

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 102.54
	Subject/Title: Professional Development and Training	Issue Date: October 29, 2019	
		Effective Date: November 15, 2019	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: N/A		Rescinds: 102.43	Amends: N/A

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 Department's commitment to professional development and training for all employees.

II. POLICY

- A. It is the policy of the East Haven Police Department that each employee shall have the opportunity to develop his/her professional skills and competencies over the life of his/her career with the Department. The Department is dedicated to excellence and to the growth and professional development of all its personnel.

III. PROCEDURES

- A. All personnel who are promoted or assigned permanently to new duties shall be provided training identified and recommended by the Head of the Administration and Training Division (ATD) from options approved by the Chief of Police. Such training should occur before assuming these duties or within the first six (6) months in the new position unless the Chief of Police approves a longer delay in such training due to various contingencies. In such cases, training will occur as soon as possible following the member's assignment.
- B. All personnel shall participate in prescribed professional development and skills training annually consistent with their position held and functions performed ~~and more often if duties so require additional training.~~

1. The annual in-service training for ~~affected personnelsworn members of the Department~~ shall include legal updates and firearms re-qualification; the training shall meet or exceed all Connecticut Police Officers Standards and Training Council (POST) requirements for police officer recertification over the required time period.
 2. The ATD shall be responsible for scheduling, coordinating, and documenting in-service training, which will include a review of departmental policies, procedures, rules, and regulations; training in new or improved equipment, technology, and methods; re-certification and other necessary training as required.
- C. Departmental Training – Lesson Plans
1. All training courses by the Department shall have a lesson plan to include a statement of performance and job-related objectives; content of the training; specification of instructional techniques; and identification of the testing or evaluation method to be used.
 2. All lesson plans will be submitted to the Office of the ATD for review and approval prior to the scheduled training. A copy of all approved lesson plans will be maintained by the ATD.
- D. Remedial Training
1. Remedial training will consist of individualized training designed to remedy specific deficiencies.
 - a. Remedial training may be scheduled for personnel who:
 - 1) Failed to successfully complete training during an initial training course.
 - 2) Consistently demonstrate lack of skills, knowledge, or abilities in job performance, based on evaluation reports and/or first-hand observation by supervisors.
 - 3) Have received disciplinary action that may be corrected through remedial training.
 2. The timetable, under which remedial training will be scheduled and provided, and the criteria for its successful completion will be dependent upon the nature of training and skills as they apply to the individual's assignment. Remedial training shall be scheduled and documented by the ATD in conjunction with course instructors. Personnel willfully refusing to participate in assigned remedial training are subject to disciplinary action.
- E. Training Records
1. The ATD will maintain records of training received by all personnel, and training classes conducted by the Department to include date and type of training; course content/lesson plans; copies of any certificates received by personnel; attendance roster/records; and test scores if applicable.

~~2.~~ Upon the completion of approved training, personnel training records shall be updated.

~~2.~~

F. Police Academy Training

1. New recruits for the position of police officer will attend and successfully complete the prescribed courses at a Police Academy. Newly hired officers must successfully complete POST training prior to routine assignment in any capacity in which they carry a firearm or are in a position to make an arrest.
 - a. The curriculum will be based on the most frequent tasks, duties and responsibilities of certified police officers (sworn personnel).
 - b. Recruits will be evaluated through various means to measure their knowledge, skills, abilities, and competencies.
 - c. Recruits will receive an orientation packet at the time the academy training begins.

G. Tactical Team Training

1. Members of the Department assigned to the South Central Regional Special Weapons and Tactics Team (SCRSWAT) will participate in training and readiness exercises as prescribed by the SCRSWAT Mutual Police Assistance Compact.
2. Members of the Department assigned to the South Central Connecticut Traffic Unit (SCCTU) will participate in training and readiness exercises as prescribed by the SCCTU Mutual Police Assistance Compact.

H. Accreditation Training

1. The following accreditation training will apply if the Department is seeking Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation or CALEA reaccreditation.
 - a. At the completion of the Police Academy or within thirty (30) days of beginning their employment, all newly hired personnel shall receive training regarding the CALEA accreditation and the accreditation process.
 - b. Prior to an on-site assessment associated with each CALEA reaccreditation, all agency personnel shall receive information regarding the accreditation process.
 - c. The CALEA accreditation manager and other personnel associated with achieving the initial CALEA accreditation will receive accreditation training through:
 - 1) Connecticut Police Accreditation Coalition (CONNAPAC).
 - 2) The CALEA Conferences with the approval of the Chief of Police.

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 203.<u>87</u>
	Subject/Title: Addressing Bias- Based Policing	Issue Date: November 26, 2019 <u>Date</u>	
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: December 15, 2019 <u>Date</u>	
References/Attachments: Connecticut General Statutes § 54-1L		Review Date: Annually	Rescinds: 203.<u>76</u>
			Amends: N/A

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 East Haven Police Department's prohibition against any form of discriminatory practices, particularly as it relates to all forms of bias-based policing.

II. POLICY

- A. The East Haven Police Department is committed to protecting the constitutional and civil rights of all persons.
- B. It is the policy of the East Haven Police Department to prohibit all police practices involving profiling and/or other biased-based decisions. The East Haven Police Department's employees shall not consider race, color, ethnicity, class, national origin, gender, gender identity, age, disability, citizenship, sexual orientation, religion, ethnicity, socioeconomic status, or affiliation with any similarly identifiable group, to any degree or manner, in deciding whether to take any enforcement action, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation. All activity pertaining to the policy also shall be in absolute compliance with Connecticut General Statute 54-1L.¹ Violations of this policy shall result in disciplinary action up to and including dismissal from the department.

¹ 1 - Sec. 54-1L Prohibition Against Racial Profiling (a) For the purposes of this section "Racial Profiling" means the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual. (b) No member of the Division of State Police within the Department of Public Safety, a municipal police department or any other law enforcement agency shall engage in racial profiling. The detention of an

III. DEFINITIONS OF TERMS

- A. Bias-Based Policing: Selective enforcement or non-enforcement of the law, including the decision to stop, detain, or arrest someone, based in any part on the race, color, ethnicity, class, national origin, gender, gender identity, age, disability, citizenship, sexual orientation, religion, ethnicity, socioeconomic status, or affiliation with any similarly identifiable group, except where part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.
- B. Racial and Gender Profiling: The practice of detaining or stopping a suspect based on a broad set of criteria, which cast suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.
- C. Suspect Specific Incident: An incident in which a police officer is lawfully attempting to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by national or ethnic origin, gender or race.

IV. GENERAL CONSIDERATIONS AND GUIDELINES

- A. Biased-based policing hurts the individuals who are subjected to it. Officers who engage in bias-based policing are unjust and ineffective. Bias-based policing violates the constitutional rights of those who are subjected to it.
- B. Bias-based policing creates an increased safety risk to police officers and citizens and is a misuse of valuable police resources. It may also lead to increased exposure to liability.
- C. Biased-based policing undermines the ability of the Department to realize its mission of protecting public safety and pursuing justice.
- D. It is imperative that the police department clearly demonstrates a process for preventing such practices. Allegations of bias-based policing or discriminatory practices, real or perceived critically injure the relationship between the police department and the community it is entrusted to protect and serve.
- E. This Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial, cultural/ethnic, and gender profiling by its members. While recognizing that most members of the department perform their duties in a professional, ethical, and impartial manner, this Department has an obligation and is committed to identifying and eliminating any instances of bias-based policing in all areas.

V. OPERATIONAL PROCEDURES

- A. The Department prohibits officer use of proxies for demographic category, including language ability, geographic location, or manner of dress.
 - 1. When officers are seeking one or more specific persons who have been identified or described by their demographic category, or any proxy thereto, officers may rely on

individual based on any non-criminal factor or combination of non-criminal factors is inconsistent with this policy. (c) The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

these descriptions only when combined with other appropriate identifying factors, and may not give exclusive attention or undue weight to demographic category.

B. Preventing Perceptions of Bias-Based Policing

1. As a means of offsetting and preventing inappropriate perceptions of biased law enforcement, each officer is expected to adhere to following protocols whenever engaging the general public.
 - a. Each stop shall conform to department policy and procedures and comply with Connecticut General Statutes.
 - b. Be courteous and act professionally at all times.
 - c. Introduce himself/herself to the individual(s); providing the officer's title, name, and agency affiliation; and state the reason for the interaction, as soon as practical and appropriate to do so, unless providing such information will compromise the officer's safety or public safety. During the course of motor vehicle stops, the officer should provide this information before asking the driver for his/her license and registration.
 - d. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and ensure that the individual understands the purpose of any delays that might be encountered.
 - e. Answer any questions the individual(s) may have, including explaining options for traffic citation disposition, if relevant.
 - f. Provide your name and badge number when requested, in writing or orally.
 - g. Explain the reasons why an individual may have been stopped or detained, especially if no other official action is being taken (e.g., the officer determines that the person being detained is not the party being sought, if there was an investigative detention that did not yield any evidence of criminality or offense, etc.).
 - h. If the individual(s) wishes to file a complaint regarding the officer(s) actions, the officer shall immediately call for a supervisor. The officer will provide the individual with a Civilian Complaint form and brochure on how to file a complaint. The supervisor will provide the individual with a Department Review (DR) case number and forward the complaint to the Internal Affairs Officer (IAO).
2. No officer shall respond to or investigate a suspicious-person complaint if the reason for suspicion is based solely on the person's race, ethnicity, gender, and/or perceived religion unless a qualifying reason exists.
 - a. The qualifying reason, which has to be unrelated to one's race, ethnicity, gender, and/or perceived religion, has to be obtained prior to investigating the complaint.

b. Whenever a circumstance arises as outlined in this section and the complaint is received via the East Haven Public Safety Communications Center (EHPSCC), the dispatcher shall notify the on-duty supervisor. The on-duty supervisor will further review the complaint to determine if there is any additional information and/or intelligence that warrants an officer to respond.

c. If a qualifying reason does not exist or the supervisor has not authorized a response, then no officer shall be dispatched.

~~h~~.d. A non-response shall be documented in the CAD to include the reason(s) as to why an officer was not dispatched.

C. Responding ~~at the Incident~~ to Allegations of Bias-Based Policing

1. Whenever an individual alleges that an officer has engaged in practices prohibited by this policy, the officer will immediately notify the on-duty supervisor.
2. Supervisors shall ensure that officers follow the policies and procedures outlined in this policy.
 - a. The on-duty supervisor informed of a complaint shall immediately respond to an incident when informed that an individual is complaining of bias or profiling.
 - b. The supervisor shall provide the individual with a Citizen Complaint Form and a DR case number.
 - c. The supervisor shall inform the individual of how to fill out the form, how to deliver it, and, unless the supervisor judges it imprudent to do so, shall standby if the complaining individual wishes to fill out the form and turn it in immediately.
 - d. The supervisor shall complete a DR report, with the complaint, and forward it to the IAO for review.

D. Identification of Possible Profiling

1. To guard against and protect members of the Department from allegations of bias-based policing, and to demonstrate for those who may make such allegations, supervisory personnel of the Department will take the following steps.
 - a. It is the responsibility of supervisory personnel to continually assess and monitor the performance of those members of the Department who are under their direction and supervision to always be alert for any forms of behavior or patterns of behavior that an employee may be engaged in and intercede when appropriate.
 - b. Often times, it is the direct supervisor who first becomes aware of a potential problem either by way of his/her observations of an officer's performance, enforcement actions, or when there appears to be a pattern of complaints that seem to be emerging.
 - c. At times it might even be triggered just in conversation when an employee speaks disparaging of persons of any particular race, ethnic group or cultural background,

gender, sexual orientation, religion, economic status, age, or any other identifiable group (in which case, such type of behavior should be corrected).

- d. Whenever a concern does arise, it is the duty and obligation of that supervisor to at the very least discuss such concerns with that employee and document such in the DR reporting module. Often by speaking with an employee in the form of informal counseling may be what is needed to rectify or clarify any concerns.
 - e. Any confirmed or suspected acts leading a supervisor to believe that an employee may be engaging in some form of bias-based policing or discriminatory practices must be reported in a DR report and forwarded to the IAO.
 - f. All complaints of alleged bias-based policing or discriminatory practices against a member of the Department are to be fully investigated (no matter the source) by the IAO.
 - g. The Department shall refer any complaint plausibly implicating the bias-free policy to the IAO.
2. Incidents involving bias-based policing may be the result of one of three causative factors that include the following:
- a. Intentional Acts: In any instance which a member of this department is found by the IAO to have engaged in some form of bias-based policing or discriminatory practice, such behavior will result in the appropriate form of disciplinary corrective action by the Chief of Police or his/her designee.
 - b. Unintentional Acts: In such cases, the employee may receive additional corrective training, guidance, supervisory review, additional monitoring for a specified period of time, as may be directed by a commanding officer in consultation with the Chief of Police or his/her designee.
 - c. Institutional Practices: In the event that the Department's practices are discovered to promote or allow bias-based policing, the Chief of Police shall address such practices through policy review and training.

VI. DATA COLLECTION

A. Officer Reporting Requirements

1. Officers shall complete the traffic stop data fields in the CAD system immediately following every traffic stop. An officer must secure a CAD number in order to complete the data.
 - a. The traffic stop data will be completed and submitted electronically via LEAS. In the case where the data cannot be submitted electronically, a paper form will be submitted.

~~2.B.~~ Officers also shall complete an incident report whenever:

- a. There is a search of a vehicle or occupants.

- b. A person is handcuffed or taken into custody.
 - c. There is a use of force by any officer.
 - d. The individual alleges that a stop was made because of racial profiling or other bias-based decision.
 - e. There is any property seized.
3. Off-duty activation.
- a. In the event, an officer stops a motor vehicle while off-duty or while working on a private duty job, the officer is still obligated to:
 - 1) Notify the ~~East Haven Public Safety Communications Center (EHPSCC)~~ immediately. If the officer is not carrying a police radio, the officer should notify the EHPSCC as soon as feasible to do so.
 - 2) In addition to providing the location of the stop and the registration number, the officer is required to provide the following additional information, which should be captured as part of the CAD entry.
 - a) The reason for the motor vehicle stop.
 - b) The time, date, and duration of the stop.
 - c) Whether any enforcement action is going to be taken as a result of the motor vehicle stop.
 - b. Provide the EHPSCC with the traffic stop data to be filled out in the CAD system.
 - c. Officers also shall complete an incident report whenever any of the following occurs.
 - 1) A search is conducted of a vehicle or occupants.
 - 2) A person is handcuffed and taken into custody.
 - 3) Force is used by any officer.
 - 4) The individual alleges that a stop was made because of racial profiling or other bias-based premise.
 - 5) Property is seized.

B. Responsibilities of the Supervisors

- 1. It is the responsibility of all supervisory personnel to ensure that officers under their direct supervision, regardless of their assignment, are familiar with this directive and are adhering to the requirements of this directive. Supervisory personnel are also responsible for the following.

- a. Ensure that all citations and summons are completed (particularly as it relates to whether or not a search was performed during the course of the motor vehicle stop).
 - b. Any incomplete citations or traffic stop data forms should be returned to the submitting officer for completion prior to their submission to the Records Division.
 - c. Ensure that officers complete any missing traffic stop data.
- C. Processing by the Records Division
1. The Records Division shall maintain a database for all submitted citations and to submit them to the Centralized Infractions Bureau or Superior Court. The Records Division serves as the repository for motor vehicle citations/summons and the traffic stop data. In addition to these functions, the Records Management Unit also shall be responsible for the following.
 - a. Maintain a database of all traffic stop data.
 - b. Record the data obtained on the form in a computerized database.
 - c. Review all submitted motor vehicle citations and traffic stop data for accuracy and completeness.
 - 1) Any forms found to be incomplete, inaccurate, or illegible will first be copied prior to returning the copied form back through appropriate chain of command to the officer to make the necessary corrections.
 - 2) The original copy of the returned forms will remain in the Records Division.

VII. AGENCY-WIDE REVIEW AND CONTINUOUS IMPROVEMENT

- A. The Department shall conduct an annual administrative review of data on the Department's practices, to be submitted to the Board of Police Commissioners. The annual administrative review shall also include stop data, information regarding citizens' complaints, and any corrective measures taken.
- B. The administrative review shall ensure ~~officer, squad, and the~~ Department and its members comply with compliance of this directive.
1. Any noted disparities will trigger the following events.
 - a. The Deputy Chief of Police will use the noted disparity as a starting point to determine whether an officer or officers are engaged in bias-based policing. This follow up action will include, but not necessarily be limited to the following.
 - 1) Review of the officer's assignment. Is there evidence that officer's policing activities provide an underlying reason for the disparity?
 - 2) Comparison with other officers who are performing the same duties in the same geographic locations during the same time periods. Are the numbers in line or within tolerable differences with other officers performing the same

assignments? What is the level of enforcement as compared to other officers performing the same assignments, within the same geographical area?

- 3) Review of any record of prior citizen complaints. Is the officer receiving an inordinate level of complaints as compared to other officers? If so, are there any detectable patterns regardless of the ultimate findings of the complaint?
 - 4) In all cases a commanding officer shall speak with the officer to get a better understanding of the reasons behind the noted disparities. This approach can accomplish a few different objectives.
 - a) The officer is able to offer his/her understanding of disparities in his/her data.
 - b) The officer takes ownership of his/her behavior and takes steps to correct it.
 - c) It could be a matter of the officer being unaware of the disparity and once made aware of it could be self-correcting in how the officer interacts with the public.
 - 5) The Deputy Chief of Police will forward the complete record of his/her actions to the IAO for purposes of the Early Intervention System.
- C. The Deputy Chief of Police shall make recommendations to the Board of Police Commissioners on any procedural changes that should be made. The department will continue to improve its practices in all aspects of preventing bias-based policing as we learn from regular data collection, analysis and evaluation and by:
1. Monitoring any legislative changes or court rulings that might impact the scope and procedural guidelines within this directive.
 2. Identifying any updates on the evolution of interpreting bias-based policing data collection methods and procedures.
 3. Identifying any training opportunities that might be useful in further educating officers on the implications of bias-based policing.
 4. Coordinating with the Training Officer in determining the appropriate frequency of review of this policy, legal updates, and other associated training opportunities.
 - a) All affected personnel shall receive initial training and annual training thereafter on biased issues, and the training will include the legal aspects of profiling/bias-based practices.

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 302.76
	Subject/Title: Weapons and Weapons Storage	Issue Date: February 25, 2020 <u>Date</u>	
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: March 16, 2020 <u>Date</u>	
References/Attachments: Policies and Procedures #: 404, 405, 406, 407, 408		Review Date: Annually	Rescinds: 302.65
			Amends: N/A

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 standards under which members of the East Haven Police Department will carry, store, maintain, and repair weapons and equipment issued to them by the Department.

II. POLICY

- A. It is the policy of the East Haven Police Department that its Armorer(s) shall be responsible for keeping a permanent record on each firearm and Conducted Electrical Weapon (CEW) that is owned by the East Haven Police Department and where, at all times, the location of the weapon, or to whom it has been issued.
- B. It is the policy of the East Haven Police Department that all personnel who handle any weapon shall do so with the utmost care and caution.
- C. All weapons that are owned by the Department and which have not been issued to a particular member of the Department shall be maintained in the Department's Armory, which is to be kept locked and secured at all times.
- D. It is the policy of East Haven Police Department that the only ammunition authorized to be carried by officers is that issued by the Department. Special ammunition may be used at the firing range. It is the responsibility of officers to ensure that they do not leave the range with any unauthorized ammunition.

- E. All stored Department ammunition shall be maintained within the Department's ammunition closet. It shall be the responsibility of the Armorer(s) to maintain a current inventory of all stored ammunition.
- F. Personnel that are working uniform patrol or paid security-duty detail shall always carry their Department-issued firearm, two spare magazines, police baton, CEW, oleoresin capsicum Spray/Foam, handcuffs, body camera, and portable police radio.

III. PROCEDURES – Less Lethal Weapons

A. CEW

- 1. The Department shall issue a CEW to each full-time officer to be carried on his/her person while on duty and stored securely by him/her.
 - a. Supernumeraries may sign out a CEW from the Armorer or an on-duty supervisor when working.
 - b. Replacement CEWs shall be stored securely in the Armory, and one replacement CEW shall be stored securely and accessible to supervisors for use in an emergency when the Armorer is not available.
- 2. The CEW authorized by the Department are:
 - a. Taser X-26 with two (2) cartridges (25-feet).
 - b. Taser X-26P with two (2) cartridges (25-feet).
- 3. The Armorer and/or certified CEW instructor shall maintain a record to include the status of each CEW issued in the Law Enforcement Administration System (LEAS) database.
 - a. All applicable fields shall be filled and completed within LEAS to include the make, model, and serial number.

B. Collapsible Baton & Oleoresin Capsicum (OC) Foam Spray

- 1. The Head of the Administration and Training Division (ATD) shall issue a collapsible baton and holder to each officer to be carried on his/her person while on duty and stored securely by him/her.
 - a. The collapsible baton authorized by the Department is the Safariland – Monadnock 22” AutoLock Collapsible Baton.
- 2. The ATD shall issue an OC Foam Spray to each officer to be carried on his/her person while on duty and stored securely by him/her.
 - a. The OC Foam Spray authorized by the Department is the First Defense MK-3 0.4% Foam.
- 3. The ATD shall maintain a record to include the status of each collapsible baton and OC Foam Spray issued in LEAS database.

- a. All applicable fields shall be filled and completed within LEAS to include the make, model, and serial number.
- C. Officers shall not carry any less-lethal equipment that has not been issued to him/her by the Department.
- D. Officers shall report to an on-duty supervisor any less-lethal equipment that has malfunctioned and is in need of repair, or in the case of OC Foam Spray and CEW cartridges, has passed its expiration date as noted by the manufacturer.
1. The less-lethal equipment in need of repair shall be taken out of service and turned in to the on-duty supervisor.
 2. The on-duty supervisor or other designated personnel shall provide a replacement of the less-lethal equipment to the officer until the original equipment can be repaired and returned to the officer.
 - a. That on-duty supervisor shall then notify the designated personnel in charge of issuing said equipment of the needed repair.
 3. The repair and status updates of the less-lethal equipment shall be logged accordingly in LEAS database by the Armorer and/or designated personnel.
- E. Less Lethal Force Training
1. Each officer shall be trained on the proper use of the Department-issued CEW, collapsible baton, and OC Foam Spray prior to being authorized to carry said equipment. Reference Policy and Procedures # 406 – Less Lethal Force.
 - a. Training shall include instructions on the Department’s Use of Force Policies and Procedures along with proficiency demonstrations.
 - 1) Training will be conducted by certified instructors, and training will be documented.
 - 2) Officers must demonstrate proficiency in the use of less-lethal equipment prior to being approved to carry said equipment.
 - 3) Upon hire, officers shall be certified by an instructor on the proper use of the CEW.
 - a) CEW certification shall be valid until the end of the next calendar year (e.g. If a user was recertified on March 1, 2019 then they would be required to re-certify sometime in 2020 up until December 31, 2020.
 - b) Each officer will receive the re-certification training each year.
 - c) Any member of the Department whose certification has lapsed will receive the re-certification training on the CEW as soon as feasible.
 - 4) Officers shall be certified and/or retrained on the proper use of the collapsible baton and OC Foam Spray at least biennially.

IV. PROCEDURES - Firearms

A. Issuance of Firearms

1. While on duty, officers may carry one service pistol and any authorized long firearm the circumstances require.
2. The firearms authorized by the Department are:
 - a. Sig Sauer, Model P-229, .40 caliber.
 - b. Sig Sauer, Model P-224, .40 caliber.
 - c. Sig Sauer, Model P-239, .40 caliber.
 - d. Berretta, Model 96, .40 caliber.
 - e. Mossberg shotguns, Models 500 and 590, 12 Gauge. One of which is set up for Less Lethal Specialty Impact Projectiles
 - f. Remington shotgun, Model 870, 12 gauge.
 - g. Benelli shotgun, Model 12 gauge.
 - h. Colt, AR-15, .223 Caliber/5.56 NATO.
 - i. Stag Arms, AR-15, .223 Caliber/5.56 NATO.
 - j. Rock River, AR-15, .223 Caliber/5.56 NATO.
 - k. Sig Sauer, AR-15, .223 Caliber/5.56 NATO
 - l. Smith & Wesson, AR-15, .223 Caliber/5.56 NATO.
 - m. H&K, Model MP-5, .40 caliber.
3. Authorized Duty Ammunition
 - a. Federal Premium Law Enforcement, Tactical HST, HYDRA-SHOK ~~jaeketed hollow point~~, .40 Caliber.
 - b. Federal Premium Law Enforcement Tactical ammunition, .223 Caliber/5.56 NATO.
 - c. Rifled Slug Shotgun Ammunition, 12 gauge.

- d. "00" Buckshot Shotgun Ammunition, 12 gauge.
4. The Armorer(s) shall be responsible for maintaining records on all Department-owned firearms to include the following in LEAS:
 - a. Manufacturer and model designation of the firearm, serial number, caliber and description of the firearm.
 - b. Name of personnel to whom the firearm has been issued including the date of issue.
 5. The Department reserves the right to regulate and control what type and kind of service equipment members of the Department may possess and/or use while performing their official duties and assignments.
 6. In accordance with the Connecticut General Statutes, only sworn members of the Police Department are authorized to carry a firearm while serving in a duty capacity (including private paid details).
 - a. Officers are authorized to carry their Department issued firearm while in an off-duty capacity provided that they have successfully qualified with said weapon and have not been otherwise restricted from carrying their Department issued firearm.
- B. Safe Handling of Firearms
1. When an officer carries his/her Department-issued firearm, he/she shall have the firearm fully loaded and with a round chambered in a serviceable operating condition.
 - a. Officers while in an on-duty capacity shall carry the prescribed quantity of spare ammunition:
 - 1) Uniformed officers working patrol shall carry two spare magazines of ammunition authorized for his/her firearm.
 - b. When an officer is carrying a Department-issued firearm, whether in an on-duty or off-duty capacity, he/she shall keep the firearm holstered on his/her person, unless it is drawn for use or to be placed into storage.
 2. When an officer carries an authorized shotgun or patrol rifle, he/she shall have the firearm in a "cruiser condition."
 - a. A cruiser condition shall be a fully loaded magazine inserted, or magazine tube with a bolt closed on empty chamber and safety engaged.
- C. All personnel shall exercise caution and the utmost care in handling of Department-issued firearms at all times. Firearms shall be carried in accordance with Connecticut General Statute § 29-37i and Connecticut General Statute § 53a-217a and this directive.
- D. Circumstances when an officer may remove a firearm from its holster include the following:
1. For use in the performance of his/her duties.

2. To clean the firearm or to have the armorer inspect and/or repair the firearm.
 3. To store the firearm.
 4. At the direction of a superior officer conducting firearms inspections.
 5. For training purposes.
- E. It shall be the responsibility of the individual officer to store the firearm in a secure fashion, so as to deny access to another in accordance with Connecticut General Statute § 29-37i and Connecticut General Statute § 53a-217a.
1. If a firearm is being stored in an officer's locker or the compartment within the locker, the locker shall be kept locked at all times.
- F. Care of Departmental Firearms
1. Prior to the issuance or reissuance of a Department-owned firearm and/or less-lethal equipment, an Armorer or another certified instructor shall review, inspect and approve said weapon(s) for use, which will be noted in LEAS.
 2. Once a Department-owned firearm is issued to an officer, it shall be the responsibility of an Armorer or his/her designee to, on at least an annual basis, inspect all Department issued firearms and/or other authorized firearms being carried by members of the Department.
 3. Each officer is responsible for cleaning his/ her service firearm, as soon as practical after the firearm has been fired, and periodically as needed. All cleaning materials shall be authorized by the Department.
 4. Each officer is responsible for notifying an Armorer if he/she determined that his/her firearm is not working properly or in need of repair.
- G. Firearms in Need of Repair
1. Any firearm being carried by a member of this Department that may be in need of repair or adjustment shall be immediately brought to the attention of an Armorer or a designated firearms instructor. It shall be the responsibility of the Armorer or firearms instructor to inspect and verify the need for repair.
 2. Repair or adjustment of any Department-issued firearm shall be done only by a designated Department Armorer, a qualified gunsmith, or the manufacturer if required.
 - a. An Armorer shall not make any alterations to the sights or trigger pull of any firearm except for the purposes of restoring them to standard uniform operation without written permission from the Chief of Police or his/her designee.
 3. Any repairs or adjustments made to a firearm by the Department Armorer shall be documented in a permanent Department record.

4. If a firearm cannot be repaired by the Department Armorer, or it has been determined that the firearm is in need of repair that exceed the capabilities of the Armorer, then the Armorer shall:
 - a. Issue a replacement Department firearm of the same nomenclature.
 - b. Make the necessary arrangements for the repair of the firearm by a Department-approved gunsmith and/or manufacturer.
 - c. Make all necessary entries in the firearms permanent records section of LEAS database.
5. The Armorer shall be responsible for maintaining all record entries to reflect the following:
 - a. Date when a firearm has been surrendered for transfer, repair, or termination of employment.
 - b. The entry shall also indicate the disposition of the firearm as a result of a transaction.
 - c. The name and address of the designated gunsmith that was responsible for making repairs on a Departmental firearm.
 - d. Any receipts or similar paperwork shall be made part of the Departmental records.
 - e. The Armorer(s) shall maintain the permanent records for all Department-owned firearms in the Department Equipment module in LEAS. Paper records will be kept in the Records Division.

H. Authorization

1. Officers, who are authorized to carry a firearm during the course of their official duties, may only carry a Department-issued firearm for which they have been qualified and have been authorized to carry. All officers while on-duty (including private paid details) are required to carry a Department-issued firearm with Department-issued ammunition.
2. No member of this Department while in an on-duty capacity (including while working private paid details) may carry any other firearm or weapon that has not been previously approved by the Chief of Police.
3. An officer of this Department may carry his/her Department-issued firearm off-duty providing that the following requirements are met:
 - a. The officer has his/her police identification and badge in his/her possession.
 - b. The officer has satisfied all of the annual firearms qualification requirements.

- c. The officer is not presently under suspension, or has not been prohibited from carrying the firearm for some other reason.
 - d. The officer carries only Department-issued ammunition in the service firearm.
- I. Use of Holsters
- 1. No officer shall carry a Department-issued pistol either while on-duty or off-duty without first securing said firearm in a holster.
 - 2. While on duty (including private paid details), all uniformed officers must carry their pistol in an approved holster. No substitutions are acceptable without first receiving prior approval from the Chief of Police or his/her designee. Department authorized holsters are:
 - a. Blackhawk, Level 3 SERPA, Auto Lock, Duty Holster (Patrol)
 - b. Blackhawk, Level 3 SERPA, Auto Lock, Light Bearing Duty Holster (Patrol)
 - c. Leather Single or Double Retention Dress Uniform Holster (only while wearing dress uniform for authorized functions)
 - d. Blackhawk, CQC SERPA Holster (Non-Patrol function)
 - e. Leather Single Retention Holster (Non-Patrol function)
 - f. Galco Miami Classic II Shoulder System for Sig Sauer (Plain clothes, Non-Patrol Function)
 - 1) Must be worn concealed under a suit coat or jacket when outside the Department building.
 - 2) Must train and show proficiency in use before a Department firearms instructor to wear.
 - 3) Shall not be worn when also wearing a Department CEW.
 - g. Aker Shoulder Holster Flatsider XR7 Model 107 for Sig Sauer (Plain clothes, Non-Patrol Function)
 - 1) Must be concealed under a suit coat or jacket when outside the Department building.
 - 2) Must train and show proficiency in use before a Department firearms instructor to wear.
 - 3) Shall not be worn when also wearing a Department CEW.
- J. Officers may not alter a holster in any fashion from the original design of the manufacturer.

K. Officers may not knowingly carry a firearm in a holster that is in disrepair or is unserviceable.

L. Tampering with Police Firearms

1. Adjustments to Firearms: Only the Department's Armorer, the firearms manufacturer or authorized gunsmith shall make any repairs and adjustments to any of the Department's firearms.
2. Authorized Pistol Grips: No grip or grip adapter may be used on a Department firearm other than one approved by an Armorer. Officers shall not make any alterations to the grips that have not been approved and installed by a Department Armorer.
3. Alteration of a Firearm: Under no circumstances may an officer make any alterations to the mechanical operations of a firearm.

M. Issuance of Authorized Patrol Rifles and Shotguns

1. The Department provides authorized patrol rifles and shotguns to its officers for those situations that may necessitate the utilization of a long gun. Further, only those officers who have been trained and qualified on the use of the patrol rifles and shotguns may have access to said weapons.
2. Use of Authorized Patrol Rifles and Shotguns
 - a. Only those officers who have successfully completed the training and qualification courses will be permitted to deploy the patrol rifles and shotguns.
 - 1) Officers will receive training and orientation on the patrol rifles and shotguns on an annual basis. The training at a minimum will include instruction on the Department's use of force policy, safe handling of the weapons, and demonstrated proficiency in their use and accuracy.
 - 2) The training course for patrol rifles and/or shotguns will be in conformance with the standards established by the Connecticut Police Officer Standards and Training Council (POST) and conducted by certified firearms instructors.
 - 3) Officers who are not able to demonstrate the safe handling and proficiency with the Department's patrol rifles and/or shotguns will receive additional training until such time they are able to meet qualifications standards.
 - b. It shall be the responsibility of the officer to determine the appropriateness of deploying any patrol rifles and/or shotguns. Situations that may warrant the deployment of a patrol rifle and/or shotgun might include, but are not necessarily limited to, the following:
 - 1) Anticipation or the likelihood of an armed encounter.
 - 2) Situations when the delivery of long range and accurate fire may be needed.

- 3) Hostage and barricaded situations.
 - 4) An active aggressor/shooter situation.
 - 5) Knowledge that the suspect is or may be wearing body armor.
 - 6) As part of an entry team, when there are sufficient personnel to allow for its deployment.
 - 7) Patrol rifles may be used on patrol by officers who have successfully completed required additional training in an approved course. The rifles will be stored in the patrol vehicle until such time as they are deployed for an appropriate incident.
- c. Whenever an officer is authorized to deploy the patrol rifle or shotgun, it is that officer's responsibility to maintain custody and security of the weapon at all times. Whenever returning the patrol rifle or shotgun to the car or patrol safe, the officer will render the weapon into a safe condition (as prescribed by training) prior to storing/securing the weapon.
- d. When deployed in the field, patrol rifles and shotguns will be secured and maintained in their cases or mounts in a "cruiser condition". The patrol rifles and shotguns will be maintained in a safe condition when stored in the safe in the station.
- e. The "cruiser condition" of the patrol rifle will comprise the following:
- 1) The safety will be in the ON position.
 - 2) The chamber will be empty.
 - 3) The bolt on the patrol rifle will be in the forward or closed position.
 - 4) There will be a fully loaded magazine inserted into the patrol rifle.
 - 5) The dust covers will be closed.
 - 6) The weapon will be properly secured within its case or mount.
- f. The "cruiser condition" of the shotgun will consist of the following.
- 1) "00" buckshot loaded in the magazine to capacity.
 - 2) The bolt closed on an empty chamber with safety engaged.
 - 3) Slugs in their holders on the stock.

- g. When returning the patrol rifle or shotgun following deployment, the officer who is charged with the possession of the weapon will be sure that it is rendered safe and stored in a safe condition (as described in the aforementioned section). The process for making the weapons safe involves the following steps:
 - 1) The safety should be in the ON position.
 - 2) The magazine should be removed from the patrol rifle.
 - 3) The chamber should be cleared of the round that may have been chambered, and as a precautionary measure should always be checked. The ejected round should be inserted back into the magazine of the patrol rifle.
 - 4) When presenting the patrol rifle for inspection, the bolt should be open, with the magazine out of the weapon.
 - 5) Once the patrol rifle has been inspected to ensure that it has been rendered into a safe condition, the bolt of patrol rifle should be closed. The rifle should be secured in the patrol gun locker.
 - 6) Once the shotgun has been inspected to ensure that it has been rendered into a safe condition, the shotgun should be secured in the patrol gun locker.
- h. Whenever loading or unloading the patrol rifle, it should be done at the unloading station in the police station when possible, or outside in a safe area, preferably not in the public view.
- i. The Armorer shall maintain rifles and shotguns in a condition so that sufficient firepower is available whenever such weapons are called for.

N. Officers Prohibited from Carrying a Firearm

1. Officers who are suspended or whose weapon has been officially taken from them for any other reasons shall not carry a Department issued firearm under any circumstances.
 - a. Officers shall successfully qualify with each firearm for which they are authorized. An officer is required to meet all proficiency standards as they pertain to firearms qualifications and familiarization courses. The passing score is 80% or above.
 - b. Evaluation of proficiency shall include the safe and proper handling of any firearm during the course of fire that will be evaluated by the firearms instructor.
2. Officers who fail to qualify shall immediately relinquish those firearms and other weapons on which they failed to qualify. Those officers who still fail to qualify after remedial training within a reasonable time shall be subject to disciplinary action, up to and including termination of employment.

- a. The firearms instructor will immediately notify the Chief of Police or his/her designee of a failed qualification and complete a Department Review (DR) in LEAS prior to the end of the instructor's tour of duty.

O. Loss of a Service Firearm

1. Loss of the official police firearm shall be reported immediately to the officer's supervisor and the on-duty shift commander.
2. Loss of a firearm through carelessness or neglect shall be deemed a serious violation of Department regulations and may be subject to disciplinary action commensurate with such an infraction.
3. The circumstances surrounding the loss of any Department firearm shall be fully documented in an incident report, and immediately entered into the COLLECT/NCIC computer system. All such reports shall be immediately referred to the Chief of Police through the chain of command.

P. Use of Ammunition

1. Only Department-issued ammunition may be used in any Department-owned weapon(s). Under no circumstances may an officer use any other ammunition in a Department-owned firearm without express permission from the Chief of Police or an Armorer.
2. The Armorer(s) shall maintain an inventory of all Department ammunition. It will be his/her responsibility to keep all records current and up-to-date at all times. This inventory will include a record of the following:
 - a. Total amount of ammunition held in storage.
 - b. Total amount of ammunition received.
 - c. Total amount of ammunition expended by officers during firearms training.

Q. Annual Training Requirements

1. Instruction on the Use of Force
 - a. Each member of the Department who is authorized to carry a firearm or any less lethal weapon as part of the performance of his/ her official duties shall receive all the current policies and procedures on the Use of Force and related instructions prior to being authorized to carry such weapons.
 - a.1) The annual in-service training shall include a review of relevant terms pertaining to Use of Force (i.e. objectively reasonable, serious physical injury, deadly physical force, etc.).
 - b. Instruction relating to the provisions contained within this policy will be performed as part of the annual in-service training program.
 - 1) All officers shall qualify at least twice a year with their issued service firearm and once yearly on any long gun they are authorized to carry.

- 2) Qualifications shall be under the direction of the Department's Firearms Instructor(s) or other certified instructor.
- 3) Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by ~~CT~~POST.
- 4) Qualification shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
- 5) No member of this Department will be authorized to carry a firearm or any less lethal weapon until he/~~or~~she has:
 - a) Been issued a copy of the Department's Use of Force Policies and Procedures and has received instruction and passed a written examination ~~on same~~(if applicable); and
 - b) Demonstrated proficiency~~In the case of firearms, a successful qualification at the range.~~
- 6) Proof of training on the Use of Force policies and curriculum will be documented.

R. Duties of the Armorer

1. It will be the responsibility of the Armorer(s) and/or designated firearms instructor(s) to prepare a lesson plan that outlines the content of the classroom training and the course of fire that is used for qualifications. The Armorer and/or designated firearms instructor(s) will be responsible for carrying out the following duties:
 - a. Keep all relevant records on all Department-owned firearms as described in the aforementioned section(s) of this directive.
 - b. Maintain a record on those members of the Department that have gone through the annual Use of Force and firearms qualification program.
 - c. Make a determination as to whether all members of the Department have satisfactorily completed the requirements of the annual Use of Force and firearms qualifications.
 - d. In those cases, where the designated firearms instructor feels that any member of the Department requires additional training or remedial training, the armorer shall confer with the Chief of Police or his/her designee.
 - e. It shall be the responsibility of the designated firearms instructor(s) to conduct and supervise the annual firearms qualifications training program. As part of that program, the Armorer shall maintain records on each officer as they pertain to officers' eligibility to carry a firearm either in an on-duty or off-duty capacity, and

report to the Chief of Police via normal lines of communications, on the results of such qualifications.

- f. Officers must achieve a minimum passing score of 80% or above on the Department's prescribed qualification course(s) (refer to Departmental lesson plans), attain and demonstrate a knowledge of the laws and Department policies concerning the use of firearms, and demonstrate familiarity with recognized proper and safe handling procedures as they pertain to the use of a firearm. This policy shall pertain to all authorized and issued firearms.
 - g. Sworn members of the Department will qualify at least twice per year achieving a minimum score of 80% or higher using the firearm they are authorized to carry on duty. When an officer of the Department is issued a weapon, he or she will qualify at a Departmental approved range in the use of that weapon prior to resuming normal police duties. This will not apply to the emergency use of a comparable spare weapon issued on a temporary basis.
 - h. All personnel authorized to carry lethal and less-lethal weapons will be issued copies of and be instructed in the policies pertaining to the Use of Force prior to them being authorized to carry such weapons; this will be documented.
- S. The Deputy Chief of Police shall direct an annual audit of the Armory and its records.
1. The Deputy Chief of Police shall submit to the Chief of Police his or her audit report that shall identify any deficiencies and propose remedies for the deficiencies.
 2. The Deputy Chief of Police shall ensure that corrections are made to any deficiencies found in the audits.

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 404.<u>65</u>
	Subject/Title: Use of Force		Issue Date: September 29, 2020
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: October 1, 2020
	References/Attachments: Connecticut General Statutes: § 53a-8, 53a-165 to 53a-167 Policies & Procedures #: 302, 405, 406, 407, 408 Appendix A – Critical Decision-Making Matrix		Review Date: Annually
		Rescinds: 404.<u>54</u>	Amends: N/A

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 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. This directive details the guidelines the officer is to follow when exerting any degree of force in the performance of his/her duties. 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.
 2. 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.

II. POLICY

- A. It is the policy of the East Haven Police Department to value and protect human life as our 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 amount of force necessary to bring a person or incident under control, in pursuit of this mission.

- 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 physical force only when strictly necessary; use physical force in a manner that avoids unnecessary injury to officers and civilians; and de-escalate the physical 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. Officers who use more force than objectively reasonable 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.
- G. Any officer, while acting in a law enforcement capacity, witnesses another officer use force ~~that~~ what the witnessing officer objectively knows to be unreasonable, excessive or illegal ~~use of force~~, shall intervene and attempt to stop such ~~other officer from using such~~ use of force.
1. The level of intervention should be to that level necessary to stop said use of unreasonable, excessive or illegal force and may involve verbal and/or physical intervention.
 2. Any such officer who fails to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of Connecticut General Statutes Section § 53a-8 as the officer who used unreasonable, excessive, or illegal force.
 3. The provision of this section does not apply to ~~any witnessing officer~~ an officer acting in an undercover capacity if the intervention will significantly compromise the officer's safety or the safety of another. ~~who is operating in an undercover capacity at the time he/she witnesses another officer use unreasonable, excessive or illegal force.~~
 4. Additionally, the Department recognizes there may also be exigent circumstances that could prevent an officer from complying with the intervention requirements such as the following.
 - a. An officer engaged in a simultaneous attempt to apprehend another person.
 - b. An officer actively engaged in rendering aid to a seriously injured person.

4.

c. An officer separated by space, elevation, physical barriers, terrain or other hazards or impediments that prevent intervention.

a.5. 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.

- H. Any officer who witnesses another officer use force ~~– w~~that the witnessing officer objectively knows to be unreasonable, excessive or illegal, ~~– use of force~~ or ~~is~~ otherwise becomes aware of such use of force ~~by another officer~~ shall report, as soon as is practicable, such use of force to the on-duty supervisor.
1. The reporting of such force shall be done in accordance with Policies and Procedures 407 – Use of Force Review and Investigations, and the on-duty supervisor shall notify the Captain of the Patrol Division.
 2. Any officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of Connecticut General Statutes Sections § 53a-165 to § 53a-167.
- I. The Department and its employees shall not take any retaliatory, ~~– action or~~ discriminatory or punitive action against an officer who intervenes in an incident or reports an incident because the officer made such report and/or intervened; the reporting officer shall be protected by Connecticut General Statutes.
1. The Department strictly prohibits any retaliatory, discriminatory or punitive action retaliation and/or discrimination against any member who intervenes against excessive use of force, reports misconduct, or cooperates in any internal or criminal investigation related thereto.

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. Active Resistance: Refers to the subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance. Examples include: fighting and breaking the officer's grip.
 3. 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).

4. 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.
5. De-Escalation: The use of verbal and physical cues, such as words and gestures, by a responding officer to reduce the potential for a subject to resist police authority.
6. De Minimis Force: Physical interaction that does not cause pain or injury and is meant to separate, guide, and/or control a subject including compliant handcuffing.
7. Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.
8. 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.
9. 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.
10. 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
11. Imminent: Threatening to occur immediately; dangerously impending; About to take place; imminent danger – an immediate threatened injury sufficient to cause a reasonable and prudent person to defend himself/herself.
- 11.12. Less Lethal Force: A force application not intended or expected to cause death or serious injury and which is commonly understood to have less potential for causing death or serious injury than conventional, more lethal police tactics. Nonetheless, use of less-lethal force can result in death or serious injury.
- 12.13. 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.
- 13.14. Lethal Force (Deadly Physical 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.

14.15. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the US Constitution. The US Supreme Court established this standard in its ruling in *Graham v. Connor* (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.

15.16. Officer Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.

16.17. Passive Resistance: Refers to circumstances in which the subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. 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.

17.18. Physical Injury: Refers to any impairment of physical condition or pain.

18.19. 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.

19.20. 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.

20-21. Serious Physical Injury: Refers to physical injury that creates substantial risk of death, or causes serious disfigurement or serious impairment of health, or loss or impairment of the function of any bodily organ.

21-22. 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.

22-23. Supervisory Force Review Report: The immediate supervisor's report on an incident involving use of force.

23-24. Use of Force Report: To be completed by all officers who used force.

24-25. Use of Force Witness Report: To be completed by all officers who witnessed the use of force by other officers.

IV. PROCEDURES

A. Members of this Department are expected to use only that degree of force that is objectively reasonable in 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 deadly physical force preventing harm to or death(s) of others or themselves.

1. 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 reestablish 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.
2. When feasible, officers shall utilize de-escalation/calming techniques and/or verbal warnings prior to using force.
3. Officers using, observing, or discovering a use of force that rises above "De Minimis" force shall notify their supervisor(s) of such reportable force as soon as possible and document such force in a Use of Force Report and/or Witness Use of Force Report in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.

B. The lawful and proper use of force is limited to only that which is necessary to control and terminate resistance and/or to prevent any further physical attack against the officer or any other person. This includes lethal and/or less lethal force, with lethal or less lethal weapons.

1. As outlined in Policies and Procedures # 302 – Weapons and Weapons Storage, the Department issues lethal and less lethal weapons to its officers to provide them the optimum ability to protect others and themselves. The use of any of the weapons

authorized and issued to sworn members of the Department could result in serious harm or death. Personnel are to be especially aware of this when deploying Department authorized and issued less lethal weapons.

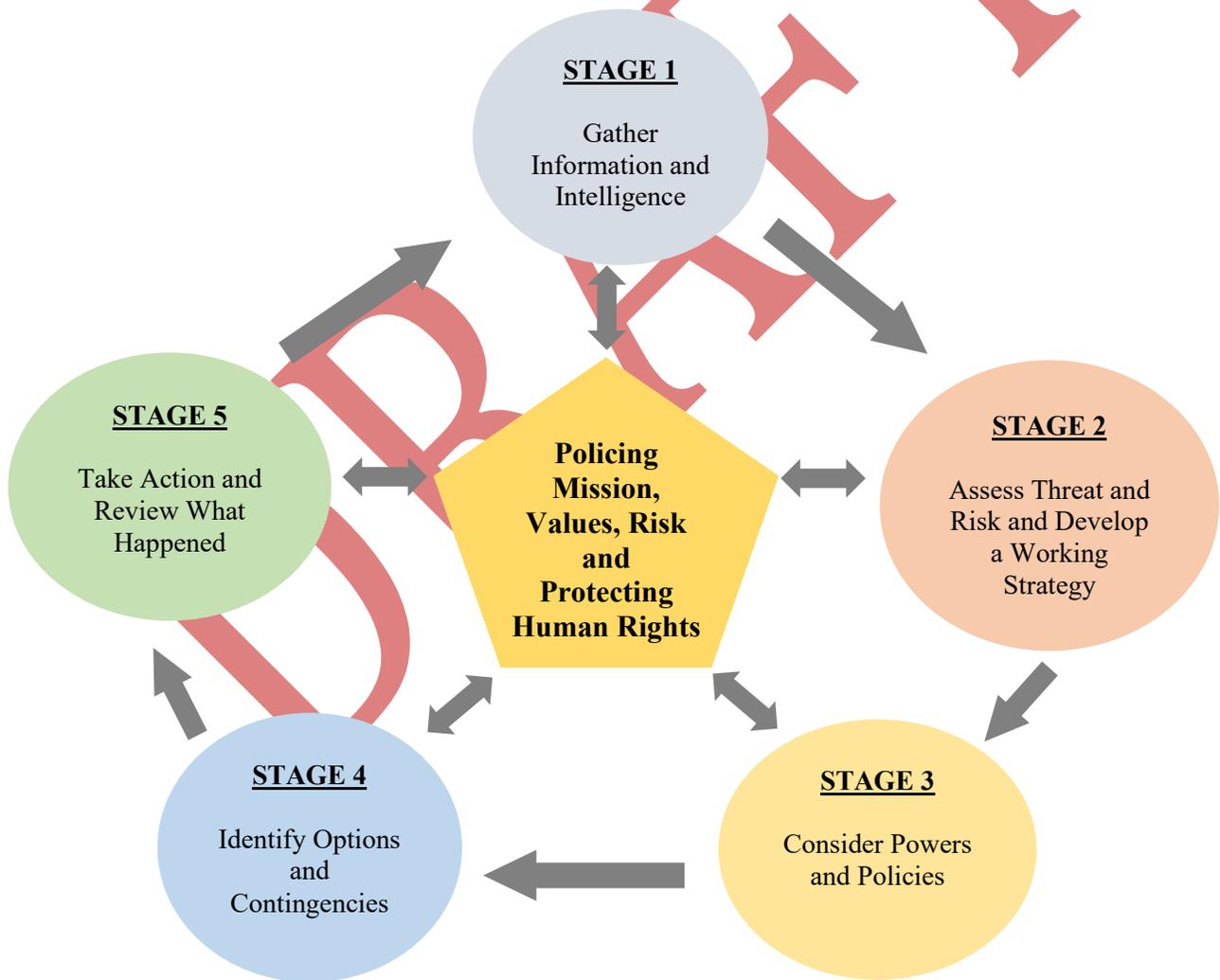
2. The intentional use of a chokehold or other method of restraint applied to the neck area of a person that impedes the ability of such person to breathe or restricts blood circulation to the brain is prohibited unless the officer reasonably believes such use to be necessary to defend himself/herself or a third person from the use or imminent use of deadly physical force.
 - a. Prohibited methods of restraint to the neck area include, but is 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. Training on the specific use of a chokehold and the lateral vascular neck restraint shall be provided upon hire to officers and biennially thereafter by a certified instructor.
- C. 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.
 1. An officer who directly observes a use of force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures, and/or in violation of Federal and/or State laws shall contact and notify a supervisor as soon as possible of such force.
 2. Officers shall act to intervene and stop any unreasonable, excessive or illegal use of force by another officer.
 3. An officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall notify the on-duty supervisor and submit an incident report and/or Witness Use of Force Report to the on-duty supervisor by the end of his/her tour of duty.
 4. The Department prohibits retaliation and/or discrimination against any officer who intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.
- D. Members of this Department are expected to justify any use of force in any criminal, civil or administrative proceedings that arise. Members who cannot or will not comply with

this directive will subject themselves to disciplinary action, as well as the possibility of criminal and civil liability.

- E. It is incumbent upon all personnel involved in a post-shooting incident situation to be cognizant of the implications whenever a member of this Department uses lethal force that results in the death or serious physical injury of another. Personnel who are engaged in the supervision and/or the investigation of a post-shooting incident are expected to take immediate action after incidents where shooting causes death or serious physical injury to an officer or another person to safeguard the continued good mental health of all involved personnel.
- F. 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 weapons.
- G. The following policies and procedures further detail the use of force.
 - 1. Policies and Procedures # 405 – Use of Lethal Force.
 - 2. Policies and Procedures # 406 – Use of Less Lethal Force.
 - 3. Policies and Procedures # 407 – Use of Force Review and Investigations.
 - 4. Policies and Procedures # 408 – Post-Incident Procedures for Use of Lethal Force.

DRAFT

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?

Determine a working strategy to mitigate threats and risks and maximize opportunities and benefits.

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.

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 405.76
	Subject/Title: Use of Lethal Force	Issue Date: September 29, 2020	
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: October 1, 2020	
References/Attachments: Connecticut General Statutes: § 53a-8, 53a-165 to 53a-167 Policies & Procedures #: 302, 404, 406, 407, 408 Appendix A – Critical Decision-Making Matrix		Review Date: Annually	
		Rescinds: 405.65	
		Amends: N/A	

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 use of lethal force.
1. The very narrow parameters under which lethal force is authorized; the circumstances in which an officer may legally use lethal force in the performance of his/her duties.

II. POLICY

- A. It is the policy of the East Haven Police Department that 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~~ ~~harm that could result in death or serious physical injury~~. When feasible, officers shall exhaust all other possible methods of force before resorting to the use of lethal force.
1. 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.
- B. Any officer, while acting in a law enforcement capacity, witnesses another officer use ~~force that~~ ~~what~~ the witnessing officer objectively knows to be unreasonable, excessive or illegal ~~use of force~~, shall intervene and attempt to stop such ~~other officer from using~~ ~~sue~~ ~~use of~~ force.
1. The level of intervention should be to that level necessary to stop said use of unreasonable, excessive or illegal force and may involve verbal and/or physical intervention.

—Any such officer who fails to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of Connecticut General Statutes Section § 53a-8 as the officer who used unreasonable, excessive, or illegal force.

2.

~~1.~~

3. The provision of this section does not apply to an officer acting in an undercover capacity if the intervention will significantly compromise the officer's safety or the safety of another.~~any witnessing officer who is operating in an undercover capacity at the time he/she witnesses another officer use unreasonable, excessive or illegal force.~~

4. Additionally, the Department recognizes there may also be exigent circumstances that could prevent an officer from complying with the intervention requirements such as the following.

a. An officer engaged in a simultaneous attempt to apprehend another person.

b. An officer actively engaged in rendering aid to a seriously injured person.

c. An officer separated by space, elevation, physical barriers, terrain or other hazards or impediments that prevent intervention.

a.5. Circumstances that prevented or impeded effective intervention shall be promptly reported to an on-duty supervisor and documented as outlined in Policies and Procedures 407 – Use of Force Review and Investigations.

C. Any officer who witnesses another officer use force ~~that~~what the witnessing officer objectively knows to be unreasonable, excessive or illegal ~~use of force,~~ or ~~is~~ otherwise becomes aware of such use of force ~~by another officer~~ shall report, as soon as is practicable, such use of force to the on-duty supervisor.

1. The reporting of such force shall be done in accordance with Policies and Procedures 407 – Use of Force Review and Investigations, and the on-duty supervisor shall notify the Captain of the Patrol Division.

2. Any officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of Connecticut General Statutes Sections § 53a-165 to § 53a-167.

D. The Department and its employees shall not take any retaliatory, ~~action or~~ discriminatory or punitive action against an officer who intervenes in an incident or reports an incident because the officer made such report and/or intervened; the reporting officer shall be protected by Connecticut General Statutes.

1. The Department strictly prohibits retaliatory, discriminatory or punitive action~~retaliation and/or discrimination~~ against any member who intervenes against excessive use of force, reports misconduct, or cooperates in any internal or criminal investigation related thereto.

III. DEFINITIONS

- A. 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.
- B. Active Resistance: Refers to the subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance. Examples include: fighting and breaking the officer's grip.
- C. Chief of Police Finding: The Chief of Police or his/her designee's 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).
- D. 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.
- E. De-Escalation: The use of verbal and physical cues, such as words and gestures, by a responding officer to reduce the potential for a subject to resist police authority.
- F. De Minimis Force: Physical interaction that does not cause pain or injury and is meant to separate, guide, and/or control a subject including compliant handcuffing.
- G. Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.
- H. 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.
- I. 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.
- J. 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
- K. Imminent: Threatening to occur immediately; dangerously impending; About to take place; imminent danger – an immediate threatened injury sufficient to cause a reasonable and prudent person to defend himself/herself.

K.L. Less Lethal Force: A force application not intended or expected to cause death or serious injury and which is commonly understood to have less potential for causing death or serious injury than conventional, more lethal police tactics. Nonetheless, use of less-lethal force can result in death or serious injury.

L.M. 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.

M.N. Lethal Force (Deadly Physical 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.

N.O. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the US Constitution. The US Supreme Court established this standard in its ruling in *Graham v. Connor* (1989).

1. 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."
2. The force must be reasonable under the circumstances known to the officer at the time the force was used.

O.P. Officer Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.

P.Q. Passive Resistance: Refers to circumstances in which the subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. 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.

Q.R. Physical Injury: Refers to any impairment of physical condition or pain.

R.S. 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.

S.T. 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.

T.U. Serious Physical Injury: Refers to physical injury that creates substantial risk of death, or causes serious disfigurement or serious impairment of health, or loss or impairment of the function of any bodily organ.

U.V. 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.

V.W. Supervisory Force Review Report: The immediate supervisor's report on an incident involving use of force.

W.X. Use of Force Report: To be completed by all officers who used force.

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

IV. GENERAL GUIDELINES AND CONSIDERATIONS

A. Members of this Department are expected to use only that degree of force that is objectively reasonable in 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 deadly physical force.~~preventing harm to or death(s) of others or themselves.~~

B. 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.

C. The lawful and proper use of force, including lethal force, is limited to only that which is necessary to control and terminate resistance and/or to prevent any further physical attack against the officer or any other person.

D. As outlined in Policies and Procedures # 302 – Weapons and Weapons Storage, the Department issues lethal and less lethal weapons to its officers to provide them the optimum ability to protect themselves and others. The use of any of the weapons authorized and issued to sworn members of the Department could result in serious physical injury or death.

~~E.~~—Members of this Department are expected to justify any use of force in any criminal, civil or administrative proceedings that arise. Members who cannot or will not comply with this policy will subject themselves to disciplinary action, as well as the possibility of criminal and civil liability.

~~E.~~

V. PROCEDURES

A. Justification for the Use of Lethal Force

1. Because there exists an unlimited number of circumstances that could arise, no written policy can offer definitive answers to every situation in which the use of force might be appropriate. Rather, the goal of this policy is to set forth specific guidelines for the exercise of sound judgment and reasonable decision-making.
2. ~~An officer is~~ are only authorized to use lethal force when he/she reasonably believes such use to be necessary to defend himself/herself or a third person from the use or imminent use of deadly physical force ~~to protect themselves or others from what is reasonably believed to be a threat of death or serious physical injury.~~
 - a. When feasible, officers shall utilize de-escalation/calming techniques and/or verbal warnings prior to using force.
 - b. When feasible prior to discharging a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.
3. The intentional use of a chokehold or other method of restraint applied to the neck area of a person that impedes the ability of such person to breathe or restricts blood circulation to the brain is prohibited unless the officer reasonably believes such use to be necessary to defend himself/herself or a third person from the use or imminent use of deadly physical force.
 - a. Prohibited methods of restraint to the neck area include, but is 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. Training on the specific use of a chokehold and the lateral vascular neck restraint shall be initially provided to officers and biennially thereafter by a certified instructor.
 3. Officers may use lethal force to euthanize an animal that is attacking a person or represents a threat to public safety.
 - a. Officers may use lethal force as a humanitarian measure where an animal is seriously injured or gravely ill when the officer reasonably believes that lethal force can be used without harm to the officer or others.
 4. Officers shall not use lethal force to stop fleeing felons, except against those whose escape presents a clear and immediate danger to the public.
- B. Use of Firearms
1. Removing a Firearm from its holster up to Pointing of a Firearm at Another Individual(s): 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. Any officer who points a firearm at another individual(s), shall be required to fully document the incident in a Use of Force Report, using the reporting guidelines and review process set forth in Policies and Procedures # 407 – Use of Force Review and Investigations.
 - a. The mere removal of a firearm from its holster does not constitute a use of force.
 - b. The mere display of a long gun at the low ready does not constitute a use of force.
 - c. 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.
 2. Identifying oneself: 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.
 - a. Exception: Officers engaged in a controlled tactical operation (i.e., Special Response Team conducting the execution of a search warrant) will not be subject to the reporting requirements for Removing a Firearm from its Holster up to Pointing of a Firearm at Another Individual(s). The official after-action report will make a blanket statement reporting that officers involved in the operation removed and pointed their weapons. Any outcomes resulting from the use of weapons shall be reported as prescribed below under Use of Force Reporting and Review in policy number 407.
 3. Use of Firearms in Performance of Duty: An officer is only authorized to use a weapon that he/she has been authorized to carry, and only to the extent that is

required in the lawful execution of his or her duties as defined by Policies and Procedures # 302 – Weapons and Weapons Storage and by law.

4. Reporting to a Supervisor: Officers who use or observe force shall notify an on-duty supervisor immediately following any use of force or upon receipt of an allegation of unreasonable or unreported use of force by any officer in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations. Whenever possible, injuries shall be photographed and documented.-
 - a. Whenever an officer discharges a firearm, either accidentally or in the performance of police duty, whether on duty or off duty, the officer must notify an on-duty supervisor immediately. In such instances, the officer will be guided by the reporting requirements as established by this directive and Policies and Procedures # 407 – Use of Force Review and Investigations.
 - b. Circumstances where officers are excused from the reporting requirements are expressly limited to the following circumstances, and only where the discharged firearm does not inflict injury to a person or cause property damage:
 - 1) Use of Firearms for Training or Recreational Purposes: Officers who discharge firearms while engaged in sanctioned training or for recreational purposes with Department issued or personal firearms (recreational target shooting or hunting) are exempt from the requirements outlined within this section of the directive.
 - 2) Authorized Test Firing of Firearms: Officers who have been authorized to test fire a firearm, whether it is part of the firearms maintenance program of Department issued weapons, or as part of a court process to determine its operational capacity, will not be subject to the use of force reporting guidelines. However, there are other types of records or reports that are normally required whenever performing either one of these functions.
5. Euthanizing Animals: On occasion, an officer may be required to use his/her service weapon to euthanize dispatch an animal for humane purposes, or to protect persons, other animals, or property. The use of lethal force under these circumstances is warranted when the officer reasonably believes the animal to be rabid and when there is no other viable way of dealing with the animal (e.g., capture, transport to veterinarian, or disposal of the animal by other means). Before discharging a firearm for the purpose of euthanizing an animal, the officer must consider the following factors:
 - a. To euthanize an animal for humane purposes, the officer must first receive approval from his/ her supervisor. The officer does not need prior approval in situations he/she judges to be emergencies, e.g. to protect persons, other animals, or property.
 - b. The officer must exercise extreme caution so as not to pose any risk to surrounding persons or property.

- c. If an officer uses a firearm to euthanize an injured or gravely 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 Deer Kill Report will be completed if the animal euthanized was a deer. No additional Use of Force Report is required under this circumstance. The incident report should address the reasons for using this method of destruction, as well as any issues or circumstances that may have arisen, and address how the animal was disposed of once it had been destroyed.
6. Discharging Warning Shots: Under no circumstances may an officer discharge his/her weapon for the purpose of providing a warning, or to threaten another.
7. Signaling Devices: Firearms shall not be used as a signaling device or for the purpose of summoning assistance.
8. Firing at or from Moving Vehicles: Officers shall not discharge his/her firearm at or from a moving vehicle, unless the use of lethal force is justified by something other than the threat of the moving vehicle.
 - a. Officers shall not intentionally place themselves in the path of or reach inside a moving vehicle.
 - b. Officers where possible shall attempt to move out of the path of a moving vehicle before discharging their weapon.

~~A.~~ Medical Attention/Treatment Aid

~~C.~~

- ~~1.~~ In all instances following the use of lethal force, an officer on scene shall, as soon as feasible/practical, request via the EHPSCC for qualified medical personnel/EMS to respond to the scene to provide medical attention/treatment aid to the subject to whom the force was used against any person who:
 - a. Sustains a visible injury.
 - b. Complains of injury.
 - c. Exhibits signs of medical distress including shortness of breath, altered mental status, or loss of consciousness.
- ~~2.~~ 2. The request for qualified medical personnel/EMS to respond following the use of lethal force shall be communicated to the EHPSCC, and the on-duty supervisor shall immediately be notified.
- ~~a.3.~~ 3. When possible, officers should make an effort to assist the subject to whom force was used against until qualified medical personnel/EMS arrive on scene.

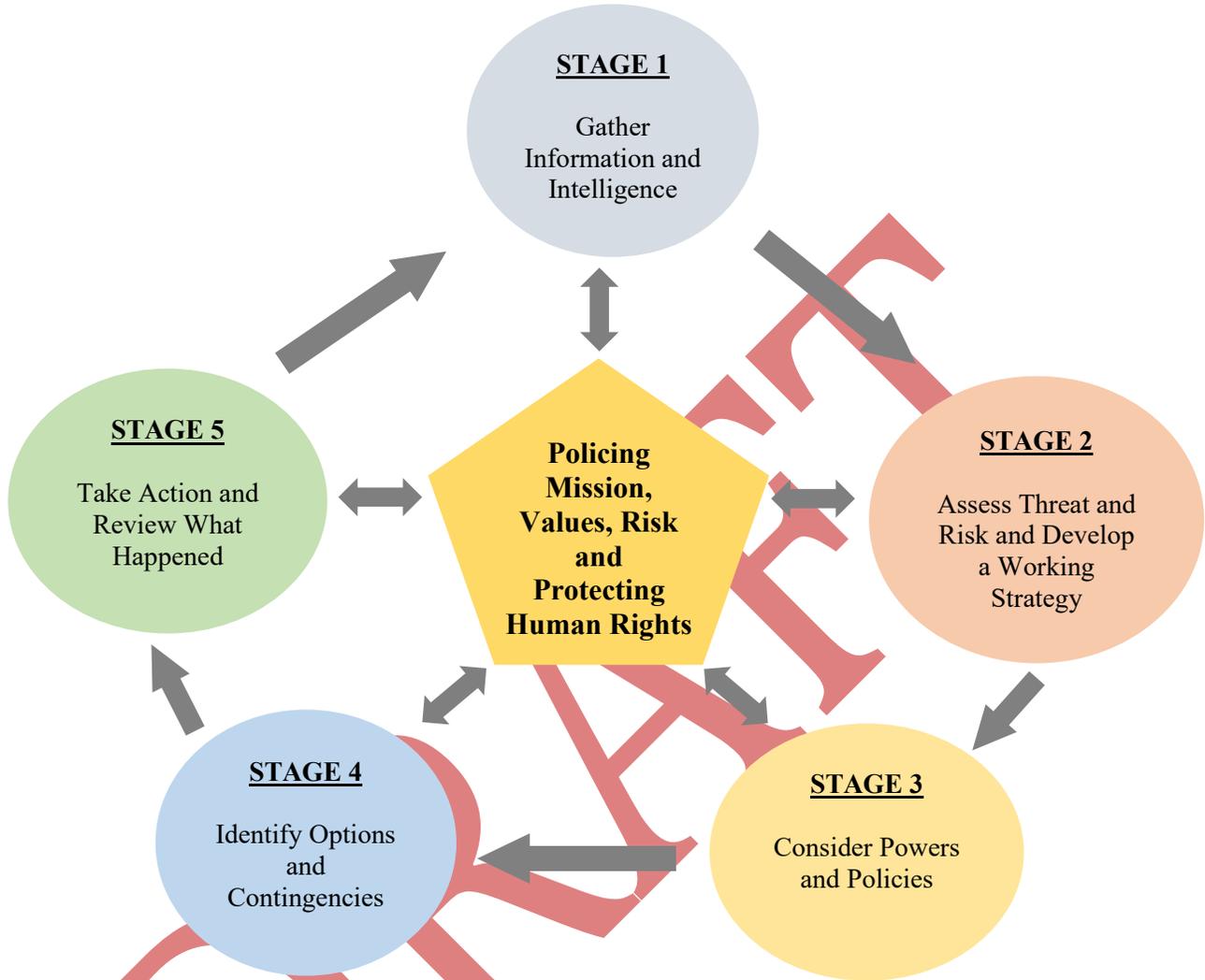
C.D. Officers are prohibited from using force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures and/or a violation of Federal and/or State laws.

1. An officer who directly observes a use of force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures, and/or in violation of Federal and/or State laws shall contact and notify a supervisor as soon as possible of such force.
2. Officers shall act to intervene and stop any unreasonable, excessive or illegal use of force by another officer.
3. An officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall notify the on-duty supervisor and submit an incident report and/or Witness Use of Force Report to the on-duty supervisor by the end of his/her tour of duty.
4. The Department strictly prohibits any retaliatory, discriminatory or punitive action against any member retaliation and/or discrimination against any officer who intervenes against excessive use of force, reports misconduct, or cooperates in any internal or criminal investigation related thereto.
5. 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 weapons.

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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?

Determine a working strategy to mitigate threats and risks and maximize opportunities and benefits.

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>

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 406.76
	Subject/Title: Use of Less Lethal Force		Issue Date: September 29, 2020
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: October 1, 2020
	References/Attachments: Connecticut General Statutes: § 53a-8, 53a-165 to 53a-167 Policies and Procedures #: 302, 404, 405, 407, 408 Appendix A – Critical Decision-Making Matrix		Review Date: Annually
		Rescinds: 406.65	Amends: N/A

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 use of less lethal force.

II. POLICY

- A. The policy of the East Haven Police Department is to value and protect human life. The public authorizes the police to use that force which is objectively reasonable for the protection of human life. Officers shall use only the minimum amount of force objectively reasonable to bring a person or incident under control, in pursuit of this mission.

1. 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.

- B. Force shall never be used as punishment, regardless of the alleged offense.

- C. Any officer, while acting in a law enforcement capacity, witnesses another officer use force ~~whathat~~ the witnessing officer objectively knows to be unreasonable, excessive or illegal ~~use of force~~, shall intervene and attempt to stop ~~such other officer from using~~ such use of force.

1. The level of intervention should be to that level necessary to stop said use of unreasonable, excessive or illegal force and may involve verbal and/or physical intervention.

2. Any such officer who fails to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of Connecticut General Statutes Section § 53a-8 as the officer who used unreasonable, excessive, or illegal force.

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3. The provision of this section does not apply to an officer acting in an undercover capacity if the intervention will significantly compromise the officer's safety or the safety of another y-witnessing officer who is operating in an undercover capacity at the time he/she witnesses another officer use unreasonable, excessive or illegal force.

4. Additionally, the Department recognizes there may also be exigent circumstances that could prevent an officer from complying with the intervention requirements such as the following.

a. An officer engaged in a simultaneous attempt to apprehend another person.

b. An officer actively engaged in rendering aid to a seriously injured person.

c. An officer separated by space, elevation, physical barriers, terrain or other hazards or impediments that prevent intervention.

5. 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.

D. Any officer who witnesses another officer use force ~~tw~~ what the witnessing officer objectively knows to be unreasonable, excessive or illegal use, ~~of force~~ or ~~is~~ otherwise becomes aware of such use of force by another officer shall report, as soon as is practicable, such use of force to the on-duty supervisor.

1. The reporting of such force shall be done in accordance with Policies and Procedures 407 – Use of Force Review and Investigations, and the on-duty supervisor shall notify the Captain of the Patrol Division.

2. Any officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of Connecticut General Statutes Sections § 53a-165 to § 53a-167.

E. The Department and its employees shall not take any retaliatory, ~~action or~~ discriminatory or punitive action against an officer who intervenes in an incident or reports an incident because the officer made such report and/or intervened; the reporting officer shall be protected by Connecticut General Statutes.

1. The Department strictly prohibits any retaliatory, discriminatory and/or discrimination or punitive action against any member who intervenes against excessive use of force, reports misconduct, or cooperates in any internal or criminal investigation related thereto.

III. DEFINITIONS

- A. Act Aggressively: The subject displays the intent to harm the officer, himself or 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.
- B. Active Resistance: Refers to the subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance. Examples include: fighting and breaking the officer's grip.
- C. Chief of Police Finding: The Chief's report on his/her findings issued to the officer(s) under investigation and included in the file on the incident maintained by the Internal Affairs Officer (IAO).
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- E. De-Escalation: The use of verbal and physical cues, such as words and gestures, by a responding officer to reduce the potential for a subject to resist police authority.
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- K. Imminent: Threatening to occur immediately; dangerously impending; About to take place; imminent danger – an immediate threatened injury sufficient to cause a reasonable and prudent person to defend himself/herself.
- K.L. Less Lethal Force: A force application not intended or expected to cause death or serious injury and which is commonly understood to have less potential for causing death

or serious injury than conventional, more lethal police tactics. Nonetheless, use of less-lethal force can result in death or serious injury.

L.M. 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.

M.N. Lethal Force (Deadly Physical 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.

N.O. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the US Constitution. The US Supreme Court established this standard in its ruling in *Graham v. Connor* (1989).

1. 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."
2. The force must be reasonable under the circumstances known to the officer at the time the force was used.

O.P. Officer Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.

P.Q. Passive Resistance: Refers to circumstances in which the subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. 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.

Q.R. Physical Injury: Refers to any impairment of physical condition or pain.

R.S. 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.

~~S.T.~~ S.T. 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.

~~F.U.~~ F.U. Serious Physical Injury: Refers to physical injury that creates substantial risk of death, or causes serious disfigurement or serious impairment of health, or loss or impairment of the function of any bodily organ.

~~U.V.~~ U.V. 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.

~~V.W.~~ V.W. Supervisory Force Review Report: The immediate supervisor's report on an incident involving use of force.

~~W.X.~~ W.X. Use of Force Report: To be completed by all officers who used force.

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

IV. GENERAL GUIDELINES AND CONSIDERATIONS

A. Officers are justified in using less lethal force in the performance of their duties only when they reasonably believe the force employed is necessary to accomplish the following.

1. Protect themselves or others against the use of unlawful force, violence, or an attack by another person.
2. Prevent another from committing suicide or inflicting serious physical injury upon himself or herself.
3. 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.
4. Prevent an escape.
5. Effectuate a lawful arrest (where resistance is offered) for any offense or crime under the laws that the officer has been empowered to enforce.

B. When feasible, officers shall utilize de-escalation/calming techniques and/or verbal warnings prior to using force.

- C. The use of less lethal force to effectuate an arrest is justifiable under the following circumstances.
1. Prior to the use of less lethal force in effectuating an arrest, officers must make the purpose of the arrest known to the suspect when feasible unless the officer reasonably believes that the suspect knows his/her identity and purpose, or extenuating and exigent circumstances exist.
 2. When a suspect physically resists the officer's attempt to effectuate an arrest, or attempts to cause injury or harm to an officer, threatens to use any physical force, attempts to escape, or takes any other action intended to prevent an officer from effecting an arrest.
 3. The level of force to be used by an officer effectuating an arrest is limited to only that which is necessary to overcome any resistance or force being used by the perpetrator.
 - a. The use of less lethal weapons such as OC Spray and CEW's is recommended when in the judgment of the officers use of such weapons will prevent injury to suspects, officers, and others.
 - b. This level of force may include the use of hard-hand control techniques.
 4. 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.
 5. Officers may handcuff arrestees with the exception of arrestees who he/she determines are young, old, infirm or have an injury likely to be aggravated by handcuffing.
 6. Police officers while acting in the capacity of their official duties under the color of law are not obliged to desist from making an arrest because resistance may be encountered or threatened. Officers shall consider all the options available to them to counter resistance, including the following.
 - a. Using advisements, warnings, and verbal persuasion, when possible, before resorting to physical force.
 - b. De-escalate immediately as resistance decreases.
 - c. Using disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, and/or calling in specialized units, when possible, in order to reduce the need for physical force and increase officer and civilian safety.
 - d. Allowing individuals time whenever possible to submit to arrest before physical force is used.
 - e. Whenever an officer believes that de-escalation is feasible, based on his/her training and judgment, such techniques shall be the first deployed by the officer to gain compliance.

7. Supervisors shall determine whether the action or inaction of officers using physical force, or the actions or inactions of other officers on scene, resulted in the need to use physical force.
- D. 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. An officer who directly observes a use of force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures, and/or in violation of Federal and/or State laws shall contact and notify a supervisor as soon as possible of such force.
 - b. Officers shall act to intervene and stop any unreasonable, excessive or illegal use of force by another officer.
 - c. An officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall notify the on-duty supervisor and submit an incident report and/or Witness Use of Force Report to the on-duty supervisor by the end of his/her tour of duty.
 - d. The Department strictly prohibits retaliatory, ion and/or discriminatory or punitive action against any officer who intervenes against excessive use of force, reports misconduct, or cooperates in any internal or criminal investigation related thereto.
- E. The intentional use of a chokehold or other method of restraint applied to the neck area of another person that impedes the ability of such person to breathe or restricts blood circulation to the brain is prohibited unless the officer reasonably believes such use to be necessary to defend himself/herself or a third person from the use or imminent use of deadly physical force.
1. Prohibited methods of restraint to the neck area include, but is not limited to the following.
 - a. Arm bar hold.
 - b. Carotid artery hold.
 - c. Lateral vascular neck restraint.
 - d. Neck restraint or hold with a knee or other object.
- F. 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 weapons.
- a. Training on the specific use of a chokehold and the lateral vascular neck restraint shall be initially provided to officers and biennially thereafter by a certified instructor.

V. PROCEDURES

- A. Officers shall use all authorized personal defensive weapons in the manner prescribed during Department training for that particular weapon. 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 Connecticut Police Officers Standards and Training Council. Authorized less lethal weapons are:

1. Conducted Electrical Weapons (CEW): Taser X-26 and X-26P
 - a. CEW – Department Issued Only
 - b. CEW equipped with camera – Department Issued Only
 - c. CEW equipped with HD camera – Department Issued Only
 - d. CEW Duty Holster, to be carried on support hand 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. Shotgun capable of using Less Lethal Specialty Ammunition – Department Issued Only
- B. Unauthorized Use of Weapons: Under no circumstances shall an officer of this Department carry any weapon on duty that has not been authorized by this Department.
- C. Use of Conducted Electrical Weapon
1. The Taser X-26 and 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 (EHPSCC) as soon as possible.
 3. A supervisor shall respond to any scene at which an CEW is deployed, absent exceptional circumstances. If a supervisor cannot respond, they shall document the circumstances preventing their response.
 4. Operation: When properly used, the CEW generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Subjects become physically incapacitated and unable to control muscle movement, allowing officers to gain control. The CEW may be used in situations where time and conditions permit. 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 CEW camera and/or 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 reevaluate 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.
 - 1) The severity of the crime at issue.
 - 2) The risk of danger posed to others if the suspect is not promptly apprehended.
 - 3) The potential risk of secondary injury to the suspect due to environmental conditions.
 - 4) 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. An CEW shall never be used as a torture device.

- l. Use of the CEW in “horseplay” or in any manner not prescribed herein is prohibited.
- m. 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.
- n. 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.
 - 1) Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
- o. 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.
- p. Officers should, if possible, obtain backup before using the CEW to control the subject.
- q. 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.
- r. Officers will use caution.
- s. 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.
- t. 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.
- u. Discharging the CEW at Animals

- 1) 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.
 - 2) Officers using an CEW on an animal may need to adjust their aim to ensure contact is made with both probes.
- v. 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.
- 1) The following persons shall be transported to a hospital for examination following exposure to an CEW. Any person who:
 - a. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
 - b. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
 - c. Does not appear to recover properly after being energized;
 - d. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
 - e. Has had more than one CEW effectively used against him/her in any given incident;
 - f. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
 - g. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
 - h. Exhibits bizarre or violent behavior, including self-mutilation;
 - i. Is naked in a public place or exhibits signs of overheating;
 - j. Evidences slurring or slowness of speech;
 - k. Subject claims to have been injured or in medical distress.
 1. Ensure an officer accompanies the suspect to the hospital during transportation by ambulance, in the event the suspect becomes combative upon regaining consciousness.

2. Used CEW cartridges and darts are considered a biohazard. Place the used cartridge and darts in a biohazard receptacle at police headquarters, a fire station or hospital.
- w. Activations Requiring Supervisor Documentation: Each CEW has an internal tracking chip. This chip stores the time and date of the last 2,000 times the trigger was engaged on the CEW. Supervisors can retrieve information stored in the data chip by connecting to the data port on the rear of the weapon and downloading the information into the Department's computer system. When necessary, a supervisor will download the CEW information.
 - 1) All activations with the exception of daily spark tests, training applications, or other situations exempt by other sections of this policy require the investigating supervisor to provide a written report in the Department review system reviewing the activation.
 - 2) 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.
 - 3) Investigating supervisors will take special note of the following:
 - a) Activations not consistent with daily spark tests or previously documented use of force incidents.
 - b) Multiple activations.
 - c) Three or more consecutive activations with minimal time in between the activations.
 - x. Training: All officers shall receive comprehensive training and annual in-service refresher training on the guidelines on when and how to use CEWs.
 - 1) Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
 - y. Department Monitoring of CEW Use: 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 EHPD's Use of Force Annual Report.
 - z. Informing the Public: The Department will in its community outreach activities educate the public about its Use of Force policy and the specific role and operations of the CEW.

- aa. All officers certified in its use will be required to carry the CEW while on duty in uniform working patrol or paid 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
- bb. Officers will submit a Use of Force Report before the end of his/her tour of duty explaining the reason for the use of the CEW. This report will be forwarded to his/her supervisor and through the chain of command.
- cc. Officers shall receive annual CEW certifications, which should consist of physical competency, weapon retention; EHPD policy, including any policy changes, technology changes, and scenario-based training.
- dd. 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 90 days prior to the expiration of the cartridges issued to them so they can be replaced.
- ee. 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 Control Device (baton) is to be used for defensive and control purposes only. 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 used to effect an arrest, to overcome active resistance, to prevent escape, 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. Three categories of target areas on the body for strikes relative to force exerted by the 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 arm, forearm, buttocks, inside of the wrist, thigh, calf, abdomen, shin, back of the hand, and instep. EXCEPT FOR THE HEAD, 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 to a primary target area fails to overcome resistance or does not correspond with the threat level. Secondary target areas consist of the collarbone, groin, knee joint, elbow joint, 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; or situations where force to lower level areas fail to overcome the resistance and end the confrontation. 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 baton while on duty working patrol in uniform or any paid security details and overtime assignments.
 4. Officers shall complete and submit a Use of Force Report before the end of his/her tour of duty, absent exigent circumstances, explaining the reason for any use of the baton. All officers observing the force shall complete and submit a Use of Force Witness Report before the end of their tour of duty absent exigent circumstances. The Use of Force Report shall include:
 - a. A detailed account of the incident from the officer's perspective;
 - b. The reason for the initial police presence;
 - c. A specific description of the acts that led to the use of force;
 - d. The level of resistance encountered;
 - e. A description of every type of force used. The use of force reporting policy shall explicitly prohibit the use of "canned" or conclusory language in all reports documenting use of force.
- E. Use of Oleoresin Capsicum (OC) Spray
1. General Information: OC Spray is cayenne (red) pepper in a mixture of a resin and oil combined with an aerosol propellant. It is classified as an inflammatory agent with low toxicity and minimal acute or chronic health hazards. It is not classified as a hazardous chemical.
 2. Effects: 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. OC Spray has no history of long-lasting side effects or after effects. In over a decade of field experience, there has never been any

substantiated instance of adverse reaction to the spray by any subject with respiratory illnesses, heart problems, or poor reflexes.

3. Use of Aerosol Chemical Devices Containing OC:
 - a. OC Spray is designed for use when persuasion, verbal commands and moderate physical control has been ineffective or would be futile.
 - b. OC Spray is used when it is necessary to defend against an unarmed aggressor or when unarmed physical force is required to apprehend or restrain a subject.
 - c. OC Spray can be used against dangerous animals.
 - d. The standard to consider is for OC Spray to be used to overcome active resistance before resorting to hands on defense.
 - e. An aerosol chemical device is not intended to be a substitute for the use of lethal force when the use of lethal force is justified.
 - f. Use will be in accordance with Department policy after training on its proper use by a certified instructor.
4. The Use of Aerosol Chemical Device is Not Authorized for Use Against an Individual who:
 - a. Exhibits no physical force toward another or is under control.
 - b. Assaults another only verbally and exhibits no intention of carrying out the assault.
 - c. Assumes the posture of a passive resistor in an arrest situation. Note: For purposes of this procedure, a passive resistor is an individual who is uncooperative but does not exhibit any act of physical aggression toward another.
5. Use of OC Spray
 - a. Ready the OC Spray canister for use: unholster and display
 - b. Restate lawful order or notice of arrest
 - c. Warn subject of intent to use OC Spray
 - d. Deploy OC Spray if necessary
 - e. De-escalate to physical control (handcuffing)
6. 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 or 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 canister in a ready position, and be positioned at an angle from the suspect.
 - 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.
7. Officers using the force shall complete and submit a Use of Force Report before the end of his/her tour of duty, absent exigent circumstances, explaining the reason for the use of OC Spray. All officers observing the force shall complete and submit a Use of Force Witness Report before the end their tour of duty absent exigent circumstances. The Use of Force Report shall include:
- a. A detailed account of the incident from the officer's perspective.
 - b. The reason for the initial police presence.
 - c. A specific description of the acts that led to the use of force.
 - d. The level of resistance encountered.
 - e. A description of every type of force used. The use of force reporting policy explicitly prohibits the use of "canned" or conclusory language in all reports documenting use of force.
8. Follow-up Medical Treatment and/or Post-Administration Care.
- a. Decontaminate within 20 minutes when safe and feasible.
 - b. Provide medical care if requested or necessary according to the officer's judgment or the supervisor's judgment if on scene by that time.

- c. Cleaning the affected skin area with cool water will expedite recovery, as the oily OC Spray resin will be easily rinsed off.
 - d. The sprayed subject may be treated at the scene by the fire department prior to transportation in a cruiser.
 - e. Once the sprayed person is brought to a water source (cell block sink) the treatment is rinse with cool water, air and paper towels to pat dry (do not rub the skin nor allow the subject to rub his/her skin).
 - f. A sprayed person should be instructed NOT to rub their eyes, as this will only exacerbate the burning like symptoms.
 - g. Each sprayed person should be asked if they are wearing contact lenses. If so the lenses MUST be removed. If the person is unable or unwilling to remove the lenses, then they should be taken to the hospital. Officers slightly affected by an OC Spray burst should also remove contact lenses.
 - h. OC Spray induced symptoms may subside within 15 to 45 minutes with no after effects. If symptoms do persist beyond this 45-minute period, then this person should receive medical attention. If a sprayed person's breathing does not regain a normal rhythm, then they should receive immediate medical attention. Lastly, if a sprayed person so requests, they should be afforded medical attention.
 - i. Normal airing out (ventilation) of an area such as a room or vehicle where OC Spray was discharged will result in residual spray being removed from the environment within 45 minutes.
 - j. No special equipment or washing is necessary. If an oily resin from a spray is visible on a surface, then simple washing with soap and water will suffice.
- F. Less Lethal Specialty Impact Ammunition in a Shotgun
1. The primary purpose for less lethal specialty impact munitions is to control dangerous subjects from a distance, maximizing officer safety. The less lethal force philosophy shall not preclude the use of lethal force.
 2. When an officer responds to a scene where an individual is considered dangerous to himself or others and who may or may not be armed with a weapon, the officer should immediately notify his/her supervisor. Only the Supervisor has the authority to authorize deployment of less lethal specialty impact munitions, i.e. a shotgun using less lethal projectiles.
 3. Once notified of a situation involving a dangerous person, the patrol supervisor must:
 - a. Immediately respond to the scene.

- b. Assume command of the scene.
 - c. Secure the perimeter.
 - d. Decide whether to use specialty impact munitions in the current situation.
4. The supervisor has the authority to determine which special impact munitions are to be utilized. Generally, specialty impact munitions correlate to a force equivalent of hard intermediate weapons (i.e. collapsible baton).
 5. Only those officers who have completed the Department training and qualification program will be authorized to deploy these munitions.
 6. The decision to use less lethal force will be based upon the following considerations.
 - a. Distance, i.e. Extended Range.
 - b. Whether deployment is feasible given the stature, clothing and immediate surroundings of the subject.
 7. Subjects who are struck by Specialty Impact Munitions will be transported to a medical facility to be examined.
 8. Dispatch will maintain an updated list of those officers authorized to deploy less lethal munitions and will be responsible for dispatch or call in of these officers, when requested.
 9. Reporting and Investigating the Use of Less Lethal Force: Any discharge of Specialty Impact Munitions other than during training will be reported and investigated.
 10. Officers will submit a Use of Force Report before the end of his/her tour of duty explaining the reason for any use of specialty impact munitions. This report will be forwarded to his/her supervisor and through the chain of command.

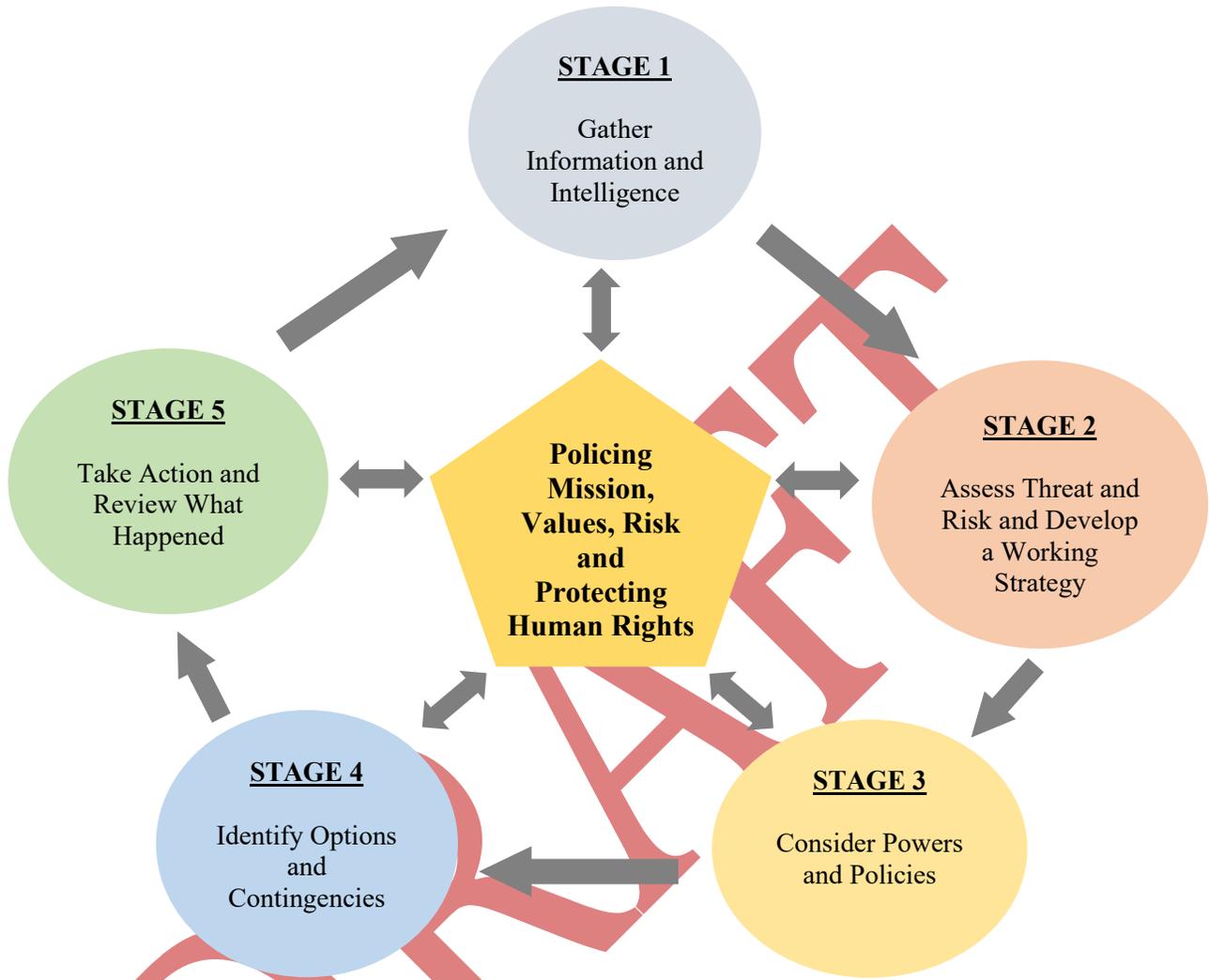
G. Medical Attention/Treatment Aid

1. Following the use of force, an officer on scene shall, as soon as practical, request for qualified medical personnel/EMS to respond to the scene to provide medical aid to any person who:
 - a. Sustains a visible injury.
 - b. Complains of injury.
 - c. Exhibits signs of medical distress including shortness of breath, altered mental status or loss of consciousness.

2. The request for qualified medical personnel/EMS to respond following the use of force shall be communicated to the EHPSCC, and the on-duty supervisor shall immediately be notified.
3. When possible, officers should make an effort to assist the subject to whom force was used against until qualified medical personnel/EMS arrive on scene.
1. ~~In all instances where an officer uses less lethal force, an officer on scene shall do the following as soon as practical.~~
 - a. ~~Ask the subject to whom force was used against if he/she was injured and if medical treatment is needed.~~
 - b. ~~If it is determined medical treatment is needed, request via the EHPSCC for qualified medical personnel to respond to the scene to provide medical attention/treatment to the subject to whom the force was used against.~~
 - 1) ~~If possible, officers should make an effort to assist the subject to whom force was used against until qualified medical personnel arrive on scene.~~
2. ~~In all instances where an officer uses lethal force, an officer on scene shall, as soon as practical, request via the EHPSCC for qualified medical personnel to respond to the scene to provide medical attention/treatment to the subject to whom the force was used against.~~
 - a. ~~If possible, officers should make an effort to assist the subject to whom force was used against until qualified medical personnel arrive on scene.~~

DRAFT

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?

Determine a working strategy to mitigate threats and risks and maximize opportunities and benefits.

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>