
  - c. Boots may be worn in lieu of shoes as long as they conform to the above standards.
  - d. Soft leather shoes will be allowed as long as they are capable of a high shine.
  - e. Socks shall be black or navy blue, if visible.
    - 1) If wearing uniform or bicycle shorts, the socks shall not be worn above the ankle.
3. T-shirts.
- a. While wearing the dark navy blue uniform shirt, only a black or navy blue tee shirt shall be worn if visible.
  - b. While wearing the white uniform shirt, only a white tee shirt shall be worn if visible.
- G. Badges, Name Plates and Hats for the Class A or B Uniform
- 1. The badge and name plate shall be worn and completely visible at all times, when wearing the Class A or Class B Uniform. The name plate will display the officer's last name.



2. Name plates for patrol officers will be a chrome name plate with black letters.
3. Detectives, sergeants and above will wear a gold colored name plate with black letters.
4. The Top Round Pin-Down Uniform Hat Model # R-13 is the only authorized uniform hat while wearing the Class A or B Uniform.
  - a. For the ranks of detective and above, there will be a gold cloth strap around the hat.
  - b. For patrol officers there will be a silver cloth strap around the hat.
  - c. The hat when worn will sit squarely on the head. The visor shall be worn two (2) fingers width above the bridge of the nose.
  - d. There will be gold spray ("army style bullion") on the visor of all personnel at the rank of Captain or above.

#### H. Insignia of Rank

1. Chief of Police.
  - a. Two (2) gold stars, worn on both left and right sides of the shirt collar and the shoulders of the outer garments.
  - b. Single-breasted coat with four (4) ½" blue piping on each sleeve.
  - c. One (1)" blue piping on pants.
  - d. Dark navy blue or white shirt with a black clip-on tie.
  - e. Gold cloth strap on cap with gold spray on visor.
2. Deputy Chief of Police.
  - a. One (1) gold star, worn on the shirt collar and the shoulder of outer garments.
  - b. Single-breasted coat with three (3) ½" blue piping on each sleeve.
  - c. One (1)" blue piping on pants.
  - d. Dark navy blue or white shirt with a black clip-on tie.
  - e. Gold cloth strap on cap with gold spray on visor.

#### ~~3. Inspector.~~

- ~~a. Gold oak leaf worn on the shirt collar and the shoulder of the outer garment.~~
- ~~b. Single-breasted coat with two (2) ½" blue piping on each sleeve.~~
- ~~c. Three-quarter (¾)" blue piping on pants.~~

~~d. Dark navy blue or white shirt with a black clip-on tie.~~

~~e. Gold cloth strap on cap with gold spray on visor.~~

4. Captain.
  - a. Two (2) gold bars worn on the shirt collar and shoulder of outer garment.
  - b. Single-breasted coat with two (2)  $\frac{1}{2}$ " blue piping on each sleeve.
  - c. Three-quarter ( $\frac{3}{4}$ )" piping on pants.
  - d. Dark navy blue or white shirt with a black clip-on tie.
  - e. Gold cloth strap on cap with gold spray on the visor.
5. Lieutenant.
  - a. One (1) gold bar worn on shirt collar and shoulder of outer garment.
  - b. Single-breasted coat with one (1)  $\frac{1}{2}$ " blue piping on each sleeve.
  - c. Three-quarter ( $\frac{3}{4}$ )" blue piping on pants.
  - d. Dark navy blue or white shirt with a black clip-on tie.
  - e. Gold cloth strap on cap.
6. Sergeant.
  - a. Three (3) pointed chevrons worn on the shirt collar, shirtsleeve and the sleeve of outer garment.
  - b. One-half ( $\frac{1}{2}$ )" blue piping on pants and Class A Uniform (single breasted coat) worn with blue shirt and black tie.
  - c. Gold cloth strap on cap.
  - d. Dark navy blue shirt with a black clip-on tie.
  - e. Gold chevrons shall be worn on the shirt collar.
7. Police Officer.
  - a. One-quarter ( $\frac{1}{4}$ )" blue strip on pants.
  - b. Collar pins will be worn.
  - c. One-quarter ( $\frac{1}{4}$ )" blue piping on pants and Class A Uniform (single breasted coat) worn with blue shirt and black tie.

- d. Silver cloth strap on cap.
8. Police Service Stripe.
- a. The police service stripe (aka “Hash Mark”) is a stripe worn on the left sleeve of the long-sleeved shirt or duty jacket representing years of service with Department.
  - b. Each stripe represents four (4) completed years of full-time service with the Department. Service with another police department is not to be included in the calculations of complete service.
  - c. The color of the police service stripe shall be royal blue with a white border.
  - d. The police service stripe is optional.
  - e. Restrictions: The police service stripe can only be worn on the Class “A”, “B” uniforms, or outer jacket. It cannot be worn on the Class “C” (BDU) uniform.
- I. Grooming Standards for Sworn Personnel - Men
1. Hair.
- a. Hair may be worn in any contemporary and conservative style conforming to the following:
    - 1) Hair shall be clean and trimmed neatly.
    - 2) Hair shall not extend more than two (2) inches upward from the top or two (2) inches outward from the side of the head, and in no event shall hair extend below the mid-part of the shirt collar while in normal standing posture.
    - 3) Officers may receive a religious exemption from this requirement.
    - 4) In no event shall hair interfere with the proper wearing of the uniform hat, helmet or gas mask.
2. Facial Hair.
- a. The preferred appearance is clean shaven.
  - b. Facial hair such as beards, goatees, and mustaches may be worn provided the facial hair is kept neatly trimmed and conforms to a professional appearance.
    - 1) The length of any facial hair shall not exceed three-eighths of one inch (3/8”) in length and shall not be grown below the laryngeal prominence (“Adam’s Apple”) of the neck line.
  - c. Prohibited styles of facial-hair wearing include, but are not limited to the following styles and/or variations:
    - 1) Fu Manchu.
    - 2) Handlebar.

3) Horseshoe.

- d. In no event shall the wearing of allowable facial hair interfere with the proper wearing (fit) of Department equipment such as a gas mask or a respirator.
- e. Facial hair shall not be permitted to be worn when a recruit officer attends basic police academy training or until a recruit officer has completed the field training program.
- f. Facial hair shall not be worn if it conflicts with the requirements of a member attending or complying with an outside agency's training or operational requirements when they are attending training or assigned to said agency.
- g. The Chief of Police and/or Deputy Chief of Police shall have the right to require members to appear without facial hair for any event or assignment.

e. Sideburns.

- 1) Sideburns shall be neat, trimmed, and shall not extend below the bottom of the ear lobe. The base of the sideburns will be a clean-shaven horizontal line. Sideburns will be of uniform width from top to bottom with no flair at the base.

3. Jewelry and Ornamentation.

a. The following may be worn:

- 1) Watches and non-conspicuous rings may be worn while in uniform. Religious or identification-type necklaces may be worn, but only if the chain is long enough so as to not expose the pendant to public view. A single strand necklace of precious or semi-precious metal when worn about the neck may be exposed to view while in the summer shirt.
- 2) The wearing of any other jewelry or ornamentation is expressly prohibited.
- 3) This section does not apply to non-sworn personnel.

J. Grooming Standards for Sworn Personnel - Women

- 1. Hair may be worn in any contemporary and conservative style conforming to the following:
  - a. Hair shall be neat and clean. Extreme styles will not be accepted. Hair shall not extend more than two (2) inches upward from the top or two (2) inches outward from the side of the head, and in no event shall hair extend below six (6) inches from the bottom of the collar while in a normal standing posture. Hair may be worn in a bun or ponytail provided it is worn as conservatively and safely as possible.
  - b. If hair is longer than just described, it must be worn up in a neat fashion and securely fastened. In no event shall hair interfere with the proper wearing of the uniform hat, helmet or gas mask.
  - c. Officers may receive a religious exemption from this requirement.

2. Make-up.
  - a. The use of facial make-up shall be conservative. Excessive use of lipstick, rouge, foundation, mascara, eyebrow pencil, eye shadow, etc., is not acceptable.
  - b. Fingernails shall be trimmed short and if painted shall be an inconspicuous color.

3. Jewelry and Ornammentation.
  - a. The following may be worn:
    - 1) Watches and non-conspicuous rings may be worn while in uniform. Religious or identification-type necklaces may be worn, but only if the chain is long enough so as to not expose the pendant to public view. A single strand necklace of precious or semi-precious metal when worn about the neck may be exposed to view while in the summer shirt.
    - 2) The wearing of any other jewelry or ornamentation including earrings is expressly prohibited.
    - 3) This section does not apply to non-sworn personnel.

K. Other Grooming Requirements - Men and Women

1. Wigs and Hairpieces may be worn so long as they are properly fitted and secured to the head and conform to the standards set for hair in the above sections.
2. Hair color should be natural in appearance with coloring and dyeing permitted. However, excessive or extreme use of coloring or dyeing is expressly prohibited.
3. Tattoos/body art cannot be visible on the head, face, or above the neck collar.

L. Honor Guard

1. Shall wear the uniform as established by the Honor Guard Unit with approval from the Chief of Police or his/her designee.

M. Accident Reconstruction Team

1. Shall wear the uniform as described in the South Central Connecticut Regional Traffic Unit Policy Manual.

N. SWAT Team

1. Shall wear the uniform as described in the South Central Regional SWAT Team Policy Manual.

O. Dive Team

1. Shall wear the uniform as described in the East Haven Police Dive Team and Marine Unit Policies and Procedures.

P. Field Training Officer (FTO)

1. FTO's shall display either the FTO pin or the FTO patch while wearing the Class A or Class B Uniform.
2. FTO's shall display the FTO patch while wearing the Class C Uniform.
3. When wearing the FTO patch, it shall be displayed on both sleeves.
4. This section does not apply to the rank of Sergeant or above.

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<b>East Haven Police Department</b>  	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 404.98</b>
	<b>Subject/Title:</b>  <b>Use of Force</b>	<b>Issue Date:</b> <del>May 31, 2022</del> <b>January 30, 2024</b>	<b>Effective Date:</b> <del>July 1, 2022</del> <b>February 15, 2024</b>
		<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>
	<b>References/Attachments:</b> <b>Connecticut General Statutes: § 53a-3, 53a-8, 53a-165 to 53a-167</b> <b>Policies &amp; Procedures #: 302, 407</b> <b>Appendix A – Critical Decision-Making Matrix</b>		<b>Rescinds:</b> <b>404.87</b>  <b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this Directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding any use of force and the protocols that must be followed whenever an officer exerts any degree of force in the performance of his/her duties.
  1. The East Haven Police Department recognizes and values the sanctity of human life and respect for every person's rights and dignity. As guardians of a lawful and ordered society, officers are vested with significant authority, the judicious use of which serves to protect public safety while fortifying public confidence in the legitimacy of the police.
  2. The nature of officers' work requires them to make fine judgments, often in dangerous and confusing circumstances, usually by relying on their internalized values, knowledge, and skills rather than on direct oversight.
  3. A peaceful resolution is the best, most desired outcome in all situations. To that end, officers must use only the level of force necessary to achieve legitimate, lawful purposes and resolve each situation they face fairly and safely. Acknowledging that circumstances may compel the use of physical force upon a person, up to and including lethal force, police officers must view the use of force as a last resort.
  4. The use of force has a profound impact on the persons who are subject to it, the officers who deploy such force, and on the families and members of the community.



How members of the Department use force affects how the community views the police and impacts the legitimacy of the Department in the eyes of the community.

5. While not an actual use of force, the mere presence of an officer can be intimidating to some. Therefore, officers should be mindful of their body language and tone of voice upon arrival at a scene and throughout their interaction with subjects, complainants, and witnesses.

## II. POLICY

- A. Valuing and protecting human life is the East Haven Police Department's highest priority. The public authorizes the police to use that force which is objectively reasonable for the protection of human life. As such, it is the policy of the Department that officers shall use only the minimum level of force necessary to achieve a lawful purpose.
  1. Officers may use lethal force in the performance of their duties only in those situations in which they must defend themselves or others from the use or imminent use of deadly physical force. Lethal force must be used as a last resort.
  2. Any use of force, including the use of lethal force, must be reasonable, proportionate to the threat, and employed in a manner consistent with this Directive.
- B. The Department shall maintain use of force policies and procedures, training, and review mechanisms that ensure the use of force by officers is in accordance with the rights, privileges, and immunities secured or protected by the United States Constitution and laws of the United States, and that any unreasonable uses of force are identified and responded to appropriately.
- C. The use of force policies and procedures shall ensure officers use non-force techniques, when possible, to facilitate compliance with police orders; use force only when necessary; use force in a manner that avoids unnecessary injury to officers and civilians; and de-escalate the use of force at the earliest possible moment.
- D. Officers shall evaluate all situations and the need to use force using the Critical Decision-Making Matrix as outlined in Appendix A of this Directive.
- E. Force shall never be used as punishment, regardless of the alleged offense.
- F. Duty to Intervene & Report
  1. Officers are prohibited from using force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures and/or a violation of Federal and/or State laws.
    - a. Officers who use more force than objectively reasonable and necessary to gain control of a subject or to prevent harm to another person shall be subject to severe discipline and/or discharge from the Department.

2. Any officer acting in a law enforcement capacity who witnesses another officer, regardless of rank or department, use force that the witnessing officer knows to be unreasonable, excessive or illegal, must intervene to attempt to stop such use of force.
3. The witnessing officer shall intervene in any manner necessary to stop any unreasonable, excessive or illegal use of force, including by verbal and/or physical means.
  - a. Unreasonable force is any force applied in a manner inconsistent with this Directive or applicable law.
4. Any officer who fails to intervene in an incident involving an unreasonable use of force that was witnessed by said officer(s) may be subjected to disciplinary action and criminal prosecution for the actions of the offending officer in accordance with the provisions of Connecticut General Statutes Section § 53a-8.
5. The requirements to intervene, however, do not apply to officers acting in an undercover capacity if intervening will significantly compromise their safety or the safety of another.
6. In rare cases, exigent circumstances may prevent an officer from complying with the intervention requirements such as the following.
  - a. An officer may be engaged in a simultaneous attempt to apprehend another person.
  - b. An officer may be actively engaged in rendering aid to a seriously injured person.
  - c. An officer may be separated by space, elevation, physical barriers, terrain or other hazards or impediments that prevent access necessary to intervene.
7. Circumstances that prevented or impeded an effective intervention shall be promptly reported to the on-duty supervisor and documented as outlined in Policies and Procedures # 407 – Use of Force Review and Investigations.
8. Any officer acting in a law enforcement capacity who witnesses another officer, regardless of rank or department, use force that the witnessing officer knows to be unreasonable, excessive or illegal, or otherwise becomes aware of such use of force shall notify the on-duty supervisor as soon as practicable.
  - a. The witnessing officer shall thoroughly document such use of force and how the force was used in an incident report and/or Use of Force Witness Report by the end of his/her tour of duty. The on-duty supervisor shall notify the Captain of the Patrol Division of such incidents, and documentation shall be in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.
  - b. Any officer who fails to report any unreasonable, excessive or illegal use of force as required by this Directive may be subjected to disciplinary action and criminal prosecution in accordance with the provisions of Connecticut General Statutes Sections § 53a-165 to § 53a-167.

G. Prohibition Against Retaliation

1. The Department and its employees are strictly prohibited from taking any retaliatory, discriminatory or punitive action against any officer who acts in good faith in accordance with this Directive, intervenes against excessive uses of force, reports misconduct, or cooperates in any internal or criminal investigation related thereto.

H. All officers must comply with this Directive and uphold the legal, moral, and ethical obligations of their sworn service to the public.

### III. DEFINITIONS

A. The Directives governing use of force use certain major terms or phrases to describe and/or define various aspects of less lethal force and lethal force. For purposes of clarifying these terms, a glossary of major terms has been established as follows.

1. Act Aggressively: The subject displays the intent to harm the officer, himself/herself or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.
2. Acting in a Law Enforcement Capacity: Any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority.
3. Active Resistance: Any physical act undertaken by a subject against an officer that could reasonably impede or defeat the officer's lawful attempt to gain control of the subject. Verbal statements alone do not constitute active resistance. Examples include: fighting and breaking the officer's grip.
4. Chief of Police Finding: The Chief of Police or his/her designee report on the findings issued to the officer(s) under investigation and included in the file on the incident maintained by the Internal Affairs Officer (IAO).
5. Chokehold/Neck Restraint: A physical maneuver or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain.
6. Critical Firearms Discharge: A discharge of a firearm by an officer, including accidental discharges, discharges at animals, and discharges at persons where no one is struck, with the exception of range and training discharges.
7. Deadly Weapon: Any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
8. De-Escalation: The use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.

9. *De Minimis Contact*: Physical interaction that is not expected to result in injury or alleged injury to another person.
10. *Firearm*: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.
11. *Force Review File*: A compilation by the supervisor of the Use of Force Reports, Supervisory Force Review Report and documented evidence for each use of force incident. The Force Review File is reviewed by a Division Head and submitted to the Chief of Police and IAO.
12. *Hard-hand Control*: Force involving the use of controlled knee strikes, elbow strikes, punches, kicks or other striking techniques; hard takedowns and strikes to pressure point areas to control a subject. Such force is impact oriented and presents a moderate chance of physical injury to the subject.
13. *IAO Use of Force Report*: The report submitted to the Chief of Police reporting the IAO's investigation and review of an incident. It shall include the Force Review File.
14. *Imminent*: Likely to occur at any moment; impending; imminent danger – an immediate threatened injury sufficient to cause a reasonable and prudent person to defend himself/herself.
15. *Last Resort*: A final course of action, used only when other reasonable options are unavailable or have failed.
16. *Less Lethal Force*: Any force that is not likely to cause serious physical injury or death. Less lethal force includes weaponless defensive and control techniques (such as open hand strikes, elbow or closed fist strikes, leg sweeps, kicks, and forcible restraint), weapons and munitions (such as OC Spray or chemical agents such as tear gas, CEW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and/or K9.
17. *Less Lethal Weapon*: Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional lethal weapon (i.e., firearm). Nonetheless, use of a less lethal weapon may result in death or serious injury.
18. *Lethal Force (Deadly Force)*: Refers to any use of force likely to cause death or serious physical injury, including, the use of a firearm, neck restraint (i.e., choke hold, arm bar hold, carotid artery hold, lateral vascular neck restraint, and neck restraint or hold with a knee or other object), or strike to the head, neck or throat with a hard object, including a fist.
19. *Mitigation*: The action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.

20. Necessary: An action chosen when, in an officer's judgement, no effective alternative exists.
21. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court established this standard in its ruling in *Graham v. Connor* (490- U.S. 386, 1989).
- a. The Court held, "...that all claims that law enforcement officers have used excessive force – lethal or not – in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and its objective reasonableness standard...The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation."
  - b. The force must be reasonable under the circumstances known to the officer at the time the force was used.
22. Officer Created Jeopardy: Refers to situations where, officers needlessly put themselves in a position where they must use lethal (deadly) force to protect themselves.
23. Officer Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.
24. Passive Resistance: Refers to an unarmed, non-violent person's failure or refusal to cooperate with a police officer's lawful directions, such as in an act of civil disobedience or by a non-violent handcuffed person. Passive resistance generally involves lack of voluntary movement by the resister. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.
25. Physical Force: Any intentional contact used upon or directed toward the body of another person, including restraint and confinement. Physical Force rises above *De Minimis Contact*.
26. Physical Injury: Refers to any impairment of physical condition or pain.
27. Police Officer: Refers to any Connecticut peace officer, as defined in Connecticut General Statutes Section § 53a-3, or otherwise not mentioned such as other Federal or State Agencies.

28. **Positional Asphyxia:** A condition where the supply of oxygen to a person's body is deficient because their body position prevents them from breathing adequately, usually as a result of an airway obstruction or limitation in chest wall expansion.
29. **Probable Cause:** Probable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to cause a reasonable person to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.
30. **Proportional Force:** Force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.
31. **Reasonable:** Refers to sound, sensible, and not excessive under the circumstances.
32. **Reasonable belief that a person has committed an offense:** Refers to a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the facts or circumstances would not legally constitute an offense, an incorrect belief that they do, even if reasonable, does not justify the use of physical force.
33. **Resisting Arrest/Interfering with Police:** Refers to the act of a person who knowingly prevents or attempts to prevent a police officer, acting under the color of his/her official authority, from effectuating an arrest. To resist arrest includes such things as using or threatening to use physical force or violence against a law enforcement officer, or the use of any other means to create a substantial risk of physical injury to a police officer.
34. **Serious Physical Injury:** Refers to physical injury that creates a substantial risk of death, serious protracted and obvious disfigurement, a serious health impairment, or an extended loss or impairment of any body part or bodily organ.
35. **Soft-Hand Control:** Force involving the use of pressure point techniques, grabs, holds, soft takedowns, and joint locks/manipulation to control a subject. Such force is not impact oriented and presents a minimal chance of physical injury to the subject.
36. **Supervisory Force Review Report:** The immediate supervisor's report on an incident involving use of force.
37. **Unreasonable Force:** Any force applied in a manner inconsistent with this Directive or applicable law.
38. **Unreasonable Risk:** Any unwarranted exposure to the possibility of a negative consequence.
39. **Use of Force Report:** To be completed by all officers who used force.



40. Use of Force Witness Report: To be completed by all officers who witnessed the use of force by other officers.

## IV. PROCEDURES

### A. De-escalation & Mitigation

1. When feasible, officers shall utilize de-escalation techniques and/or verbal warnings prior to using force.
2. Officers should use force as a last resort and employ de-escalation and mitigation techniques to the greatest extent practicable.
3. Officers are not required to delay taking protective measures that are immediately necessary. Furthermore, officers are not required to place themselves or others at imminent risk of harm in order to attempt de-escalation, but they should consider the following options that might minimize or avoid the use of force.
  - a. Using a non-threatening, non-confrontational tone of voice.
  - b. Listening carefully and expressing empathy.
  - c. Slowing down the pace of an incident.
  - d. Waiting to take action until the threat subsides.
  - e. Placing additional space or barriers between the officer and a person.
  - f. Permitting a person to move about.
  - g. Permitting a person to ask questions or engage in conversation.
  - h. Tactical repositioning or seeking cover.
  - i. Requesting additional resources.
4. De-escalation is most effective when done purposefully, with patience and flexibility. These techniques should only be employed when circumstances permit, and it is safe to do so.

### B. Use of Physical Force

1. Before resorting to physical force and whenever safe and feasible, officers should first make reasonable attempts to gain compliance through verbal commands and allow appropriate time under the circumstances for voluntary compliance. An officer should consider the following before deciding to use physical force.
  - a. The immediacy of the threat.
  - b. The nature and severity of the crime or circumstances.



- c. The nature and duration of actions taken by the subject.
  - d. Whether the subject is actively resisting custody.
  - e. Whether the subject is attempting to evade arrest by flight.
  - f. The number of subjects in comparison to the number of officers.
  - g. The size and condition of the subject in comparison to the officer.
  - h. The age, health, and condition of the subject.
  - i. The subject's violent history, if known.
  - j. The presence of a hostile crowd or agitators.
  - k. Whether the subject is under the influence of drugs or alcohol to the extent it would affect their tolerance towards pain.
2. Officers shall use only that degree of force that is necessary, reasonable, and proportionate to the threat encountered. Physical force may only be used to achieve a lawful purpose such as making a lawful arrest, placing a person into protective custody, effectively bringing an incident under control, or defending themselves or others from the use or imminent use of physical force.
- a. Control is reached when a person either complies with an officer's directions, or the suspect is restrained or apprehended and no longer presents a threat to the officer or others. Since officers will encounter a wide range of behaviors, they must be prepared to utilize a range of force options to maintain and/or re-establish control by overcoming resistance to the officers' lawful authority while minimizing injuries, bearing in mind that the use of force must be reasonably necessary under the circumstances.
    - 1) Once under an officer's control, restrained persons shall be positioned so that their breathing is not obstructed. Restrained persons should be maintained in a seated position or placed on their side. Restrained persons should not be placed in a prone or other position that increases the risk of positional asphyxia.
3. When necessary and reasonable, an officer may use proportionate physical force to:
- a. Gain control of a subject who poses an imminent risk to the officer, themselves, or a third person.
  - b. Effect an arrest of a person whom the officer reasonably believes to have committed an offense unless the officer knows the arrest is not authorized.
  - c. Effect an arrest, pursuant to a warrant unless the officer knows the arrest warrant is invalid.
  - d. Prevent the escape from custody of a person, unless the officer knows the custody is not authorized.

- e. Gain compliance to a lawful order.
- C. The lawful and proper use of force is limited to only that which is necessary, reasonable, and proportionate to the threat encountered. This includes lethal and/or less lethal force, with lethal or less lethal weapons.
- D. Prohibitions & Restrictions on the Use of Physical Force
- 1. The use of physical force included in the following actions are prohibited.
    - a. Using physical force against any handcuffed or restrained person except to the extent necessary to counter active resistance, prevent escape, prevent the person from sustaining injury, or prevent the person from injuring another.
    - b. Using physical force for the purpose of retaliation.
    - c. Using physical force against a person whose health, age, physical condition, or circumstances make it likely that serious physical injury will result.
    - d. Standing on or kneeling on the neck of another person.
  - 2. The following are prohibited except under circumstances where lethal force is deemed reasonable and necessary, consistent with this Directive.
    - a. The intentional use of a chokehold or neck restraint including, but not limited to the following.
      - 1) Arm bar hold.
      - 2) Carotid artery hold.
      - 3) Lateral vascular neck restraint.
      - 4) Neck restraint or hold with a knee or other object.
    - b. Intentional strikes to the head, neck, spine, or sternum with an impact weapon (i.e. collapsible baton), improvised impact weapon, knee, kick, or hard object, or striking the head against a hard surface.
    - c. The intentional discharge of a less lethal launcher projectile at close range to the head, neck, or chest.
- E. Use of Less Lethal Force
- 1. An officer may use less lethal force when it is reasonable and necessary to overcome the use or imminent use of force against an officer or a third person. The level of less lethal force used must be proportionate to the threat, perceived or existing. The use of less lethal force is permissible in the following cases to:
    - a. Protect themselves or others against the use of unlawful force, violence, or an attack by another person.
    - b. Prevent another from committing suicide or inflicting serious physical injury upon himself /herself.

- c. Thwart the commission of a crime involving or threatening the use of physical injury, damage to, or loss of property, or a breach of the peace.
  - d. Effectuate a lawful arrest for any offense or crime under the laws and the subject is beyond being passive resistance.
2. Less lethal force may not be used against any person engaged in passive resistance.
3. An officer must immediately cease the use of less lethal force to effectuate an arrest once the suspect's resistance or physical force against the officer has ceased.
4. Authorized Less Lethal Weapons
  - a. Officers shall use all authorized less lethal weapons in the manner prescribed during Department training for that particular weapon, and consistent with the Department's Policies and Procedures. Further, no officer will be permitted to employ any Department issued weapon prior to successfully completing Department training courses or other courses of training required by the State of Connecticut Police Officers Standards and Training Council (CT POST). Authorized less lethal weapons are:
    - 1) Conducted Electrical Weapons (CEW): Taser 7 or X-26P
  1. CEW – Department issued only, to be carried- [in a cross draw orientation on his/her person's duty belt or drop holster while on duty.](#)
    - a) ~~on the support side from the belt area or a drop holster.~~
    - 2) Collapsible Baton and Holder – Department Issued Only
    - 3) Oleoresin Capsicum (OC) Spray – Department Issued Only
    - 4) 40MM Less Lethal Ammunition Launcher – Department Issued Only
  - b. Under no circumstances shall an officer carry any weapon on duty that has not been authorized by the Department.
  - c. Use of Conducted Electrical Weapon
    - 1) The Taser 7 or X-26P, hereinafter referred to as "the CEW": the CEW authorized and issued by the East Haven Police Department. They are less lethal force alternatives used to assist officers in the performance of their duties. The CEW is designed for self-defense and/or to temporarily immobilize a subject who is actively resisting arrest. Any other use of the CEW is prohibited.
    - 2) Officers shall report all CEW discharges, except for training discharges, to their supervisor and the East Haven Public Safety Communications Center (EHPPSCC) as soon as possible.

- 3) A supervisor shall respond to any scene at which a CEW is deployed, absent exceptional circumstances. If a supervisor cannot respond, they shall document the circumstances preventing their response.
- 4) The CEW may be used in situations where time and conditions permit and in accordance with this Directive. It can be an extremely effective control device for close range incapacitation.
  - a) The CEW has a red dot laser and a built-in flashlight that activates as soon as the CEW is turned on. Once un-holstered, the officer's body worn camera shall be activated.
  - b) When deploying a cartridge from the CEW, frontal shots are strongly discouraged except in situations of self-defense or defense of another. The CEW should never be aimed at an individual's head, neck, eyes, throat, chest/breast, or genitals. The preferred target area is the back of the individual actively resisting arrest.
  - c) The CEW may be deployed on a suspect actively resisting arrest when there is probable cause to arrest the suspect, or to defend oneself or another from active aggression.
  - d) An individual simply fleeing from an officer, absent additional justification, does not warrant the use of the CEW.
  - e) Each application is a separate use of force.
  - f) After each application an officer must assess the subject's ability to comply. Multiple applications are not justified just because the subject does not respond.
  - g) Officers must allow subjects time to comply between subsequent applications.
  - h) After one standard CEW cycle (5 seconds), the officer shall re-evaluate the situation to determine if subsequent cycles are necessary. Officers shall be trained in the risks of prolonged or repeated CEW exposure, including that exposure to the CEW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Officers shall clearly articulate and justify each and every cycle used against a subject in a written Use of Force Report.
  - i) Officers shall consider the following prior to utilization of the CEW as a force option.
    - i. The severity of the crime.
    - ii. The risk of danger posed to others if the suspect is not promptly apprehended.

- iii. The potential risk of secondary injury to the suspect due to environmental conditions.
- iv. Due to the high voltage electronic energy of the CEW, NEVER fire the CEW near flammable materials (such as chemical irritant with an alcohol-based propellant, gasoline, kerosene, or in a natural gas environment).
- j) Use the CEW for self-defense or to control subjects that are actively resisting arrest. When possible, give the subject a verbal warning that the CEW will be deployed unless exigent circumstances exist that would make it imprudent to do so.
- k) A CEW shall never be used as a torture device. Use of the CEW in “horseplay” or in any manner not prescribed herein is prohibited.
- l) CEWs shall not be used in drive stun mode as a pain compliance technique. CEWs shall be used in drive stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.
- m) Officers should avoid using the CEW on obviously pregnant females, elderly persons, children, visibly frail persons or persons with a slight build and persons in medical or mental crisis except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury and lesser force options are not feasible.
  - i. Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
- n) Officers shall not use CEWs where such deployment will cause serious physical injury or death from situational hazards; including falling, drowning, losing control of a moving vehicle, or becoming ignited from the presence of a potentially explosive or flammable material or substance, except where lethal force would be permitted.
- o) Officers should, if possible, obtain backup before using the CEW to control the subject.
- p) Additional officers on the scene of an CEW deployment should attempt to restrain and handcuff a subject during an active CEW cycle. They should use other means to subdue the subject if the CEW is ineffective.
- q) Officers will use caution.

- r) Depressing the trigger on the CEW will propel two darts from the attached cartridge. Once the CEW is fired, it will automatically cycle for five seconds if the trigger is released. The CEW will continue to cycle if the trigger remains depressed. The officer can turn it off before the five-second cycle stops. However, it is recommended that officers permit the CEW to cycle for the full five seconds to maximize effectiveness. Officers should give commands to the suspect and attempt to gain compliance.
  - s) It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. If only one dart penetrates the subject, the CEW is ineffective. Should this occur and the subject continues to act aggressively, place the CEW against the subject's body to complete the circuit, causing complete incapacitation.
  - t) Discharging the CEW at Animals.
    - i. The CEW is an effective tool for stopping the aggressive behavior of wild or potentially dangerous animals. The CEW is especially effective for vicious and/or dangerous dogs.
    - ii. Officers using an CEW on an animal may need to adjust their aim to ensure contact is made with both probes.
- 5) Potential Medical Concerns: In rare circumstances, there have been medical concerns raised about CEW barbs deployed to the chest region causing sudden cardiac arrest. According to the manufacturer of the CEW, the aforementioned preferred target areas increase the distance of the dart-to-heart safety margin. Qualified medical personnel, for example, EMTs or hospital staff, must be called upon to remove darts embedded in a subject's skin using the appropriate technique.
- 6) Individuals who are subjected to the use of the CEW shall be provided with medical attention as soon as practical in accordance with this Directive.
- 7) Activations Requiring Supervisor Documentation: When necessary, a supervisor will download the CEW information stored in the data chip of the CEW by connecting to the data port on the rear of the CEW and downloading the information to the Department's computer system.
- a) All activations with the exception of daily spark tests, training applications, or other situations exempt by other sections of this Directive require the investigating supervisor to provide a written report in the Department review system reviewing the activation.
  - b) Following an CEW deployment, supervisors shall complete an Electronic Defense Weapon Report in addition to the Supervisory Force Review Report and attach the downloaded CEW Device Log. The report shall then be submitted to the Records Division.

- c) Investigating supervisors will take special note of the following.
  - i. Activations not consistent with daily spark tests or previously documented use of force incidents.
  - ii. Multiple activations.
  - iii. Three or more consecutive activations with minimal time in between the activations.
- 8) All officers shall receive comprehensive training and annual in-service refresher training on the guidelines on when and how to use CEWs.
  - a) Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
- 9) The Department will monitor its use of CEWs and will conduct periodic analyses of practices and trends. The Department shall include the number of CEWs in operation and the number of CEW uses as elements of the EIS. Analysis of this data shall include a determination of whether CEWs result in an increase in the use of force and whether officer and subject injuries are affected by the rate of CEW use. CEW data and analysis shall be included in the Department's Annual Use of Force Report.
- 10) All officers certified in its use will be required to carry the CEW while on duty in uniform working patrol or security details and overtime assignments. Officers working extra duty traffic details are not required to carry their CEW however, it is highly recommended that they do.
- 11) Officers shall receive annual CEW certifications, which should consist of physical competency, weapon retention; Use of Force Policies, including any policy changes, technology changes, and scenario-based training.
- 12) Officers authorized to deploy the CEW will be issued one spare cartridge. The spare cartridge shall be stored and carried in a manner consistent with training and the cartridge will be replaced consistent with the manufacturer's expiration requirements. Employees who are issued cartridges must notify the Head of the Administrative and Training Division ninety (90) days prior to the expiration of the cartridges issued to them, so they can be replaced.
- 13) At the end of every calendar year, the Internal Affairs Officer will prepare an annual report on all CEW usage and deployments.
- d. Use of the Collapsible Baton
  - 1) The collapsible baton is to be used for defensive and control purposes. It is to be used by officers to defend themselves or other persons when under attack and/or to control the person who is combative when the officer is trying to arrest him/her. The use of the baton is permitted when it is necessary to effect an arrest of a subject who is actively resisting; to prevent the escape of an



actively resisting subject; in self-defense, or in the defense of others. Officers should take the following into consideration:

- a) The severity of the crime involved.
  - b) The actions of the subject.
  - c) Whether the subject poses an immediate threat to the safety of the officers or of others.
- 2) There are three categories of target areas on the body for strikes relative to force exerted by an aggressive subject. The officers' use of force should take into consideration escalating and de-escalating options based on the threat assessment, officer/subject factors and the probability of severe injury.
- a) The primary target areas on the body: when the subject is actively resisting an officer are the shoulder, upper arms, forearms and hands, buttocks, upper thighs, calf muscles, abdomen, shins, feet. EXCEPT FOR THE HEAD, STERNUM, NECK AND SPINE, AND SOLAR PLEXUS, the whole body is a primary target area for the application of control device blocking and restraint skills.
  - b) The secondary target areas are for confrontations where the subject is assaulting an officer or another person, or when force applied does not correspond with the threat level. Secondary target areas consist of the collarbone, groin, knee joints, elbow joints, rib cage and upper abdomen.
  - c) The third and last target areas are designed for confrontations where the subject is attempting to cause serious physical injury to an officer or another. These target areas are the head, neck, solar plexus, kidney, sternum, spine and tailbone. Physical force directed to these areas pose a greater risk of injury to the subject and in certain cases may result in unconsciousness, serious physical injury, or death.
- 3) All officers certified in its use will be required to carry the collapsible baton while on duty working patrol in uniform or any security details and overtime assignments.
- 4) Individuals who are subjected to the use of the collapsible baton shall be provided with medical attention as soon as practical in accordance with this Directive.
- e. Use of Oleoresin Capsicum (OC) Spray
- 1) The use of OC Spray shall be accordance with this Directive and Department-approved training.
  - 2) The effects of OC Spray vary in the way the product has been manufactured and delivered. However, as a general rule a one to two-second burst to the face upon contact will affect three major areas: 1) the eyes, 2) the respiratory

system, and 3) the skin and the upper and/or lower body. All effects are temporary and may subside within 30 minutes to 45 minutes.

- 3) OC Spray is designed for use when persuasion, verbal commands and moderate physical control has been ineffective or would be futile to overcome the use or imminent use of force against an officer or a third person.
- 4) OC Spray is used when it is necessary to defend against an unarmed aggressor or when physical force is required to apprehend or restrain an actively resisting subject.
  - a) OC Spray may not be used against any person engaged in passive resistance.
  - b) OC Spray may be used against a dangerous animal.
- 5) All officers certified in its use will be required to carry the OC Spray while on duty working patrol in uniform or any security details and overtime assignments.
- 6) Deployment of OC Spray.
  - a) Ready the OC Spray canister for use: unholster and display when applicable.
  - b) Restate lawful order or notice of arrest, when feasible.
  - c) Warn the subject of intent to use OC Spray, when feasible.
  - d) Deploy OC Spray if necessary.
  - e) De-escalate to physical control (handcuffing).
- 7) Tactical Use of OC Spray.
  - a) The best tactic is to spray from a 4 to 6-foot distance. Spray directly in the center of the face (eyes, nose and mouth) with a one to two-second bursts in a circular motion.
  - b) Immediately create a safe distance between yourself and the subject by employing lateral movement, if possible. Spray and evade.
  - c) Avoid spraying other officers.
  - d) One officer should be the handcuffing officer; a second officer should act as the covering officer.
  - e) If resistance is expected, the covering officer should have his/her OC Spray in a ready position, and be positioned at an angle from the subject.

- f) Whenever possible, if spray is necessary, either officer yells “OC Spray!” or “Spray!” before spraying.
  - g) OC Spray must be sprayed with the canister in an upright position. Be mindful of wind; in a heavy wind try to spray downwind if possible or utilize another less lethal force option if cross contamination is likely to occur.
  - h) OC Spray may not work against every subject.
  - i) OC Spray is never to be used against a restrained person.
- 8) Individuals who are subjected to the use of OC Spray shall be provided with medical attention as soon as practical in accordance with this Directive.
- a) As soon as practical, a person who has been subjected to OC Spray shall be moved to an environment free of OC exposure; the person should be instructed not to rub his/her eyes, as this will only exacerbate the burning-like symptoms.
  - b) Each person subjected to OC Spray should be asked if he/she is wearing contact lenses. If so, the lenses must be removed. If the person is unable or willing to remove the lenses, then he/she should be taken to the hospital. Officers slightly affected by an OC Spray burst should also remove contact lenses.
- f. Use of the 40MM Less Lethal Ammunition Launcher
- 1) The primary purpose of the 40MM less lethal ammunition launcher is to control dangerous subjects from a distance and to maximize officer and public safety. The less lethal force philosophy shall not preclude the use of lethal force.
  - 2) When officers respond to a scene where an individual or individuals is/are acting in a disruptive and tumultuous manner, and/or a danger to themselves, others or the general public, officers should immediately notify the on-duty supervisor prior to deploying the 40MM less lethal ammunition launcher.
  - 3) Once notified of a situation that meets the aforementioned criteria, the on-duty supervisor must:
    - a) Immediately respond to the scene, absent an exigent circumstance that would prevent the on-duty supervisor from responding.
    - b) Assume command of the scene.
    - c) Secure the perimeter.

- 4) Only those officers who have completed the Department's approved training and qualification program will be authorized to utilize the 40MM less lethal ammunition launcher.
- 5) The decision to use the 40MM less lethal ammunition launcher will also include the consideration of the following factors.
  - a) Distance, i.e., Extended Range.
  - b) Whether deployment is feasible given the stature, clothing and immediate surroundings of the subjects.
- 6) Individuals who are subjected to the use of less lethal ammunition shall be provided with medical attention as soon as practical in accordance with this Directive.

F. Use of Lethal Force

1. The use of lethal force must be used as a last resort. Any use of lethal force must be reasonable and necessary. When feasible and consistent with personal safety, an officer shall give warning of his/ her intent to use lethal force prior to using such force.
2. An officer is justified in using lethal force against another person only when his/her actions are objectively reasonable under the given circumstances at that time and the officer reasonably believed the use of lethal force was necessary to:
  - a. Defend himself or herself or another person from the use or imminent use of deadly physical force, or
  - b. Effect an arrest of a person if the following circumstances exist:
    - 1) The officer reasonably believes the person has committed or attempted to commit a felony that involved the infliction of serious physical injury and
    - 2) The officer has determined there are no available reasonable alternatives to the use of lethal force and
    - 3) The officer believes that the use of lethal force creates no unreasonable risk of injury to any other person.
  - c. Prevent the escape of a person if the following circumstances exist.
    - 1) The officer reasonably believes the person has committed a felony that involved the infliction of serious physical injury and poses a significant threat of death or serious physical injury to others.
    - 2) The officer has determined there are no available reasonable alternatives to the use of lethal force.
    - 3) The officer believes that the use of lethal force creates no unreasonable risk of injury to any other person.

- d. An officer may use lethal force to euthanize an animal that presents a danger (i.e., attacks) to a person or represents a threat to public safety at the time lethal force was used.
3. Use of Firearms.
- a. An officer is only authorized to use a firearm that he/she has been authorized to carry, and only to the extent that is required in the lawful execution of his/ her duties.
- b. Whenever feasible to do so, an officer will always identify himself/herself as a “police officer” when pointing a firearm at another person and state his/her intentions to shoot prior to discharging a firearm.
- c. The discharge of a firearm by an officer in any setting other than a training or testing exercise, or to dispatch an injured or ill animal, shall be considered a use of lethal force. The discharge of a firearm against another person should be considered a last resort.
- d. An officer may be required to use his/her firearm to euthanize an animal for humane purposes. The use of lethal force under these circumstances is warranted when the officer reasonably believes the animal to be injured or ill and when there is no other viable way of dealing with the animal (i.e., capture, transport to veterinarian, or disposal of the animal by other means). Before discharging a firearm for the purpose of euthanizing an injured or ill animal, the officer must:
- 1) Receive approval from the on-duty supervisor.
  - 2) Exercise extreme caution so as not to pose any risk to surrounding persons or property.
- e. If an officer uses a firearm to euthanize an injured or ill animal, the officer shall complete an incident report detailing his/her actions and reasons why an animal had to be euthanized. In addition, a State of Connecticut Deer Kill Report will be completed if the animal euthanized was a deer. No additional Use of Force Report is required under this circumstance.
- f. The production of a firearm or the pointing of a firearm at another individual, even if coupled with a threat to cause death or serious physical injury does not constitute the use of lethal force so long as its purpose is limited to creating an apprehension, rather than actual harm.
- 1) The mere removal of a firearm from its holster does not constitute a use of force.
  - 2) The mere display of a long gun at the low ready does not constitute a use of force.

- 3) If an officer unholsters/displays a firearm during an incident, interaction, or event that would require an incident report, the officer will document that a firearm was unholstered/displayed in that report.

#### G. Prohibitions & Restrictions on the Use of Lethal Force

1. Lethal force may not be used against any person for the purpose of protecting property.
2. Lethal force may not be used against any person who poses a threat only to themselves.
3. The discharge of a firearm is prohibited:
  - a. When, in the professional judgement of the officers, doing so will unnecessarily endanger an innocent person.
  - b. In the defense of property.
  - c. To be used as a signaling device or to summon assistance, except in an emergency and no other reasonable means is available.
  - d. When fired as a warning shot, or to threaten another.
  - e. When fired at or into a moving or fleeing vehicle, except:
    - 1) To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.
    - 2) When a driver is intentionally placing others in the vehicle's path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons or into an occupied area not intended for vehicular traffic.
    - 3) When an officer is unavoidably in the path of a vehicle and cannot move to safety. Officers are strongly discouraged from positioning themselves in the actual or potential path of travel of any vehicle.

#### H. Handling of Officers Involving Incidents of Lethal Force

1. Once notified of a lethal force, a supervisor shall respond to the scene of the incident and assume primary responsibility in caring for involved personnel. For purposes of this Directive, a supervisor will include any sworn member at the rank of Sergeant or above.
2. During any period where any involved officers are required to remain on scene, but have no immediate duties to fulfill, the officer(s) should be taken to a quiet area away from the scene of the incident. A peer stress counselor or other supportive friend or officer should remain with the officer, but should be cautioned not to discuss details of the incident.
  - a. All statements are discoverable and are not protected privileged communications.

3. The supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
  - a. Involved officers, when possible, should notify their families about the incident as soon as possible.
  - b. When an officer is unable to do so, an agency official shall personally notify the employee's family, and when applicable, arrange for their transportation to the hospital.
4. When possible, the on-duty supervisor shall briefly meet with the involved officer(s) to obtain a basic summary of the incident.
  - a. Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing will be conducted at a later time. This Directive shall not hamper an officer's obligation to provide a public safety statement regarding a work-related incident or activity.
    - 1) All officers' statements in incident reports, arrest reports, use of force reports and similar documents, and statements made in interviews such as those conducted in conjunction with routine use of force review and investigation process, are part of each officer's routine professional duties and are not compelled statements.
    - 2) Where an officer believes that providing a verbal or written statement will be self-incriminating, the officer shall affirmatively state this and shall not be compelled to provide a statement without prior consultation with an attorney who will then discuss this with the criminal investigative agency and the Chief of Police.
    - 3) Any investigative procedure that will occur concerning the incident should be discussed with the officer.
    - 4) The officer should be advised that he/she may seek union representation and/or legal counsel.
    - 5) Officers should be advised they are not allowed to discuss the incident with anyone except a personal or agency attorney, medical professional providing them care or treatment for this incident, union representative, or investigator, until the conclusion of the preliminary investigation.
5. In a lethal force situation involving an officer's weapon, the supervisor shall discreetly take custody of all involved officers' duty weapons to be logged in as evidence or to be turned over to the assigned investigating agency.
  - a. Replace the officer's weapon with another as soon as practical.
6. Administrative Procedures.
  - a. The supervisor tasked with taking over as incident commander of a post-shooting or other lethal force incident is responsible for making sure that the Chief of Police is immediately notified in accordance with Departmental procedures.



- b. The Chief of Police or his/her designee shall notify the appropriate Office of the Chief State's Attorney/New Haven Chief State's Attorney Office.
  - 1) The Office of the Chief State's Attorney Inspector General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of reports as deemed necessary.
    - a) Officers' weapons, ammunition, gun belts and clothing will be taken unless directed otherwise.
    - b) Members of the Department retain all of their Constitutional protections during the investigation.
    - c) The Department's use of force review may rely on the investigation by the State's Attorney report, which may take some time to complete.
- c. With respect to the interactions with the affected officer(s) and/or other members of the Department, the following set of procedures should be observed.
  - 1) Debriefings of all members involved shall be held as soon as feasible after the incident. The Department shall ensure that there is a designated supervisor on call or on-duty at all times so that someone is available shortly after an incident.
  - 2) Any officer, acting in an official capacity, whose actions and/or use of force results in a death or serious physical injury shall be placed on paid administrative leave pending an administrative review/investigation. This is not a suspension and does not imply any wrongdoing. It is for the officer's benefit.
  - 3) Upon being taken off of administrative leave, the involved officer may be assigned to administrative duties pending, evaluation and shall remain available for any necessary administrative review/investigation.
  - 4) All officers acting in an official capacity whose actions and/or use of force results in a death or serious physical injury are highly recommended to contact the Department's designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after an incident that involved a death or serious physical injury. After the counseling sessions, the specialist shall advise the agency:
    - a) Whether it would be in the officers' best interest to remain on duty or to be placed on administrative leave and for how long.
    - b) The suggested course of counseling for the officers, if needed.
  - 5) The Department strongly encourages the families of the involved officers to take advantage of available counseling services.

- 6) Any Department investigation of the incident shall be conducted as soon and as quickly as practical.
  - 7) The Department should brief other employees concerning the incident. Department members are encouraged to show the involved officers their concern.
  - 8) Personnel acting in an official capacity whose actions and/or use of force results in a death or serious physical injury should be advised that they are not permitted to speak with the media about the incident. Personnel shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
  - 9) In order to protect against crank or abusive calls, members of the Department should be advised to have phone calls answered by another person for several days if their names are released to the public.
  - 10) Officers directly involved in the shooting incident shall be required to re-qualify with their Department firearms.
- d. Following an Incident – Supervisor’s Role.
- 1) Often the impact of a lethal force incident does not immediately present itself in terms of a change in an officer’s behavior. It may be days, weeks, or months before there is any evidence that the stress of such a traumatic incident could alter an officer’s behavior or performance. It is for this reason that it is vitally important that supervisors be cognizant of any symptomatic behaviors or change in work performance, which may suggest that an officer is feeling the delayed effects of such an incident.
  - 2) As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
  - 3) Some symptoms of post-traumatic stress disorders include:
    - a) A feeling of being numb.
    - b) Feeling out of touch with what is going on around them.
    - c) A feeling that this is happening to someone else.
    - d) Withdrawing and avoiding anything to do with the traumatic situation or police work.
    - e) Avoiding other people, including one’s family.

- f) Intrusive and recurring thoughts of the event and feeling that it may be happening again.
  - g) Irritability.
  - h) Sleep problems.
  - i) Difficulty in concentrating.
  - j) Hyper-vigilance.
- 4) A supervisor observing these symptoms should immediately confer with the Chief of Police or his/her designee.
- 5) A supervisor observing any deviations in behavior or performance should confer with the officer. It is imperative that an officer who may be suffering the after effects of a traumatic incident not be treated any differently than would be the case of any other similar supervisory counseling session.
  - a) If the officer reveals that he/she is experiencing problems stemming from an incident, the supervisor should be supportive and encourage the officer to seek professional assistance either from his/her own physician or through the town's EAP.
  - b) The supervisor should also encourage personnel who may be feeling the after effects of the incident, to take advantage of speaking with one of the Department's Peer Stress Counselors, EAP, or interfaith Chaplains.
  - c) If the supervisor is made aware that personnel may be suffering from the after effects of a lethal force incident, that supervisor has an obligation to bring such matters to the attention of the Chief of Police (not necessarily through the appropriate chain of command, depending upon the circumstances).
- 6) Supervisors are responsible for making available to their unit members information about the agency's EAP group and mental health services.
- e. Officers will be returned to full duties at the discretion of the Chief of Police after the officers are cleared to return by a qualified psychiatrist or psychologist.
  - 1) Prior to return to full duty, officers may be assigned administrative work assignments.
- f. Family Notification.
  - 1) If a member of the Department is killed or seriously injured while on duty, it becomes the responsibility of the Department to notify the officer's next of kin. The Chief of Police or his/her designee shall make such notification in person.

- a) At least one other member of the Department shall accompany the Chief of Police or his/her designee to make the notification.
  - b) If feasible, the Department's chaplain or other clergy member may accompany the Chief of Police or his/her designee.
- 2) If a member of the Department is seriously injured while on duty and is receiving treatment at a local hospital, the Department will make arrangements for the personnel's spouse or next of kin to be brought safely to the hospital.
  - 3) Another member of the Department should be assigned to stay with the family and assist them in any way possible.
  - 4) Family Support.
    - a) The Chief of Police or his/her designee will:
      - i) Assist the family with funeral arrangements and coordinate the Department's involvement according to the wishes of the family.
      - ii) Inform the family of financial assistance available from the Town, State and Federal Government.
      - iii) Ensure EAP or other similar counseling service is available to the family.
      - iv) Maintain contact with family to insure financial and emotional needs are being met.

#### I. Medical Aid

1. Following the use of any force, an officer on scene shall, as soon as practical, render aid and request an Emergency Medical Service (EMS) response to the scene for any person who:
  - a. Sustains an injury;
  - b. Complains of injury; or
  - c. Exhibits signs of medical distress including shortness of breath, altered mental status or loss of consciousness.
2. An EMS response shall be requested for any person subjected to the use of a firearm, impact weapon, impact projectile, CEW, OC Spray, or K-9 apprehension.
  - a. An on-duty supervisor shall be immediately notified of any EMS response initiated under these conditions, and injuries shall be documented and photographed whenever possible.

- b. The request for EMS to respond following the use of force shall be communicated to the EHPSCC, and the on-duty supervisor shall immediately be notified.
3. No medication, prescribed or otherwise such as stimulants or depressants, should be given to anyone unless administered by EMS.

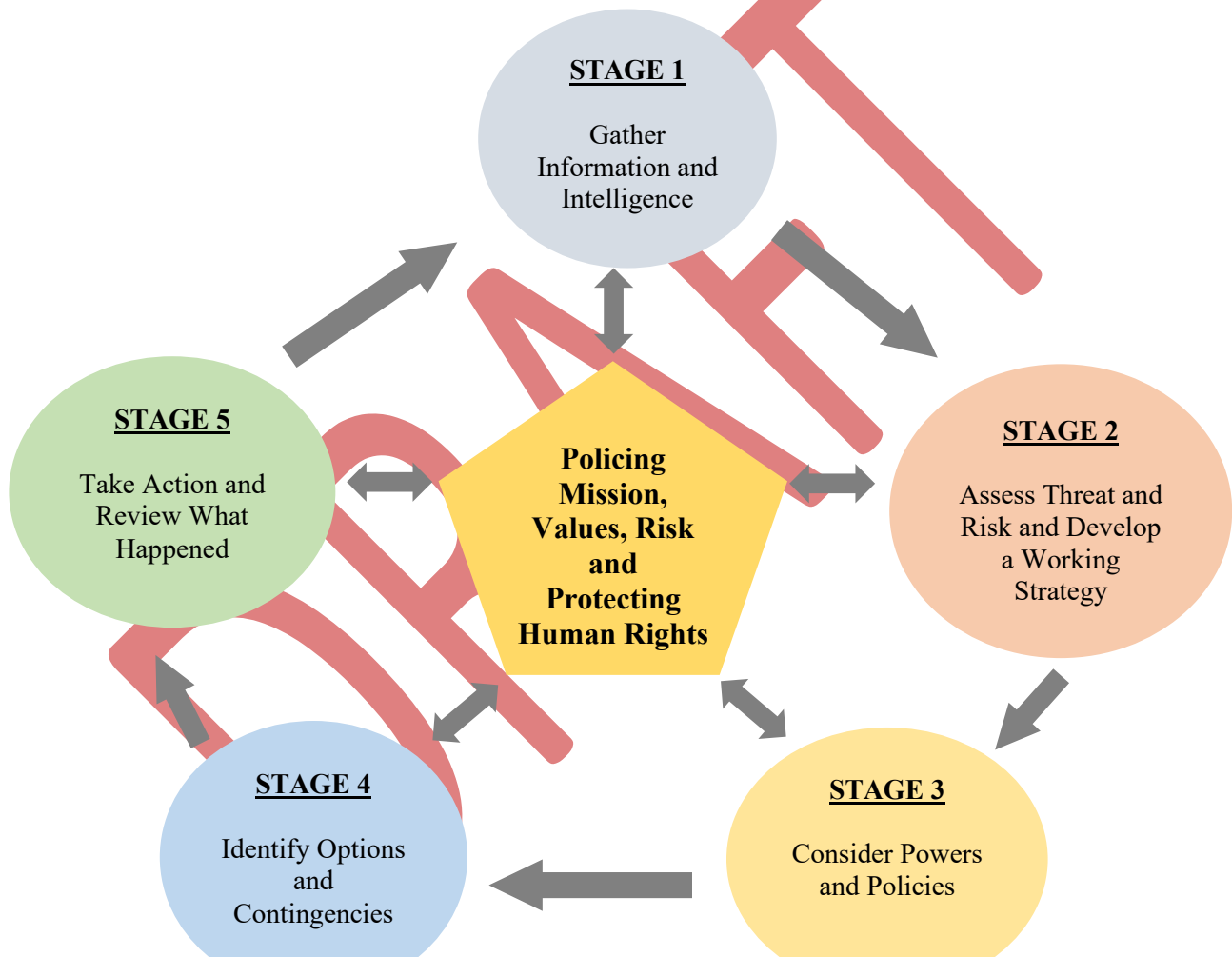
J. Use of Force Reporting & Review

1. Officers using, observing, or discovering a use of force that rises above *De Minimis Contact* or force that was alleged to have resulted in injury to another person shall notify their supervisor(s) of such reportable force as soon as possible and document such force in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations. This includes, but is not limited to the following.
  - a. Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person.
  - b. Deploying OC spray, CEW cartridge, or less lethal ammunition against a person; or against an animal that presents a danger to a person or represents a threat to public safety at the time the force is used.
  - c. Using a chokehold or neck restraint.
  - d. Pointing a firearm, less lethal ammunition launcher, or a CEW red-dot laser sight at a person.
  - e. The discharge of a firearm for other than training, testing, or dispatching an injured or ill animal.
    - 1) The Use of Force Reporting requirements shall be adhered to when an animal that presents a danger to a person or represents a threat to public safety at the time it was subjected to lethal force.
  - f. Any action that results in, or is alleged to have resulted in injury or death of another person.
2. All uses of force shall be reviewed in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.
  - a. A post-event review regarding any use of force shall determine whether any involved officer acted in a manner consistent with or inconsistent with this Directive.
  - b. Officers must be aware that they are subject to the standards set forth by State Law. In accordance with State Law, evaluations of an officer's actions related to a use of lethal force will consider, but are not limited to, the following factors:
    - 1) Whether the person possessed or appeared to possess a deadly weapon.
    - 2) Whether the officer engaged in reasonable de-escalation measures prior to using lethal force.

- 3) Whether any unreasonable conduct of the officer led to an increased risk of an occurrence of the situation that precipitated the use of lethal force.
  - c. Officers should be aware that the statutory language “but are not limited to” may mean that factors not specified in law or in this Directive are considered in the evaluation of an officer’s actions.
  3. Use of Force Reports, Use of Force Witness Reports, and Supervisory Use of Force Review Reports shall be completed in the timeframe outlined in Policies and Procedures # 407 – Use of Force Review and Investigations.
    - a. The electronic CT POST Use of Force Form shall also be completed when applicable.
  4. The Department shall document and maintain a record of any incident in which an officer reports or is aware of an unreasonable, excessive, or illegal use of force as specified in this policy. This record shall include, at minimum:
    - a. The name of the officer(s) involved.
    - b. The date, time, and location of the incident.
    - c. A description of the circumstances.
    - d. The names of any victims and witnesses present, if known.
  5. Each year, but not later than February 1<sup>st</sup> of the proceeding year, the Department shall ensure a copy of each completed CT POST Use of Force Report and any other required documents that meet the reporting requirements of either Connecticut General Statutes Section §7-282e and/or Connecticut General Statutes Section §54-1t are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management or its designee. Prior to the submission of these reports, the Department shall redact any information that may identify a minor, victim, or witness.
- K. Use of Force Training
1. Officers shall be issued and be trained in the Department’s Use of Force Policies and Procedures prior to being authorized to carry any lethal or less lethal weapon.
    - a. Training on weaponless control techniques, the proper use of the Department-authorized lethal weapon, and less lethal weapons shall be provided to all affected personnel in accordance with Policies and Procedures # 302 – Weapons and Weapons Storage.
    - b. All use of force training shall be delivered by a CT POST certified Use of Force Instructor.

2. The Department shall ensure all officers complete the CT POST Use of Force Training Module. Upon receiving the initial training, all officers shall thereafter complete the CT POST Use of Force Training Module at least once annually.
3. The Department may elect to offer additional training in any area of this Directive, but such training may not supplant any portion of the CT POST approved Use of Force Training Module.
  - a. Any additional training offered must be delivered by a CT POST certified Use of Force Instructor using a CT POST approved lesson plan.

## APPENDIX A – CRITICAL DECISION-MAKING MATRIX



### STAGE DETAILS

#### STAGE 1: Identify Situation and Gather Information (and Intelligence if appropriate)

Ask yourself:

- What is happening? (or What has happened?)
- What do I know so far?

#### STAGE 2: Assess Threats and Risks of the Situations

Ask yourself:

- Do I need to take action immediately?
- What do I know so far?
- Do I need to seek more information?
- What could go wrong?
- How probable is the risk of harm?
- How serious would it be?
- Is this a situation for the police alone to deal with?
- Am I trained to deal with this?



### STAGE 3: Consider Powers, Policies and Other Obligations

Ask yourself:

- What legal powers do I have or need to make this decision?
- Is there a formal force policy to follow in this instance or can I use my discretion?
- What other obligations might be applicable (e.g. multi-agency protocols)?

### STAGE 4: Identify Options and Consider Possible Contingencies

Ask yourself:

- What options are open to me?
- What am I trying to achieve?

Identify suitable responses, taking into consideration:

- The immediacy of any threat.
- Limits of information to hand.
- Amount of time available.
- Available resources and support.

Use PLANE to evaluate potential options, i.e., is each one:  
PROPORTIONATE, LAWFUL, AUTHORIZED, NECESSARY, ETHICAL?

What contingencies should I consider (what will I do if certain things happen)?

### STAGE 5: Take Action (and Review What Happened)

RESPOND:

- Select and implement the option that appears to have the greatest likelihood of success against the harm.
- Ensure those who need to know the decision (including the public) understand what you have decided and why.

RECORD:

- If appropriate, record the selected response and the reasoning behind it.

#### Monitor and Review Decision


Ask yourself:

- What happened as a result of my decision?
- Did it achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons can be taken from how things turned out?

If the incident is not over, go through the matrix again as required.

If the incident is over, review your decision(s) using the same 5-stage model as required.

Source: Police Executive Research Forum. (August 2015). Critical Issues in Policing Series. *Re-engineering Training on Police Use of Force*. Retrieved from <https://www.policeforum.org/assets/reengineeringtraining1.pdf>

<b>East Haven Police Department</b>  	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 414.87</b>
	<b>Subject/Title:</b>  <b>Motorized Pursuits</b>	<b>Issue Date:</b> <a href="#">December 20, 2022</a> <a href="#">January 30, 2024</a>	<b>Effective Date:</b> <a href="#">December 31, 2022</a> <a href="#">February 15, 2024</a>
		<b>Issuing Authority:</b>  <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b>  <b>Annually</b>
	<b>References/Attachments:</b>  <b>Policies and Procedures #: 404, 405, 407</b> <b>Connecticut General Statutes § 14-283 and 14-283a</b>		<b>Rescinds:</b> <b>414.76</b>  <b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the pursuit of motor vehicles, in accordance with the provisions of Connecticut General Statute § 14-283a.

## II. POLICY

- A. It is the policy of the East Haven Police Department that no police officer shall initiate a vehicular pursuit unless the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur.
- B. It is the policy of the East Haven Police Department that supervisors shall be accountable for communicating with officers involved in a motorized pursuit and for the decision to terminate the pursuit when it exposes any officer, suspect, or member of the general public to any unnecessary risk of harm or injury.

## III. DEFINITIONS

- A. Authorized Emergency Vehicle: A police vehicle equipped with operable emergency equipment, including audible siren and red/blue flashing lights, while such vehicle is being operated by a police officer.

- B. **Boxing-In:** The surrounding of a violator's moving vehicle with multiple police vehicles, which is then slowed to a stop along with the violator's vehicle.
- C. **Communications:** The East Haven Public Safety Communications Center (EHPSCC) and its personnel who are the central dispatch center for the Department.
- D. **Crime of Violence:** An offense in which physical force, the attempted use or threatened use of physical force, is used against another person(s) for the purpose of, injuring, damaging or abusing another person(s), or any offense that is a felony and that involves a substantial risk that physical force against another person may be used in the course of committing the offense.
- E. **De Facto Pursuit:** When an officer engages in pursuit without activating his/her emergency lights and sirens, which includes, but is not limited to, any of the following circumstances:
- a. When an officer terminates a pursuit but continues to follow the fleeing vehicle (trailing).
- b. In the event a suspect vehicle within view appears to be fleeing (ex: unprovoked flight, increasing speed), an officer disregards traffic laws to follow without activating his/her emergency lights and/or sirens.
- c. Following a failure to stop incident, the officer intentionally continues to follow the suspect vehicle.
- F. **Failure to Stop:** After attempting a motor vehicle stop, the driver of a vehicle attempts to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle. Once recognizing the operator's intent on disobeying the officer's signal to stop, the officer promptly deactivates his lights and/or sirens instead of initiating a pursuit.
- G. **GPS Launcher:** A compressed air-launcher that is mounted on an authorized law enforcement vehicle and deploys a GPS projectile/tag that adheres to the suspect vehicle.

D.—

- E.H. **Heading Off:** An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road to otherwise come to a stop.
- F.I. **Intervention Technique:** Any device by its design used to reduce the risks or dangers associated with police pursuits that, when deployed and contact is made, will cause the fleeing vehicle to sustain flattened tires and force it to slow down.
- G.J. **Primary Unit:** The police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.

H.K. Pursuit: An attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.

I.L. Roadblock: An obstruction used in the roadway, natural or manmade, having the purpose of stopping vehicular traffic.

M. Secondary Unit: Any police vehicle operated by a police officer that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

N. StarChase: A real-time tagging and GPS tracking tool to reduce dangerous high-speed pursuits.

O. StarChase GPS Tag: A device containing a small GPS module that is attached to a suspect vehicle with an industrial-strength adhesive compound.

J.P. StarChase Pursuit Management System (StarChase): A system which allows a police officer to remotely affix a GPS tracking device from an equipped police vehicle onto a suspect vehicle that is or suspected to flee.

K.Q. Street Paralleling: Driving ~~the~~ police vehicle on a street parallel to a street on which a pursuit is occurring.

L.R. Supervisor: A sworn member designated by the Department to have supervisory control over the operation of the Department's vehicles during a pursuit.

S. Tertiary Police Vehicle: Any police vehicle which supplements the primary or secondary police vehicle, however, is not active in the pursuit.

M.T. Trailing: Continuing to follow a suspect vehicle after the termination of a pursuit.

N.U. Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

V. Vehicle Paralleling: A deliberate offensive tactic by one or more law enforcement vehicles to drive alongside the pursued vehicle while it is in motion.

Ø.W. Vehicle Tracking: Monitoring the movement of a motor vehicle via GPS without maintaining constant visual contact.

P.X. Violation: An offense which is not a crime, for which the only sentence authorized, is a fine and which is not expressly designated as an infraction. C.G.S. § 53a-27.

Q.Y. Violator - Any person operating a motor vehicle whom a police officer reasonable believes has committed a violation or a crime as defined by Connecticut General Statutes, or poses an immediate threat to the safety of the public or other police officers

## IV. PROCEDURES

### A. Initiation of a Pursuit

1. A police officer may only engage another vehicle in a pursuit if the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur. The officer(s) must be able to articulate the exigent need to apprehend the driver or occupant(s) because of the potential harm or risk to the public.
2. Offenses that constitute infractions, property crimes to include stolen motor vehicles, non-violent misdemeanors and non-violent felonies shall not be justification to engage in a pursuit of another vehicle, absent articulable exigent circumstances.
3. The officer(s) involved in the pursuit and their supervisor(s) shall continuously reassess the factors listed above to determine whether the pursuit shall continue or be terminated.
4. A pursuit shall not be undertaken, even if allowable by other provisions of this directive, unless and until the officer, based upon the information available to him/her at the time, shall make an objectively reasonable determination that the threat of imminent death or serious physical injury to the officer, the public or both, created by the pursuit is less than the immediate or potential danger to the public, should the suspect(s) or occupant(s) remain at large. A decision to engage in a pursuit shall be based upon the following.
  - a. The underlying crime for which the operator or occupants are suspected of committing.
  - b. Whether the identity of the operator or occupant is known and apprehension by other means is possible.
  - c. The immediate danger to the public and the police officer(s) created by the pursuit is less than the immediate danger to the public should the occupants of the pursued vehicle remain at large.
  - d. Location, speed, direction of other traffic, population density, type of vehicle being pursued and operators driving behaviors.
  - e. Environmental factors such as, weather, time of the day, and visibility.
  - f. The relative capabilities of the police vehicle(s) and the vehicle being pursued.

- g. Road conditions, including surface type, wet, icy, dry roadway. Road typography, traffic controls.
- h. The presence of other people in the police vehicle.
- i. Population density, vehicular and pedestrian traffic.

B. Pursuit Operations

1. All authorized emergency vehicle operations shall be conducted in strict conformity with Connecticut General Statutes § 14-283a and 14-283.
2. Upon engaging in or entering into a pursuit, the pursuing officer shall activate his/her police vehicle's emergency lights and siren. An audible warning device shall be used during all such pursuits.
3. The pursuing officer shall immediately notify EHPSCC of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The police officer shall keep the EHPSCC updated on the pursuit.
4. EHPSCC personnel shall immediately notify any available supervisor of the agency or agencies involved in such pursuit, clear the radio channel of non-emergency traffic, enter the pursuit into the CAD system, and relay necessary information to other police officers of the involved police agency or agencies, and adjacent police agencies in whose directions the pursuit is proceeding.
5. When engaged in a pursuit, officers shall drive with due regard for the safety of persons and property.
  - a. A police vehicle entering any intersection against traffic control signals or signs shall slow to safe speeds and be prepared to slow or stop to avoid any collision.
6. Unless circumstances dictate otherwise, a pursuit shall consist of no more than three (3) police vehicles, one of which shall be designated as the primary unit. No other personnel shall join the pursuit unless instructed to participate by a supervisor.
7. The primary unit involved in the pursuit shall become secondary when the fleeing vehicle comes under police air surveillance or when another unit has been assigned primary responsibility.
8. Officers designated as the secondary unit during a pursuit shall:
  - a. Assist the primary unit during the motor vehicle pursuit.
  - b. Maintain a safe distance behind the primary unit.
  - c. Facilitate communications between the primary unit, the EHPSCC, and the supervisor.

- d. Assist the primary unit with the apprehension and security of the suspect when the motor vehicle pursuit is completed.
- e. Assume the role of the primary unit in the event the primary unit is unable to continue the motor vehicle pursuit; and at which time, the new primary unit shall evaluate the pursuit and determine if the pursuit should be terminated or continued.
- f. Call for the termination of the pursuit if they feel circumstances exist that would necessitate termination.

#### C. Supervisory Responsibilities

1. When made aware of a pursuit, an on-duty supervisor shall evaluate the situation and conditions that caused the pursuit to be initiated, the need to continue the pursuit, and monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used.
2. Such supervisor shall also have the authority to terminate the pursuit and/or intervention techniques.
  - a. When the supervisor communicates a termination directive, all agency vehicles shall disengage warning devices and cease the pursuit.
  - b. The supervisor will confirm that all units have ceased the pursuit.
3. When feasible, the on-duty supervisor shall respond to the location where a vehicle has been stopped following a pursuit.
4. The supervisor shall complete a detailed report in the Law Enforcement Administration System (LEAS) Department Review (DR) reporting module prior to the end of their shift in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.
- 4.

#### D. Pursuit Tactics

1. All police units in active pursuit shall space themselves at reasonable and safe distances to permit adequate braking and reaction times if any preceding vehicle stops, slows, turns, becomes disabled or collides with any vehicle or object.
2. Police officers not engaged in the pursuit as the primary or secondary unit shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
3. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit.



- a. When an unmarked unit initiates a pursuit, the pursuit shall be taken over by a marked unit when one becomes available. The marked unit will be the primary unit.
    - b. The unmarked unit shall disengage altogether when an additional marked unit becomes available as the secondary unit.
  3. Motorcycles may be used for a pursuit in exigent circumstances including, but not limited to, situations where a crime of violence has been committed, deadly force has been used by a vehicle occupant, or the pursuit is necessary to preserve a life, provided that weather and related conditions allow such pursuit to continue.
    - a. Motorcycles shall disengage from the pursuit when support from marked patrol units becomes available.
  4. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.
- E. Stop Intervention Techniques
1. Officers may forcibly stop a suspect's vehicle during a pursuit under the circumstances of when the officer reasonably believes it is necessary to prevent immediate, imminent death or serious physical injury to himself/herself or others in accordance with Policies and Procedures # 404 – Use of Force, and Policies and Procedures # 405 – Use of Deadly Force.
  2. Forcible stops may only be utilized to apprehend one of the following persons after all reasonable alternatives have been exhausted or would be ineffective.
    - a. A dangerous fleeing felon - A person for whom there is reasonable cause to believe that the person has committed a violent felony involving an actual or threatened attack which the police officer has reasonable cause to believe could or has resulted in death or serious physical injury.
    - b. Any person who is operating a motor vehicle recklessly and in such a manner as to be reasonably likely to cause death or serious injury to any other person. The officer must be able to articulate the exigent need to apprehend the operator or occupant because of the potential harm or risk to the public.
  3. Officers shall take into consideration that forcible stops usually present serious safety hazards to participants and any innocent persons who are present.
    - a. Intentional Collision of an Offending Vehicle.
      - 1) An intentional collision of an offending vehicle occurs when there is a deliberate contact between a police vehicle and a violator's vehicle, which is intended to cause the violator to spin or leave the roadway in a slow and controlled manner.

- 2) When considering intentional collision of an offending vehicle, each police officer and supervisor must be aware that these actions may result in serious physical injury or death and may activate the vehicle airbags or fuel system shut-offs causing the police vehicle to become disabled.
- 3) Intentional collision techniques may be utilized only when officers have received appropriate training in their use.
- b. Roadblocks are prohibited unless specifically authorized by the supervisor in charge and only after considering the necessity of applying deadly physical force to end the pursuit; all other reasonable alternatives must be exhausted or believed to be ineffective.
  - 1) Roadblocks may be utilized only when officers have received appropriate training in their use.
4. With permission from an on-duty supervisor, absent exigent circumstances, all other intervention techniques short of deadly force may be used when necessary and it is possible to do so in a safe manner and when the police officers utilizing them have received appropriate training in their use. Such techniques shall include, but not be limited to, boxing-in, intentional collision of the offending vehicle, and using controlled termination devices such as stop sticks.
  - a. Boxing-In.
    - 1) Boxing-in shall only be performed at relatively low speeds. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to police officers, the public and the occupants of the violator vehicle.
    - 2) Boxing-in normally requires two or more police units to position themselves around the violator to form a box at low-speed pursuits. Once the fleeing vehicle is blocked, the police pursuit vehicles slowly and gradually reduce their speed, causing the violator to stop.
    - 3) It must be anticipated that a violator may attempt to maneuver past the lead blocking vehicle or intentionally collide with it or one of the other blocking vehicles to move out of the box.
    - 4) Boxing-in technique may be utilized only when officers have received appropriate training in its use.
  - b. Officers trained and authorized in the use of tire deflation devices (i.e. stop sticks, etc.) may deploy them to stop a suspect's vehicle that is in pursuit or to prophylactically prevent a pursuit.
    - 1) The officer deploying the tire deflation device will notify police vehicles involved in the pursuit that the tire deflation device is about to be deployed and the exact location of the device. Upon receipt of notification that tire

deflation device is about to be deployed, officers involved ~~in the pursuit~~ will allow a sufficient distance between themselves and the suspect vehicle so as to avoid contact with the deflating device.

- 2) Officers deploying the tire deflation device should do so from a safe location off the edge of the roadway, or only when it is safe to enter the roadway.
- 3) The officer deploying the device will advise police vehicles involved ~~in the pursuit~~ when the tire deflation device has been deployed.
- 4) Tire deflation devices shall not be deployed to stop motorcycles, or other vehicles with less than four (4) wheels.
- 5) The use of tire deflation devices may be utilized only when officers have received appropriate training in their use.
- 6) Forced stop procedures utilizing the tire deflation devices must be reasonably and properly applied by officers who have received appropriate training in their use and have received authorization from their supervisor.
  - a) Prior authorization shall not be required in exigent circumstances involving a rapidly evolving commission of a violent crime, requiring the officer to take immediate action.
- 7) Prior to attempting a motor vehicle stop or after stopping a motor vehicle, situations may arise where an officer reasonably believes that the operator may attempt to; escape, elude law enforcement or otherwise initiate a pursuit.
  - a) Officers may consider a prophylactic measure, thereby preventing the engagement in a pursuit by utilizing tire deflation devices. The officer employing such measures will comply with all additional requirements under this Directive.
  - b) With approval from a supervisor, an officer may continue to follow a fleeing vehicle while obeying traffic laws if it's apparent the vehicle has become disabled due to pursuit prevention devices or other articulable mechanical circumstances.

#### F. StarChase Vehicle Tracking

1. The StarChase Pursuit Management System (StarChase) may only be used for legitimate law enforcement purposes by trained officers.
  - a. StarChase equipment shall only be used when a vehicle:
    - 1) Is wanted in connection to a known felony crime or a crime of violence (e.g., stolen vehicle, robbery, burglary, etc.).
    - 2) When the suspect vehicle attempts to leave the scene of a lawful motor vehicle stop.

- 3) If probable cause exists that the suspect vehicle is involved in a crime in progress.
2. Officers shall not deploy the StarChase equipment under any of the following conditions:
- a. The vehicle is unoccupied and a search warrant has not been obtained unless there is reasonable and articulable suspicion that a suspect is about to immediately re-enter the vehicle and flee.
  - b. The vehicle has fewer than four tires/wheels (e.g., motorcycle, moped, etc.).
  - c. The vehicle has a damaged or missing rear window, or the occupants are exposed (ex: convertible, ATV, etc.).
  - d. A prisoner is in the Department patrol vehicle.
  - e. Weather prevents StarChase equipment efficacy, such as heavy rain or winds.
  - f. —Pedestrians are between or very near the suspect vehicle and the StarChase equipped vehicle.
3. Officers shall use their own judgement as to whether to affix a StarChase tag upon a vehicle actively engaged in a criminal investigation and shall seek prior approval from a supervisor whenever feasible.
- The StarChase equipment can only be deployed in pursuits if the lead vehicle is equipped with the device.
4. —
5. The officer shall consider the following when deciding whether to deploy the StarChase tag:
- a. Is it safe to maneuver close enough to the suspect vehicle to come within targeting range?
  - b. Do any circumstances indicate the device would not work (e.g., weather conditions, suspect vehicle weaving)?
6. StarChase tags will be deployed in accordance with training. Once the StarChase tag has been successfully deployed, tracking vehicles shall:
- a. Significantly increase their following distance.
  - b. Evaluate the circumstances and conditions of the pursuit, if one was initiated, to determine if it shall be terminated.

- c. Indicate over the radio and to EHPSCC that an activation occurred and provide a description of the vehicle and the offender.
- 7. Once the device is successfully deployed, all pursuing vehicles shall cease pursuit of the tagged vehicle, unless approved by a supervisor. Officers may continue to follow the vehicle while obeying all traffic laws.
- 8. EHPSCC and/or the supervisor shall utilize the StarChase monitoring software to provide speed, direction, and location updates on the fleeing vehicle.
  - a. Officers shall not view the Coreview mapping system while operating a Department vehicle.
- 9. The on-duty supervisor shall coordinate and direct deployment to safely apprehend the suspect.
- 10. The device must be removed from the tagged vehicle once the scene is safe. When possible, the device should not be removed in the presence of the public or other non-law enforcement individuals.
- 11. Officers shall complete an incident report for all StarChase deployments. The report shall include, but is not limited to, the following:
  - 11.
    - a. The circumstances of the deployment, including the underlying crime committed.
    - b. Whether an apprehension was made.
    - c. Whether the vehicle was located.
    - d. Whether the tag was removed.
    - e. Any damage to the vehicle caused by the tag deployment.

F.G. Use of Firearms

- 1. Officers engaged in a pursuit shall not discharge his/her firearm from, or at a moving vehicle or its occupants, unless the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.
  - a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.
    - 1) Officers shall not intentionally place themselves in the path of or reach inside a fleeing vehicle.

- b. Whenever possible, the involved officer should make an effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

#### G. Termination of the Pursuit

1. The police officer(s) engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever they reasonably believe the risks associated with the continued pursuit are greater than the public safety benefit or making an immediate apprehension.
2. The pursuit may be terminated by ~~the primary unit at any time~~ any officer actively engaged in the pursuit.
3. Any supervisor, regardless of rank, has the authority to order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need for immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.  
~~3-a. In the event that all on duty supervisors are of equal rank, the supervisor assigned as the desk supervisor shall have the primary authority to terminate the pursuit.~~
4. A pursuit ~~shall may~~ be terminated in the event all criteria are met:
  - a. ~~the identity of the occupants has been determined.~~
  - b. ~~Immediate apprehension is not necessary to protect the public or police officers.~~
  - c. ~~and Apprehension at a later time is feasible.~~
5. A pursuit shall be terminated when the police officers are prevented from communicating with their supervisors, the EHPSCC, or other police officers.
6. A pursuit shall be terminated if the police officer knows or is reasonably certain that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.
7. No officers or supervisor shall be disciplined for a decision not to engage in a vehicle pursuit based on the risk involved even in circumstances where this directive would permit the commencement or the continuation of the pursuit.
8. When a pursuit is terminated or a failure to stop incident occurs, involved officer(s) shall immediately:
  - a. Turn off emergency lights and sirens.
  - b. Reduce speed and comply with all traffic laws until it is safe to:
    - 1) Pull to the right side of the road and stop or
    - 2) Turn and drive in the opposite direction or

- 3) If on an interstate highway, take the nearest exit and return to Town.
- c. Verbally acknowledge that the pursuit has been terminated and the exact location of termination to EHPSCC and/or an on-duty supervisor.
- d. Provide a description of the suspect vehicle and last known direction of travel.
- 9. Following the termination of a pursuit, the on-duty supervisor shall conduct roll call of all involved officers.
- 10. In the event a pursuit is terminated and it's apparent the vehicle has become disabled due to pursuit prevention devices or other articulable mechanical circumstances, officers may continue to follow while obeying traffic laws (e.g., trailing) after receiving approval from a supervisor.
- ~~7~~a. Based on compliance with traffic laws, this continuation would not constitute a De Facto Pursuit.

#### H. Inter-Jurisdictional Pursuits

1. The pursuing police officer (primary unit) shall notify the EHPSCC when it is likely that a pursuit will continue into a neighboring police agency's area of law enforcement responsibility or cross the state line.
  - a. The EHPSCC shall immediately notify the police agency responsible for such area.
2. A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.
3. When a pursuit enters into another jurisdiction, the EHPSCC shall, as soon as practical, provide the police agency responsible for such area with all the available information pertinent to the pursuit, including but limited to:
  - a. The reason(s) for the pursuit, or primary offense the driver or occupant(s) are believed to have committed.
  - b. Location, speed, and direction of travel.
  - c. Vehicle and occupant(s) description.
  - d. The number of vehicles and agencies involved in the pursuit.
  - e. Whether assistance is requested/needed or not.
  - f. Other available information as to the conditions of the pursuit.
  - g. The EHPSCC will notify the other jurisdiction whether or not a pursuit has been terminated or is leaving their jurisdiction.



4. If a pursuit enters the Town of East Haven, the on-duty supervisor shall determine if assistance is necessary, and officers shall not join the outside pursuit unless:
  - a. Directed to do by the on-duty supervisor.
  - b. The involved pursuit unit is unable to request assistance.
  - c. The situation demands immediate assistance.
5. The supervisors of the respective police agencies involved in a pursuit shall communicate with each other to determine the respective responsibilities of each police agency and to determine which police agency will assume primary operational control of the pursuit.
6. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit.
  - a. Communications between police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, or by both.
7. In all cases where the pursuit enters a municipality without a regularly organized police department, the EHPSCC shall notify the State Police Troop that is responsible for that area.
8. Officers operating a Department emergency vehicle shall become involved in an actual pursuit originating outside the Town of East Haven only at the direction of his/her supervisor or other ranking officer.
  - a. Such pursuits will only be undertaken to protect the public and officers from the threat of serious physical injury or death.
9. Officers may not join a pursuit that enters East Haven from another jurisdiction without permission of a supervisor.
10. If an officer from this Department is involved in a pursuit, they may, at their discretion, choose to terminate their involvement in the pursuit at any time.

10.11. If an officer from this Department assists another agency in pursuit, and the assisted agency terminates the pursuit, he/she shall terminate the pursuit.

#### I. Notifications

1. When death, injury, or property damage are the results of a pursuit, the on-duty supervisor shall notify the Head of Patrol immediately.
2. When death, serious injuries, or major property damage is the result of the pursuit, the Head of Patrol shall contact the Chief of Police immediately.

#### J. Arrests

1. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to take occupants into custody.

#### K. Accident Investigation

1. The shift commander or patrol supervisor shall investigate an accident that is the result of a pursuit.
  - a. They shall have the responsibility of investigating these incidents and their findings shall be reported to the Head of Patrol.
2. The shift commander shall notify and request that the Department's regional accident re- construction team, the South Central Connecticut Traffic Unit (SCCTU), report to the scene of any accident that is the result of a pursuit in which any party involved is deceased or critically injured.
  - a. The SCCTU shall have the responsibility of investigating these incidents and their findings shall be reported to the Head of Patrol.
  - b. The SCCTU Commander or supervisor on scene may decide after conferring with the chain of command that a serious injury or fatal accident caused by a pursuit would be better served being investigated by a third party outside law enforcement agency. In that event, the SCCTU will assist that agency in anything they need to conduct the investigation.
3. The Office of the State's Attorney shall be notified of all accidents involving a serious injury and/or a fatality.

#### L. After-Pursuit Reporting

1. Whenever a police officer engages or is involved in a pursuit, the police officer shall complete an incident report and an Officer Use of Force Report describing the circumstances.
  - a. The officer's supervisor shall review the reports to determine if departmental policies have been complied with and to detect and correct any training deficiencies.
  - b. The Use of Force reporting protocol described in Policies and Procedures # 407 – Force Investigations and Review shall be followed.

#### M. Police Vehicle Inspection

1. Upon termination of the pursuit, any vehicle which is suspected to have suffered damage in a pursuit shall immediately be removed from service for inspection.
  - a. Upon the completion of the inspection, the police vehicle will be returned to service if the police vehicle has been deemed to be roadworthy.
  - b. If the inspection reveals that the police vehicle is not roadworthy, the necessary repairs will be completed accordingly.

#### N. Pursuit Review



1. The Department shall periodically analyze its police pursuit activity and identify any additions, deletions, or modifications warranted in the Department's pursuit procedures. The Head of Patrol or his/her designee shall complete a documented annual review of the pursuit policies and reporting procedures.
2. The Head of Patrol or his/her designee shall conduct and submit a documented annual analysis of vehicular pursuits of the previous year to the Office of the Chief of Police. The annual analysis as approved by the Chief of Police shall, at minimum, contain the following information.
  - a. Total number of pursuits.
  - b. Number of pursuits which resulted in accidents, injuries, death and number of arrests.
  - c. The number and types of vehicles involved in accidents.
  - d. A description of the individuals injured or killed (police, violator, third party).
  - e. The number of violators involved and arrested in pursuit incidents, including passengers.
  - f. Number of offenses charged.
  - g. Demographics of the offender(s), if known.
  - h. Noticeable trends.
  - i. A review of policy and reporting procedures pertaining to vehicular pursuits.
3. In accordance with Sections 14-283a-1 to 14-283a-4, inclusive, and Section 14-283a of the Connecticut General Statutes, the Chief of Police or his/her designee shall submit an annual report, not later than January 31<sup>st</sup> of the proceeding year, to the Connecticut Police Officers Standards and Training Council (CT POST) regarding pursuits by police officers on the standardized form developed and promulgated by POST.
4. The Department shall report its involvement in all pursuits to CT POST on the designated reporting form indicating whether the Department was the initiating agency or a secondary unit.

O. Vehicle Pursuit Training

1. Police officers who drive police vehicles shall be given initial training in the agency's pursuit policy and in safe driving tactics. A documented annual review of this Directive shall be completed by all sworn personnel. The provisions of Sections 14-283a-1 to 14-283a-4 shall be a part of the curriculum for all police basic recruit-training and re-certification programs in Connecticut.

2. Pursuit Training Programs shall consist of:
  - a. Knowledge of applicable statutes.
  - b. Court decisions impacting police pursuits.
  - c. Department policy and procedures.
  - d. Supervisory and individual responsibilities in a police pursuit.
  - e. Reporting requirements.
  - f. Inter-jurisdictional considerations.
  - g. Pursuit driving skills and techniques.

DRAFT

<b>East Haven Police Department</b>    	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 439.32</b>
	<b>Subject/Title:</b>  <b>Juvenile Review Board</b>		<b>Issue Date:</b> <del>July 29, 2014</del> <b>January 30, 2024</b>
			<b>Effective Date:</b> <del>September 1, 2014</del> <b>February 15, 2024</b>
	<b>Issuing Authority:</b>  <b>Honorable Board of Police Commissioners</b>		<b>Review Date:</b>  <b>Annually</b>
<b>References/Attachments:</b>  <b>Policies &amp; Procedures #: 801</b> <b>Connecticut General Statutes § 11-8 and 11-8a</b>			<b>Rescinds:</b> <b>439.21</b>  <b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the Juvenile Review Board (JRB).

## II. POLICY

- A. The Juvenile Review Board will be an East Haven Police Department program to provide an early means to identify and assist youth (~~age 18 and under~~ under eighteen years of age) who are troubled or in trouble.

~~B.~~ Referral to the East Haven Juvenile Review Board is intended to be an alternative to the referral to juvenile court. The Juvenile Review Board will accomplish its purpose through considering juvenile cases referred to it and offering recommendations regarding the best method of dealing with the youth's particular needs.

B.

- C. The Juvenile Review Board's recommendations may include individual or family counseling, psychiatric evaluation, work or monetary restitution, or participation in-group or other activities. In many instances, these services are presently available, but unknown, or unused, by the youth, family, school or police.

### III. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Membership on the board shall be accorded to representatives of agencies, organizations and members of the community, which have direct responsibility, contact, or concern with the youth and their families. The appointment(s) will be made by the Chief of Police or his designee.
- B. The Chief of Police or his designee will attempt to distribute membership and/or participation on the Board depending on willingness to serve as follows:
1. Police Department
    - a. Youth Division School Resource Officer(s)
    - b. Other members of the Police Department, to include, when applicable, the officer(s) involved in the case.
  2. Board of Education
  3. East Haven Youth Services
  4. Juvenile Probation Officer
  5. Clergy/Community Leaders
- C. The town attorney will be available to the Juvenile Review Board.
- D. Meetings shall be held as often as necessary to consider cases or administrative matters. Attendance shall be recorded in the minutes of the meeting.
- E. Board files will be maintained by the Records Division of the Police Department in accordance with State laws.

### IV. PROCEDURES

- A. A matter is eligible for Juvenile Review Board consideration if it involves a juvenile contact for Larceny 6<sup>th</sup>, Criminal Mischief 3<sup>rd</sup>, Criminal Trespass 3<sup>rd</sup>, Creating a Public Disturbance, Disorderly Conduct, Breach of Peace 2<sup>nd</sup>, Simple Trespass, Reckless

~~Burning, Possession of Fireworks, and other minor offenses~~ not considered felonies, unless otherwise referred to by the court, deemed appropriate by the investigating officer or school official.

1. The Juvenile Review Board will usually only accept referrals involving juveniles for their first offense. It will be at the discretion of the Juvenile Review Board to accept a referral for subsequent offenses.

B. A matter NOT eligible for Juvenile Review Board consideration shall include but not limited to Family Violence offenses, School Violence offenses, drugs (except marijuana/cannabis offenses), and felonies. If a case involving any of the above offenses is rejected or referred by the juvenile court, the Juvenile Review Board shall consider it eligible for review.

1. "Family Violence" means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family and household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

2. "Family or household member" means parents and their children presently residing together or who have resided together; and persons who have a child in common regardless of whether they are or have been married or have lived together at any time and persons in, or have recently been in, a dating relationship.

3. "School Violence" means violence and the threat of violence on school grounds and during programs and activities. School violence usually involves anyone caught with a firearm, explosives or other objects considered to be a weapon.

a. For the purpose of this directive, a threat or a physical fight that does not involve weapons or the threatened use of weapons and there are no serious physical injuries will not be deemed to be school violence.

C. Officers will investigate the complaint and if with approval from an on-duty supervisor, a referral to the Juvenile Review Board is deemed appropriate, the officer will contact the juvenile's parent, issue a Notice of Violation form to the parent, and then complete a thorough investigation report. The report then will be submitted to their supervisor for review and approval. This report when approved will then be submitted to the Records Division and/or the investigating officer(s) who will then notify the Department's Juvenile Review Board member.

1. Authorization by the parent and the juvenile shall be required before a child's case can be brought before the Juvenile Review Board and before any information can be shared between and among agencies.



2. If the parents and/or juvenile refuse to sign the Notice of Violation or any Review Board authorization forms; the case will be handled by the original investigating officer.
3. If the juvenile says he/she is not guilty of the offense, the case will be handled by the original investigating officer.
4. Under NO circumstances will it be the Juvenile Review Board's responsibility to determine if the offense occurred, or if the accused is innocent or guilty of the offense.

D. Pre-Hearing:

1. Before any case is even considered by the Juvenile Review Board, the Juvenile Review Board process should be explained fully to the family and the family must agree to participate and have the case considered by the Juvenile Review Board.
2. The child and family must acknowledge responsibility for the behavior being presented to the Juvenile Review Board. Unlike cases handled by the court, there is no presumption of innocence in cases handled by the Juvenile Review Board. Any case where there is a claim of innocence, or of any legal defense that might be presented in a court case, will be ineligible for the Juvenile Review Board process and should be referred to the court for resolution.
3. It must also be fully explained to the child and family that certain rights that would be available if the matter was referred to the court will not be available if the Juvenile Review Board process is utilized. Such rights include the right to remain silent, to have an attorney, to have a trial, and to confront any witnesses against them.
4. All appropriate intake forms and releases should be fully explained and executed.
5. As part of the pre-hearing process, all available and relevant information regarding the offenses alleged to have been committed and the background of the child and family whose case will be considered by the Juvenile Review Board should be gathered.
6. Where appropriate, the victim should also be contacted so the process can be explained to them and their input solicited.

E. The Initial Hearing.

1. Before the child and family actually appear before the Juvenile Review Board in person, the facts of the case, the elements of the offense, and any available background on the child and family should be presented to the Juvenile Review Board members so they will have a basic understanding of the offense and background of the case that they are about to hear.

2. Every hearing should begin with a brief statement of the facts of the case provided by a designated representative to the Juvenile Review Board. That representative may be a Police Officer, Youth Services Caseworker, School Representative or Caseworker assigned to the Juvenile Review Board.
3. For non-criminal, school related status offenses, a K-12 educator should present the facts of the case to the Juvenile Review Board along with any available and relevant background information and any recommendations that would be helpful to the Juvenile Review Board.
4. For criminal cases and non-school related status offenses, a police officer should present the facts of the case to the Juvenile Review Board, with a brief explanation of the elements of the offenses alleged, along with any available and relevant background information and recommendations that would be helpful to the Juvenile Review Board. Any victim input should also be disclosed at that time as well.
5. When the child and family actually appear before the Juvenile Review Board, the Chairperson should welcome and summarize for the family the role of the Juvenile Review Board and the procedures for the hearing.
6. The Chairperson should have each of the Juvenile Review Board members introduce themselves by name and position within the community to help establish who the child and family are addressing during the proceeding.
7. The Chairperson should reiterate to the child and family that an important initial component of the process is for the Juvenile Review Board to determine if the case will be heard by the Juvenile Review Board or will be referred to court. While the child and family have agreed to the process, the Juvenile Review Board has discretion to reject a case and suggest that it be referred to the court for resolution.
8. The Chairperson should then offer the child an opportunity to explain the circumstances that led to the referral and ask open ended questions to elicit from the child the facts of the case to determine the child's understanding of facts and circumstances of the case, the level to which the child takes responsibility for their actions, and the extent that the child is aware of the consequences of their conduct.
9. The Chairperson should then invite the Juvenile Review Board members to ask questions of the child and the family regarding the incident as well as any action that has been taken by the family, school or any other entity in response to the incident up to the point of the hearing. The child should also be asked to explain why they think the Juvenile Review Board should handle the case rather than recommending that it be referred to the court. Such questioning should be orderly and professional and be relevant to the issues of the case. Juvenile Review Board

members should demonstrate a heightened sensitivity to the child's actions in the context of social and emotional behavior versus criminal behavior where appropriate. The Chairperson should ensure that proper decorum is observed during the hearing, that Juvenile Review Board members are afforded a reasonable opportunity to ask questions and that the child and family are treated with respect and given an opportunity to answer the questions asked while maintaining reasonable time limitations.

10. When the questioning is complete, the family should be asked if they have any questions for the Juvenile Review Board. Any questions asked of the Juvenile Review Board should be fully answered.
11. The family should then be advised that the Juvenile Review Board will now discuss the case privately and inform them of the results of their deliberations. (Parents have noted from previous cases how beneficial it is to have the police officer escort the child and family outside at this point in the process. At that time, the officer is encouraged to speak one on one with the child in the capacity as a mentor/role model. This is an excellent time to remind the child (one on one) of their responsibilities as a citizen of the community.)
12. When appropriate, adult family members may be asked to stay and speak with the Juvenile Review Board to gather additional input before determining if the case will be accepted and, if accepted what diversions will be proposed for the child.
13. The Juvenile Review Board should then meet and discuss the case to identify the issues and needs that are to be addressed and to discuss appropriate diversions that will be recommended to address those that have been identified. When choosing the diversions that will be proposed, the Juvenile Review Board should consider the identified issues and needs, including any emotional or mental health factors, as well as the specific nature of the facts of the case, the child's age and background, amount and nature of family support systems and the availability of the diversions.
14. Once an agreement is reached regarding the recommended diversions, including a reasonable time for compliance, the family should be brought back before the Juvenile Review Board and the proposed diversions explained and discussed with the family.
15. If the family does not agree to the proposed diversions, the family should be informed that the Juvenile Review Board will not handle the case and that it will be returned to the referring agency with a recommendation that the matter be referred to the Juvenile Court.
16. A diversion contract should be completed and a date for the Final Hearing should then be set.

F. The Interim Hearing: (If needed)

1. Before the hearing, the Juvenile Review Board should be apprised of the reason for the interim hearing and the status of the proposed diversion contract and should discuss the recommended outcome of the hearing.
2. The family should then be brought into the hearing and informed of the reason for the hearing and given an opportunity to respond.
3. If any amendments will be made to the diversion contract, they should be discussed and agreed to by the family.
4. If the family does not agree to the proposed amendments, the family should be informed that the Juvenile Review Board will close the case at that point and that it will be returned to the referring agency or original investigating officer with a recommendation that the matter be referred to the juvenile court.
5. If the family agrees with the proposed amendments, the diversion contract should be amended to reflect the changes.
6. The date for the Final Hearing should be confirmed or reset.

G. The Final Hearing.

1. Before the hearing, the Juvenile Review Board should be apprised of the status of the proposed diversion contract and should discuss the recommended outcome of the hearing.
2. For cases where the process was successfully completed, the family should then be brought into the hearing and asked about the status of the recommended diversions. This provides the child who successfully completed the process with the opportunity to explain to the Juvenile Review Board how the diversions were performed and what lessons were learned. The child should be encouraged to discuss any community service that was performed, any journals that were kept, any positive activities that were engaged in and their thoughts about the process. It also provides the Juvenile Review Board with the opportunity to express their pride with the success of the child and to offer encouragement and support for the child's efforts throughout the process.

3. For cases where the process was not successful, the Juvenile Review Board member will document the results in a supplemental report within the original case in LEAS. The decision to return the case to the referring agency with a recommendation to refer the matter to court can be made with or without the family present.

a. In the event the process is unsuccessful, the case may be referred to court.

4. In most cases, the final hearing should still be held to provide the opportunity for the Juvenile Review Board to explain why the case is being closed unsuccessfully and what the family can expect to happen next.

a. The Juvenile Review Board can still offer support and encouragement to the family despite the fact that the Juvenile Review Board process did not come to a successful conclusion.

3.b. The family is still a member of the community and, as such, should still be encouraged to address the issues that brought them before the Juvenile Review Board in the first place.

4.5. The family should be informed again about the confidentiality of the Juvenile Review Board process, records and information gathered, and they should be reminded that access to the Juvenile Review Board process will most likely not be available again in the future, but that the people they met and the resources they discovered during the process will continue to be available if needed in the future.

5. ~~Where appropriate, families should be encouraged to submit anonymous letters of appreciation regarding the Juvenile Review Board process. Such letters can be used to promote and illustrate the value of the Juvenile Review Board to the community.~~

6. The records of all Juvenile Review Board cases shall be stored in a separate locked area to secure location to maintain confidentiality. Closed cases shall be physically destroyed handled by the Records Division in accordance with the Connecticut General Statutes § 11-8 and 11-8a. Reference and Policies and Procedures # 801 – Records Retention. Only statistical or demographic information will be retained.

#### H. Confidentiality/Records.

1. The discussion of cases shall be held in executive session, where only Juvenile Review Board members shall be present.

2. ~~Individual case names or other identifying information shall not appear in the minutes.~~

3.2. Information shall be released to other persons or agencies (other than Juvenile Court or Juvenile Probation) only with the permission of the Parent/Guardian and juvenile.