


East Haven Police Department 	Type of Directive: Policies & Procedures		No. 302.98
	Subject/Title: Weapons and Weapons Storage	Issue Date: May 31, 2022 March 30, 2021	
		Effective Date: July 1, 2022 April 15, 2021	
Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually		
References/Attachments: Policies and Procedures #: 404, 405, 406, 407, 408		Rescinds: 302.87, G.O. 22-01-20-04	
		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, 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) 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 Spray to each officer to be carried on his/her person while on duty and stored securely by him/her.
 - a. The OC Spray authorized by the Department is the First Defense MK-30.4% Foam.
- 3. The ATD shall maintain a record to include the status of each collapsible baton and OC 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 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 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, at minimum, receive biennial training on the proper use of the collapsible baton, OC Spray, and weaponless control techniques.
 - b. Designated officers shall be trained on the proper use of the Department-issued 40MM less lethal ammunition launcher prior to being authorized to use said equipment.

- 1) Training will occur annually and shall include instructions on the Department's Use of Force Policies and Procedures along with proficiency demonstrations.
 - a) Training will be conducted by a certified instructor, and training will be documented.
 - b) Officers must demonstrate proficiency in the use of the 40MM less lethal ammunition launcher prior to being approved to use said equipment.

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 in the following conditions:

a. -Condition 4- A closed and empty chamber with the magazine removed, safety on if applicable.

b. Condition 3- A closed and empty chamber with magazine inserted, safety on if applicable "Cruiser Condition".

c. Condition 1- A round in the chamber with magazine inserted, safety on if applicable.

~~d.~~ Condition 0- A round in the chamber with magazine inserted, safety off if applicable

2. Authorized Firearms:

a. Sig Sauer, P320 Carry, 9mm with Romeo 1 Pro Optic

b. Sig Sauer, P365XL, 9mm with Romeo Zero Optic

c. Daniel Defense, AR-15, .223 Caliber/ 5.56 NATO

d. Geisselle, AR-15, .223 Caliber/ 5.56 NATO

~~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. Colt, AR-15, .223 Caliber/5.56 NATO.

f. Stag Arms, AR-15, .223 Caliber/5.56 NATO.

g. Rock River, AR-15, .223 Caliber/5.56 NATO.

- h. Sig Sauer, AR-15, .223 Caliber/5.56 NATO
 - i. Smith & Wesson, AR-15, .223 Caliber/5.56 NATO.
 - j. H&K, Model MP-5, .40 caliber.
3. Authorized Less Lethal Ammunition Launcher:
 - a. 40MM Rifled Single Less Lethal Ammunition Launcher.
 4. Authorized Duty Ammunition:
 - a. Federal Premium Law Enforcement, Tactical HST, ~~.40 Caliber~~9mm Caliber.
 - b. Federal Premium Law Enforcement Tactical ammunition, .223 Caliber/5.56 NATO.
 5. Authorized 40MM Less Lethal Ammunition:
 - a. 40MM Direct Impact Crushable Foam/Sponge Marking – Standard and Extended Range.
 - b. 40MM Direct Impact OC Crushable Foam – Standard or Extended Range.
 - c. 40MM Direct Impact CS Crushable Foam – Standard or Extended Range.
 6. 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.
 7. 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.
 8. 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 patrol rifle, he/she shall have the firearm in a "cruiser condition." Or "Condition 3."
- a. A cruiser condition shall be a fully loaded magazine inserted, or magazine tube with a bolt closed on an empty chamber and safety engaged on.
 - a. Once the officer has decided to deploy an authorized patrol rifle, he/she shall chamber a round using the charging handle with the safety on, to place the rifle in "Condition 1."
- 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)~~Safariland RDS 7TS ALS/SLS Hoster (Patrol).
 - b. ~~Blackhawk, Level 3 SERPA, Auto Lock, Light Bearing Duty Holster (Patrol)~~Safariland RDS 7TS ALS Concealment Hoster (Private Duty/Administrative).

- 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~~ Any Shoulder Holster approved by a certified firearms instructor and the Chief of Police ~~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 any holster retention 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

1. The Department provides authorized patrol rifles 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 may have access to said weapons.
2. Use of Authorized Patrol Rifles
 - a. Only those officers who have successfully completed the training and qualification courses will be permitted to deploy the patrol rifles.
 - 1) Officers will receive training and orientation on the patrol rifles on an annual basis. The training at a minimum will include instruction on the Department's Use of Force Policies and Procedures, safe handling of the weapons, and demonstrated proficiency in their use and accuracy.
 - 2) The training course for patrol rifles -will be in conformance with the standards established by the Connecticut Police Officer Standards and Training Council (CT 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 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. Situations that may warrant the deployment of a patrol rifle 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, it is that officer's responsibility to maintain custody and security of the weapon at all times. Whenever returning the patrol rifle 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 will be secured and maintained in their cases or mounts in a “cruiser condition” or “Condition 3”. The patrol rifles 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.
 - 7) Once the officer has decided to deploy an authorized patrol rifle for use, he/she shall chamber a round using the charging handle with the safety on, to place the rifle in “Condition 1.”
 - ~~6)~~
- f. When returning the patrol rifle 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 or Condition 4 (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 or the assigned officer’s 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 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.
 - 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/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 (if applicable); and
 - b) Demonstrated proficiency.
 - 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.

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 404.<u>87</u>
	Subject/Title: Use of Force	Issue Date: December 1, 2021 <u>May 31, 2022</u>	
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References/Attachments: Connecticut General Statutes: § <u>53a-3</u>, 53a-8, 53a-165 to 53a-167 Policies & Procedures #: 302, 407 Appendix A – Critical Decision-Making Matrix		Review Date: Annually	Rescinds: 404.6, 405.7, 406.8, 408.57
			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 any use of force and the protocols that must be followed whenever an officer exerts any degree of force in the performance of his/her duties.
1. The East Haven Police Department recognizes and values the sanctity of human life and respect for every person's rights and dignity. As guardians of a lawful and ordered society, officers are vested with significant authority, the judicious use of which serves to protect public safety while fortifying public confidence in the legitimacy of the police.
 2. The nature of officers' work requires them to make fine judgments, often in dangerous and confusing circumstances, usually by relying on their internalized values, knowledge, and skills rather than on direct oversight.
 3. A peaceful resolution is the best, most desired outcome in all situations. To that end, officers must use only the level of force necessary to achieve legitimate, lawful purposes and resolve each situation they face fairly and safely. Acknowledging that circumstances may compel the use of physical force upon a person, up to and including lethal force, police officers must view the use of force as a last resort.
 4. The use of force has a profound impact on the persons who are subject to it, the officers who deploy such force, and on the families and members of the community. How members of the Department use force affects how the community views the police and impacts the legitimacy of the Department in the eyes of the community.

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

II. POLICY

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

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

G. Prohibition Against Retaliation

1. The Department and its employees are strictly prohibited from taking any retaliatory, discriminatory or punitive action against any officer who acts in good faith in

accordance with this Directive, intervenes against excessive uses of force, reports misconduct, or cooperates in any internal or criminal investigation related thereto.

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

III. DEFINITIONS

- A. The Directives governing use of force use certain major terms or phrases to describe and/or define various aspects of less lethal force and lethal force. For purposes of clarifying these terms, a glossary of major terms has been established as follows.
1. Act Aggressively: The subject displays the intent to harm the officer, himself/herself or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.
 2. Acting in a Law Enforcement Capacity: Any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority.
 3. Active Resistance: Any physical act undertaken by a subject against an officer that could reasonably impede or defeat the officer's lawful attempt to gain control of the subject. Verbal statements alone do not constitute active resistance. Examples include: fighting and breaking the officer's grip.
 4. Chief of Police Finding: The Chief of Police or his/her designee report on the findings issued to the officer(s) under investigation and included in the file on the incident maintained by the Internal Affairs Officer (IAO).
 5. Chokehold/Neck Restraint: A physical maneuver or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain.
 6. Critical Firearms Discharge: A discharge of a firearm by an officer, including accidental discharges, discharges at animals, and discharges at persons where no one is struck, with the exception of range and training discharges.
 7. Deadly Weapon: Any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
 8. De-Escalation: The use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.
 9. *De Minimis Contact*: Physical interaction that ~~is not expected to does not cause pain or result in injury or alleged injury to another person. and is meant to separate, and/or guide a subject including compliant handcuffing (i.e., guidance without resistance).~~

10. Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.
11. Force Review File: A compilation by the supervisor of the Use of Force Reports, Supervisory Force Review Report and documented evidence for each use of force incident. The Force Review File is reviewed by a Division Head and submitted to the Chief of Police and IAO.
12. Hard-hand Control: Force involving the use of controlled knee strikes, elbow strikes, punches, kicks or other striking techniques; hard takedowns and strikes to pressure point areas to control a subject. Such force is impact oriented and presents a moderate chance of physical injury to the subject.
13. IAO Use of Force Report: The report submitted to the Chief of Police reporting the IAO's investigation and review of an incident. It shall include the Force Review File.
14. Imminent: Likely to occur at any moment; impending; imminent danger – an immediate threatened injury sufficient to cause a reasonable and prudent person to defend himself/herself.
15. Last Resort: A final course of action, used only when other reasonable options are unavailable or have failed.
16. Less Lethal Force: Any force that is not likely to cause serious physical injury or death. Less lethal force includes weaponless defensive and control techniques (such as open hand strikes, elbow or closed fist strikes, leg sweeps, kicks, and forcible restraint), weapons and munitions (such as OC Spray or chemical agents such as tear gas, CEW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and/or K9.
17. Less Lethal Weapon: Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional lethal weapon (i.e., firearm). Nonetheless, use of a less lethal weapon may result in death or serious injury.
18. Lethal Force (Deadly Force): Refers to any use of force likely to cause death or serious physical injury, including, the use of a firearm, neck restraint (i.e., choke hold, arm bar hold, carotid artery hold, lateral vascular neck restraint, and neck restraint or hold with a knee or other object), or strike to the head, neck or throat with a hard object, including a fist.
19. Mitigation: The action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.
20. Necessary: An action chosen when, in an officer's judgement, no effective alternative exists.

21. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court established this standard in its ruling in *Graham v. Connor* (490- U.S. 386, 1989).
- a. The Court held, "...that all claims that law enforcement officers have used excessive force – lethal or not – in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and its objective reasonableness standard...The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation."
 - b. The force must be reasonable under the circumstances known to the officer at the time the force was used.
22. Officer Created Jeopardy: Refers to situations where, officers needlessly put themselves in a position where they must use lethal (deadly) force to protect themselves.
23. Officer Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.
24. Passive Resistance: Refers to an unarmed, non-violent person's failure or refusal to cooperate with a police officer's lawful directions, such as in an act of civil disobedience or by a non-violent handcuffed person. Passive resistance generally involves lack of voluntary movement by the resister. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.
25. Physical Force: Any intentional contact used upon or directed toward the body of another person, including restraint and confinement. Physical Force rises above *De Minimis Contact*.
26. Physical Injury: Refers to any impairment of physical condition or pain.
27. Police Officer: Refers to any Connecticut peace officer, as defined in Connecticut General Statutes Section § 53a-3, or otherwise not mentioned such as other Federal or State Agencies.
28. Positional Asphyxia: A condition where the supply of oxygen to a person's body is deficient because their body position prevents them from breathing adequately, usually as a result of an airway obstruction or limitation in chest wall expansion.

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

IV. PROCEDURES

A. De-escalation & Mitigation

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

B. Use of Physical Force

1. Before resorting to physical force and whenever safe and feasible, officers should first make reasonable attempts to gain compliance through verbal commands and allow appropriate time under the circumstances for voluntary compliance. An officer should consider the following before deciding to use physical force.
 - a. The immediacy of the threat.
 - b. The nature and severity of the crime or circumstances.
 - c. The nature and duration of actions taken by the subject.
 - d. Whether the subject is actively resisting custody.
 - e. Whether the subject is attempting to evade arrest by flight.
 - f. The number of subjects in comparison to the number of officers.

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

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

3. An officer must immediately cease the use of less lethal force to effectuate an arrest once the suspect's resistance or physical force against the officer has ceased.
4. Authorized Less Lethal Weapons
 - a. Officers shall use all authorized less lethal weapons in the manner prescribed during Department training for that particular weapon, and consistent with the Department's Policies and Procedures. Further, no officer will be permitted to employ any Department issued weapon prior to successfully completing Department training courses or other courses of training required by the State of Connecticut Police Officers Standards and Training Council (CT POST). Authorized less lethal weapons are:
 - 1) Conducted Electrical Weapons (CEW): Taser X-26P
 - a) CEW – Department issued only, to be carried on the support side from the belt area or a drop holster.
 - 2) Collapsible Baton and Holder – Department Issued Only
 - 3) Oleoresin Capsicum (OC) Spray – Department Issued Only
 - 4) 40MM Less Lethal Ammunition Launcher – Department Issued Only
 - b. Under no circumstances shall an officer carry any weapon on duty that has not been authorized by the Department.
 - c. Use of Conducted Electrical Weapon
 - 1) The Taser 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 a CEW is deployed, absent exceptional circumstances. If a supervisor cannot respond, they shall document the circumstances preventing their response.
 - 4) The CEW may be used in situations where time and conditions permit and in accordance with this Directive. It can be an extremely effective control device for close range incapacitation.
 - a) The CEW has a red dot laser and a built-in flashlight that activates as soon as the CEW is turned on. Once un-holstered, the officer's body worn camera shall be activated.
 - b) When deploying a cartridge from the CEW, frontal shots are strongly discouraged except in situations of self-defense or defense of another. The

CEW should never be aimed at an individual's head, neck, eyes, throat, chest/breast, or genitals. The preferred target area is the back of the individual actively resisting arrest.

- c) The CEW may be deployed on a suspect actively resisting arrest when there is probable cause to arrest the suspect, or to defend oneself or another from active aggression.
- d) An individual simply fleeing from an officer, absent additional justification, does not warrant the use of the CEW.
- e) Each application is a separate use of force.
- f) After each application an officer must assess the subject's ability to comply. Multiple applications are not justified just because the subject does not respond.
- g) Officers must allow subjects time to comply between subsequent applications.
- h) After one standard CEW cycle (5 seconds), the officer shall re-evaluate the situation to determine if subsequent cycles are necessary. Officers shall be trained in the risks of prolonged or repeated CEW exposure, including that exposure to the CEW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Officers shall clearly articulate and justify each and every cycle used against a subject in a written Use of Force Report.
- i) Officers shall consider the following prior to utilization of the CEW as a force option.
 - i. The severity of the crime.
 - ii. The risk of danger posed to others if the suspect is not promptly apprehended.
 - iii. The potential risk of secondary injury to the suspect due to environmental conditions.
 - iv. Due to the high voltage electronic energy of the CEW, NEVER fire the CEW near flammable materials (such as chemical irritant with an alcohol-based propellant, gasoline, kerosene, or in a natural gas environment).
- j) Use the CEW for self-defense or to control subjects that are actively resisting arrest. When possible, give the subject a verbal warning that the CEW will be deployed unless exigent circumstances exist that would make it imprudent to do so.

- k) A CEW shall never be used as a torture device. Use of the CEW in “horseplay” or in any manner not prescribed herein is prohibited.
- l) CEWs shall not be used in drive stun mode as a pain compliance technique. CEWs shall be used in drive stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.
- m) Officers should avoid using the CEW on obviously pregnant females, elderly persons, children, visibly frail persons or persons with a slight build and persons in medical or mental crisis except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury and lesser force options are not feasible.
 - i. Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
- n) Officers shall not use CEWs where such deployment will cause serious physical injury or death from situational hazards; including falling, drowning, losing control of a moving vehicle, or becoming ignited from the presence of a potentially explosive or flammable material or substance, except where lethal force would be permitted.
- o) Officers should, if possible, obtain backup before using the CEW to control the subject.
- p) Additional officers on the scene of an CEW deployment should attempt to restrain and handcuff a subject during an active CEW cycle. They should use other means to subdue the subject if the CEW is ineffective.
- q) Officers will use caution.
- r) Depressing the trigger on the CEW will propel two darts from the attached cartridge. Once the CEW is fired, it will automatically cycle for five seconds if the trigger is released. The CEW will continue to cycle if the trigger remains depressed. The officer can turn it off before the five-second cycle stops. However, it is recommended that officers permit the CEW to cycle for the full five seconds to maximize effectiveness. Officers should give commands to the suspect and attempt to gain compliance.
- s) It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. If only one dart penetrates the subject, the CEW is ineffective. Should this occur and the subject continues to act aggressively, place the CEW against the subject’s body to complete the circuit, causing complete incapacitation.
- t) Discharging the CEW at Animals.

- i. The CEW is an effective tool for stopping the aggressive behavior of wild or potentially dangerous animals. The CEW is especially effective for vicious and/or dangerous dogs.
 - ii. Officers using an CEW on an animal may need to adjust their aim to ensure contact is made with both probes.
- 5) Potential Medical Concerns: In rare circumstances, there have been medical concerns raised about CEW barbs deployed to the chest region causing sudden cardiac arrest. According to the manufacturer of the CEW, the aforementioned preferred target areas increase the distance of the dart-to-heart safety margin. Qualified medical personnel, for example, EMTs or hospital staff, must be called upon to remove darts embedded in a subject's skin using the appropriate technique.
- 6) Individuals who are subjected to the use of the CEW shall be provided with medical attention as soon as practical in accordance with this Directive.
- 7) Activations Requiring Supervisor Documentation: When necessary, a supervisor will download the CEW information stored in the data chip of the CEW by connecting to the data port on the rear of the CEW and downloading the information to the Department's computer system.
 - a) All activations with the exception of daily spark tests, training applications, or other situations exempt by other sections of this Directive require the investigating supervisor to provide a written report in the Department review system reviewing the activation.
 - b) Following an CEW deployment, supervisors shall complete an Electronic Defense Weapon Report in addition to the Supervisory Force Review Report and attach the downloaded CEW Device Log. The report shall then be submitted to the Records Division.
 - c) Investigating supervisors will take special note of the following.
 - i. Activations not consistent with daily spark tests or previously documented use of force incidents.
 - ii. Multiple activations.
 - iii. Three or more consecutive activations with minimal time in between the activations.
- 8) All officers shall receive comprehensive training and annual in-service refresher training on the guidelines on when and how to use CEWs.
 - a) Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
- 9) The Department will monitor its use of CEWs and will conduct periodic analyses of practices and trends. The Department shall include the number of

CEWs in operation and the number of CEW uses as elements of the EIS. Analysis of this data shall include a determination of whether CEWs result in an increase in the use of force and whether officer and subject injuries are affected by the rate of CEW use. CEW data and analysis shall be included in the Department's Annual Use of Force Report.

- 10) All officers certified in its use will be required to carry the CEW while on duty in uniform working patrol or security details and overtime assignments. Officers working extra duty traffic details are not required to carry their CEW however, it is highly recommended that they do.
 - 11) Officers shall receive annual CEW certifications, which should consist of physical competency, weapon retention; Use of Force Policies, including any policy changes, technology changes, and scenario-based training.
 - 12) Officers authorized to deploy the CEW will be issued one spare cartridge. The spare cartridge shall be stored and carried in a manner consistent with training and the cartridge will be replaced consistent with the manufacturer's expiration requirements. Employees who are issued cartridges must notify the Head of the Administrative and Training Division ninety (90) days prior to the expiration of the cartridges issued to them, so they can be replaced.
 - 13) At the end of every calendar year, the Internal Affairs Officer will prepare an annual report on all CEW usage and deployments.
- d. Use of the Collapsible Baton
- 1) The collapsible baton is to be used for defensive and control purposes. It is to be used by officers to defend themselves or other persons when under attack and/or to control the person who is combative when the officer is trying to arrest him/her. The use of the baton is permitted when it is necessary to effect an arrest of a subject who is actively resisting; to prevent the escape of an actively resisting subject; in self-defense, or in the defense of others. Officers should take the following into consideration:
 - a) The severity of the crime involved.
 - b) The actions of the subject.
 - c) Whether the subject poses an immediate threat to the safety of the officers or of others.
 - 2) There are three categories of target areas on the body for strikes relative to force exerted by an aggressive subject. The officers' use of force should take into consideration escalating and de-escalating options based on the threat assessment, officer/subject factors and the probability of severe injury.
 - a) The primary target areas on the body: when the subject is actively resisting an officer are the shoulder, upper arms, forearms and hands, buttocks, upper thighs, calf muscles, abdomen, shins, feet. EXCEPT FOR THE HEAD, STERNUM, NECK AND SPINE, AND SOLAR PLEXUS, the

whole body is a primary target area for the application of control device blocking and restraint skills.

- b) The secondary target areas are for confrontations where the subject is assaulting an officer or another person, or when force applied does not correspond with the threat level. Secondary target areas consist of the collarbone, groin, knee joints, elbow joints, rib cage and upper abdomen.
 - c) The third and last target areas are designed for confrontations where the subject is attempting to cause serious physical injury to an officer or another. These target areas are the head, neck, solar plexus, kidney, sternum, spine and tailbone. Physical force directed to these areas pose a greater risk of injury to the subject and in certain cases may result in unconsciousness, serious physical injury, or death.
- 3) All officers certified in its use will be required to carry the collapsible baton while on duty working patrol in uniform or any security details and overtime assignments.
 - 4) Individuals who are subjected to the use of the collapsible baton shall be provided with medical attention as soon as practical in accordance with this Directive.
- e. Use of Oleoresin Capsicum (OC) Spray
- 1) The use of OC Spray shall be accordance with this Directive and Department-approved training.
 - 2) The effects of OC Spray vary in the way the product has been manufactured and delivered. However, as a general rule a one to two-second burst to the face upon contact will affect three major areas: 1) the eyes, 2) the respiratory system, and 3) the skin and the upper and/or lower body. All effects are temporary and may subside within 30 minutes to 45 minutes.
 - 3) OC Spray is designed for use when persuasion, verbal commands and moderate physical control has been ineffective or would be futile to overcome the use or imminent use of force against an officer or a third person.
 - 4) OC Spray is used when it is necessary to defend against an unarmed aggressor or when physical force is required to apprehend or restrain an actively resisting subject.
 - a) OC Spray may not be used against any person engaged in passive resistance.
 - b) OC Spray may be used against a dangerous animal.
 - 5) All officers certified in its use will be required to carry the OC Spray while on duty working patrol in uniform or any security details and overtime assignments.

- 6) Deployment of OC Spray.
 - a) Ready the OC Spray canister for use: unholster and display when applicable.
 - b) Restate lawful order or notice of arrest, when feasible.
 - c) Warn the subject of intent to use OC Spray, when feasible.
 - d) Deploy OC Spray if necessary.
 - e) De-escalate to physical control (handcuffing).
- 7) Tactical Use of OC Spray.
 - a) The best tactic is to spray from a 4 to 6-foot distance. Spray directly in the center of the face (eyes, nose and mouth) with a one to two-second bursts in a circular motion.
 - b) Immediately create a safe distance between yourself and the subject by employing lateral movement, if possible. Spray and evade.
 - c) Avoid spraying other officers.
 - d) One officer should be the handcuffing officer; a second officer should act as the covering officer.
 - e) If resistance is expected, the covering officer should have his/her OC Spray in a ready position, and be positioned at an angle from the subject.
 - f) Whenever possible, if spray is necessary, either officer yells “OC Spray!” or “Spray!” before spraying.
 - g) OC Spray must be sprayed with the canister in an upright position. Be mindful of wind; in a heavy wind try to spray downwind if possible or utilize another less lethal force option if cross contamination is likely to occur.
 - h) OC Spray may not work against every subject.
 - i) OC Spray is never to be used against a restrained person.
- 8) Individuals who are subjected to the use of OC Spray shall be provided with medical attention as soon as practical in accordance with this Directive.
 - a) As soon as practical, a person who has been subjected to OC Spray shall be moved to an environment free of OC exposure; the person should be instructed not to rub his/her eyes, as this will only exacerbate the burning-like symptoms.

- b) Each person subjected to OC Spray should be asked if he/she is wearing contact lenses. If so, the lenses must be removed. If the person is unable or willing to remove the lenses, then he/she should be taken to the hospital. Officers slightly affected by an OC Spray burst should also remove contact lenses.
- f. Use of the 40MM Less Lethal Ammunition Launcher
- 1) The primary purpose of the 40MM less lethal ammunition launcher is to control dangerous subjects from a distance and to maximize officer and public safety. The less lethal force philosophy shall not preclude the use of lethal force.
 - 2) When officers respond to a scene where an individual or individuals is/are acting in a disruptive and tumultuous manner, and/or a danger to themselves, others or the general public, officers should immediately notify the on-duty supervisor prior to deploying the 40MM less lethal ammunition launcher.
 - 3) Once notified of a situation that meets the aforementioned criteria, the on-duty supervisor must:
 - a) Immediately respond to the scene, absent an exigent circumstance that would prevent the on-duty supervisor from responding.
 - b) Assume command of the scene.
 - c) Secure the perimeter.
 - 4) Only those officers who have completed the Department's approved training and qualification program will be authorized to utilize the 40MM less lethal ammunition launcher.
 - 5) The decision to use the 40MM less lethal ammunition launcher will also include the consideration of the following factors.
 - a) Distance, i.e., Extended Range.
 - b) Whether deployment is feasible given the stature, clothing and immediate surroundings of the subjects.
 - 6) Individuals who are subjected to the use of less lethal ammunition shall be provided with medical attention as soon as practical in accordance with this Directive.

F. Use of Lethal Force

- 1. The use of lethal force must be used as a last resort. Any use of lethal force must be reasonable and necessary. When feasible and consistent with personal safety, an officer shall give warning of his/ her intent to use lethal force prior to using such force.

2. An officer is justified in using lethal force against another person only when his/her actions are objectively reasonable under the given circumstances at that time and the officer reasonably believed the use of lethal force was necessary to:
 - a. Defend himself or herself or another person from the use or imminent use of deadly physical force, or
 - b. Effect an arrest of a person if the following circumstances exist:
 - 1) The officer reasonably believes the person has committed or attempted to commit a felony that involved the infliction of serious physical injury and
 - 2) The officer has determined there are no available reasonable alternatives to the use of lethal force and
 - 3) The officer believes that the use of lethal force creates no unreasonable risk of injury to any other person.
 - c. Prevent the escape of a person if the following circumstances exist.
 - 1) The officer reasonably believes the person has committed a felony that involved the infliction of serious physical injury and poses a significant threat of death or serious physical injury to others.
 - 2) The officer has determined there are no available reasonable alternatives to the use of lethal force.
 - 3) The officer believes that the use of lethal force creates no unreasonable risk of injury to any other person.
 - d. An officer may use lethal force to euthanize an animal that presents a danger (i.e., attacks) to a person or represents a threat to public safety at the time lethal force was used.
3. Use of Firearms.
 - a. An officer is only authorized to use a firearm that he/she has been authorized to carry, and only to the extent that is required in the lawful execution of his/ her duties.
 - b. Whenever feasible to do so, an officer will always identify himself/herself as a “police officer” when pointing a firearm at another person and state his/her intentions to shoot prior to discharging a firearm.
 - c. The discharge of a firearm by an officer in any setting other than a training or testing exercise, or to dispatch an injured or ill animal, shall be considered a use of lethal force. The discharge of a firearm against another person should be considered a last resort.
 - d. An officer may be required to use his/her firearm to euthanize an animal for humane purposes. The use of lethal force under these circumstances is warranted when the officer reasonably believes the animal to be injured or ill and when there

is no other viable way of dealing with the animal (i.e., capture, transport to veterinarian, or disposal of the animal by other means). Before discharging a firearm for the purpose of euthanizing an injured or ill animal, the officer must:

- 1) Receive approval from the on-duty supervisor.
 - 2) Exercise extreme caution so as not to pose any risk to surrounding persons or property.
- e. If an officer uses a firearm to euthanize an injured or ill animal, the officer shall complete an incident report detailing his/her actions and reasons why an animal had to be euthanized. In addition, a State of Connecticut Deer Kill Report will be completed if the animal euthanized was a deer. No additional Use of Force Report is required under this circumstance.
- f. The production of a firearm or the pointing of a firearm at another individual, even if coupled with a threat to cause death or serious physical injury does not constitute the use of lethal force so long as its purpose is limited to creating an apprehension, rather than actual harm.
- 1) The mere removal of a firearm from its holster does not constitute a use of force.
 - 2) The mere display of a long gun at the low ready does not constitute a use of force.
 - 3) If an officer unholsters/displays a firearm during an incident, interaction, or event that would require an incident report, the officer will document that a firearm was unholstered/displayed in that report.

G. Prohibitions & Restrictions on the Use of Lethal Force

1. Lethal force may not be used against any person for the purpose of protecting property.
2. Lethal force may not be used against any person who poses a threat only to themselves.
3. The discharge of a firearm is prohibited:
 - a. When, in the professional judgement of the officers, doing so will unnecessarily endanger an innocent person.
 - b. In the defense of property.
 - c. To be used as a signaling device or to summon assistance, except in an emergency and no other reasonable means is available.
 - d. When fired as a warning shot, or to threaten another.
 - e. When fired at or into a moving or fleeing vehicle, except:

- 1) To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.
- 2) When a driver is intentionally placing others in the vehicle's path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons or into an occupied area not intended for vehicular traffic.
- 3) When an officer is unavoidably in the path of a vehicle and cannot move to safety. Officers are strongly discouraged from positioning themselves in the actual or potential path of travel of any vehicle.

H. Handling of Officers Involving Incidents of Lethal Force

1. Once notified of a lethal force, a supervisor shall respond to the scene of the incident and assume primary responsibility in caring for involved personnel. For purposes of this Directive, a supervisor will include any sworn member at the rank of Sergeant or above.
2. During any period where any involved officers are required to remain on scene, but have no immediate duties to fulfill, the officer(s) should be taken to a quiet area away from the scene of the incident. A peer stress counselor or other supportive friend or officer should remain with the officer, but should be cautioned not to discuss details of the incident.
 - a. All statements are discoverable and are not protected privileged communications.
3. The supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
 - a. Involved officers, when possible, should notify their families about the incident as soon as possible.
 - b. When an officer is unable to do so, an agency official shall personally notify the employee's family, and when applicable, arrange for their transportation to the hospital.
4. When possible, the on-duty supervisor shall briefly meet with the involved officer(s) to obtain a basic summary of the incident.
 - a. Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing will be conducted at a later time. This Directive shall not hamper an officer's obligation to provide a public safety statement regarding a work-related incident or activity.
 - 1) All officers' statements in incident reports, arrest reports, use of force reports and similar documents, and statements made in interviews such as those conducted in conjunction with routine use of force review and investigation process, are part of each officer's routine professional duties and are not compelled statements.
 - 2) Where an officer believes that providing a verbal or written statement will be self-incriminating, the officer shall affirmatively state this and shall not be compelled to provide a statement without prior consultation with an attorney

who will then discuss this with the criminal investigative agency and the Chief of Police.

- 3) Any investigative procedure that will occur concerning the incident should be discussed with the officer.
 - 4) The officer should be advised that he/she may seek union representation and/or legal counsel.
 - 5) Officers should be advised they are not allowed to discuss the incident with anyone except a personal or agency attorney, medical professional providing them care or treatment for this incident, union representative, or investigator, until the conclusion of the preliminary investigation.
5. In a lethal force situation involving an officer's weapon, the supervisor shall discreetly take custody of all involved officers' duty weapons to be logged in as evidence or to be turned over to the assigned investigating agency.
- a. Replace the officer's weapon with another as soon as practical.
6. Administrative Procedures.
- a. The supervisor tasked with taking over as incident commander of a post-shooting or other lethal force incident is responsible for making sure that the Chief of Police is immediately notified in accordance with Departmental procedures.
 - b. The Chief of Police or his/her designee shall notify the appropriate Office of the Chief State's Attorney/New Haven Chief State's Attorney Office.
 - 1) The Office of the Chief State's Attorney Inspector General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of reports as deemed necessary.
 - a) Officers' weapons, ammunition, gun belts and clothing will be taken unless directed otherwise.
 - b) Members of the Department retain all of their Constitutional protections during the investigation.
 - c) The Department's use of force review may rely on the investigation by the State's Attorney report, which may take some time to complete.
 - c. With respect to the interactions with the affected officer(s) and/or other members of the Department, the following set of procedures should be observed.
 - 1) Debriefings of all members involved shall be held as soon as feasible after the incident. The Department shall ensure that there is a designated supervisor on call or on-duty at all times so that someone is available shortly after an incident.
 - 2) Any officer, acting in an official capacity, whose actions and/or use of force results in a death or serious physical injury shall be placed on paid

administrative leave pending an administrative review/investigation. This is not a suspension and does not imply any wrongdoing. It is for the officer's benefit.

- 3) Upon being taken off of administrative leave, the involved officer may be assigned to administrative duties pending, evaluation and shall remain available for any necessary administrative review/investigation.
 - 4) All officers acting in an official capacity whose actions and/or use of force results in a death or serious physical injury are highly recommended to contact the Department's designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after an incident that involved a death or serious physical injury. After the counseling sessions, the specialist shall advise the agency:
 - a) Whether it would be in the officers' best interest to remain on duty or to be placed on administrative leave and for how long.
 - b) The suggested course of counseling for the officers, if needed.
 - 5) The Department strongly encourages the families of the involved officers to take advantage of available counseling services.
 - 6) Any Department investigation of the incident shall be conducted as soon and as quickly as practical.
 - 7) The Department should brief other employees concerning the incident. Department members are encouraged to show the involved officers their concern.
 - 8) Personnel acting in an official capacity whose actions and/or use of force results in a death or serious physical injury should be advised that they are not permitted to speak with the media about the incident. Personnel shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
 - 9) In order to protect against crank or abusive calls, members of the Department should be advised to have phone calls answered by another person for several days if their names are released to the public.
 - 10) Officers directly involved in the shooting incident shall be required to re-qualify with their Department firearms.
- d. Following an Incident – Supervisor's Role.
- 1) Often the impact of a lethal force incident does not immediately present itself in terms of a change in an officer's behavior. It may be days, weeks, or months before there is any evidence that the stress of such a traumatic incident could alter an officer's behavior or performance. It is for this reason that it is

vitaly important that supervisors be cognizant of any symptomatic behaviors or change in work performance, which may suggest that an officer is feeling the delayed effects of such an incident.

- 2) As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
- 3) Some symptoms of post-traumatic stress disorders include:
 - a) A feeling of being numb.
 - b) Feeling out of touch with what is going on around them.
 - c) A feeling that this is happening to someone else.
 - d) Withdrawing and avoiding anything to do with the traumatic situation or police work.
 - e) Avoiding other people, including one's family.
 - f) Intrusive and recurring thoughts of the event and feeling that it may be happening again.
 - g) Irritability.
 - h) Sleep problems.
 - i) Difficulty in concentrating.
 - j) Hyper-vigilance.
- 4) A supervisor observing these symptoms should immediately confer with the Chief of Police or his/her designee.
- 5) A supervisor observing any deviations in behavior or performance should confer with the officer. It is imperative that an officer who may be suffering the after effects of a traumatic incident not be treated any differently than would be the case of any other similar supervisory counseling session.
 - a) If the officer reveals that he/she is experiencing problems stemming from an incident, the supervisor should be supportive and encourage the officer to seek professional assistance either from his/her own physician or through the town's EAP.
 - b) The supervisor should also encourage personnel who may be feeling the after effects of the incident, to take advantage of speaking with one of the Department's Peer Stress Counselors, EAP, or interfaith Chaplains.

- c) If the supervisor is made aware that personnel may be suffering from the after effects of a lethal force incident, that supervisor has an obligation to bring such matters to the attention of the Chief of Police (not necessarily through the appropriate chain of command, depending upon the circumstances).
- 6) Supervisors are responsible for making available to their unit members information about the agency's EAP group and mental health services.
- e. Officers will be returned to full duties at the discretion of the Chief of Police after the officers are cleared to return by a qualified psychiatrist or psychologist.
 - 1) Prior to return to full duty, officers may be assigned administrative work assignments.
- f. Family Notification.
 - 1) If a member of the Department is killed or seriously injured while on duty, it becomes the responsibility of the Department to notify the officer's next of kin. The Chief of Police or his/her designee shall make such notification in person.
 - a) At least one other member of the Department shall accompany the Chief of Police or his/her designee to make the notification.
 - b) If feasible, the Department's chaplain or other clergy member may accompany the Chief of Police or his/her designee.
 - 2) If a member of the Department is seriously injured while on duty and is receiving treatment at a local hospital, the Department will make arrangements for the personnel's spouse or next of kin to be brought safely to the hospital.
 - 3) Another member of the Department should be assigned to stay with the family and assist them in any way possible.
 - 4) Family Support.
 - a) The Chief of Police or his/her designee will:
 - i) Assist the family with funeral arrangements and coordinate the Department's involvement according to the wishes of the family.
 - ii) Inform the family of financial assistance available from the Town, State and Federal Government.
 - iii) Ensure EAP or other similar counseling service is available to the family.
 - iv) Maintain contact with family to insure financial and emotional needs are being met.

I. Medical Aid

1. Following the use of any force, an officer on scene shall, as soon as practical, render aid and request an Emergency Medical Service (EMS) response to the scene for any person who:
 - a. Sustains an injury;
 - b. Complains of injury; or
 - c. Exhibits signs of medical distress including shortness of breath, altered mental status or loss of consciousness.
2. An EMS response shall be requested for any person subjected to the use of a firearm, impact weapon, impact projectile, CEW, OC Spray, or K-9 apprehension.
 - a. An on-duty supervisor shall be immediately notified of any EMS response initiated under these conditions, and injuries shall be documented and photographed whenever possible.
 - b. The request for EMS to respond following the use of force shall be communicated to the EHPSCC, and the on-duty supervisor shall immediately be notified.
3. No medication, prescribed or otherwise such as stimulants or depressants, should be given to anyone unless administered by EMS.

J. Use of Force Reporting & Review

1. Officers using, observing, or discovering a use of force that rises above *De Minimis Contact* or force that was alleged to have resulted in injury to another person shall notify their supervisor(s) of such reportable force as soon as possible and document such force in ~~a Use of Force Report and/or Use of Force Report Witness in~~ accordance with Policies and Procedures # 407 – Use of Force Review and Investigations. This includes, but is not limited to the following.
 - a. Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person.
 - b. Deploying OC spray, CEW cartridge, or less lethal ammunition against a person; or against an animal that presents a danger to a person or represents a threat to public safety at the time the force is used.
 - c. Using a chokehold or neck restraint.
 - d. Pointing a firearm, less lethal ammunition launcher, or a CEW red-dot laser sight at a person.
 - e. The discharge of a firearm for other than training, testing, or dispatching an injured or ill animal.
 - 1) The Use of Force Reporting requirements shall be adhered to when an animal that presents a danger to a person or represents a threat to public safety at the time it was subjected to lethal force.

- f. Any action that results in, or is alleged to have resulted in injury or death of another person.
2. All uses of force shall be reviewed in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.
 - a. A post-event review regarding any use of force shall determine whether any involved officer acted in a manner consistent with or inconsistent with this Directive.
 - b. Officers must be aware that they are subject to the standards set forth by State Law. In accordance with State Law, evaluations of an officer’s actions related to a use of lethal force will consider, but are not limited to, the following factors:
 - 1) Whether the person possessed or appeared to possess a deadly weapon.
 - 2) Whether the officer engaged in reasonable de-escalation measures prior to using lethal force.
 - 3) Whether any unreasonable conduct of the officer led to an increased risk of an occurrence of the situation that precipitated the use of lethal force.
 - c. Officers should be aware that the statutory language “but are not limited to” may mean that factors not specified in law or in this Directive are considered in the evaluation of an officer’s actions.
3. Use of Force Reports, Use of Force Witness Reports, and Supervisory Use of Force Review Reports shall be completed in the timeframe outlined in Policies and Procedures # 407 – Use of Force Review and Investigations.
 - a. The electronic CT POST Use of Force Form shall also be completed ~~for any use of force incident~~ when applicable.
4. The Department shall document and maintain a record of any incident in which an officer reports or is aware of an unreasonable, excessive, or illegal use of force as specified in this policy. This record shall include, at minimum:
 - a. The name of the officer(s) involved.
 - b. The date, time, and location of the incident.
 - c. A description of the circumstances.
 - d. The names of any victims and witnesses present, if known.
5. Each year, but not later than February 1st of the proceeding year, the Department shall ensure a copy of each completed ~~State of Connecticut~~ CT POST Use of Force Report and any other required documents that meet the reporting requirements of either Connecticut General Statutes Section §7-282e and/or Connecticut General Statutes Section §54-1t are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management or its designee. Prior to

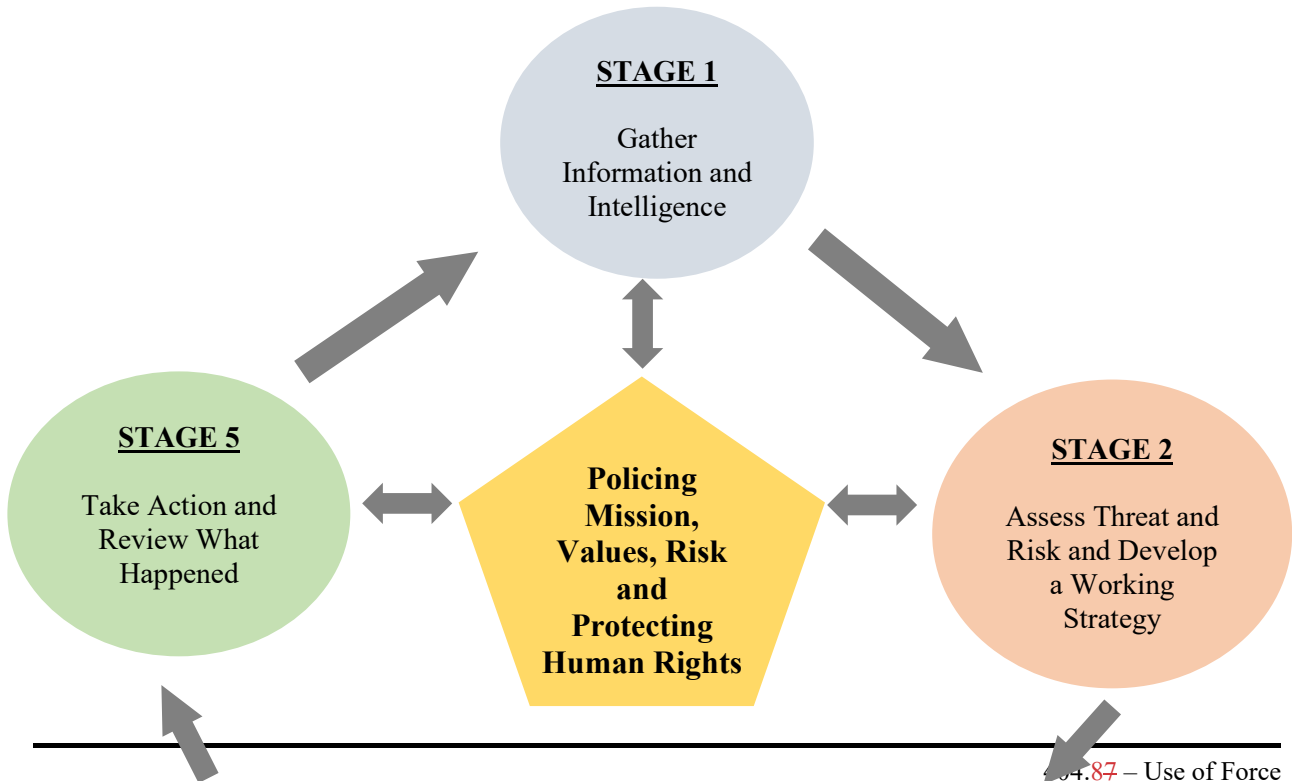
the submission of these reports, the Department shall redact any information that may identify a minor, victim, or witness.

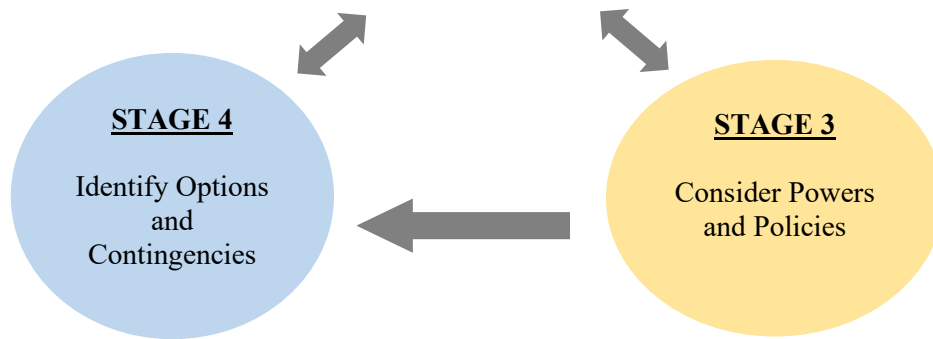
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K. Use of Force Training

1. Officers shall be issued and be trained in the Department’s Use of Force Policies and Procedures prior to being authorized to carry any lethal or less lethal weapon.
 - a. Training on weaponless control techniques, the proper use of the Department-authorized lethal weapon, and less lethal weapons shall be provided to all affected personnel in accordance with Policies and Procedures # 302 – Weapons and Weapons Storage.
 - b. All use of force training shall be delivered by a CT POST certified Use of Force Instructor.
2. The Department shall ensure all officers complete the CT POST Use of Force Training Module. Upon receiving the initial training, all officers shall thereafter complete the CT POST Use of Force Training Module at least once annually.
3. The Department may elect to offer additional training in any area of this Directive, but such training may not supplant any portion of the CT POST approved Use of Force Training Module.
 - a. Any additional training offered must be delivered by a CT POST certified Use of Force Instructor using a CT POST approved lesson plan.
 - a.

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 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?

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 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

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. <u>407.87</u>
	Subject/Title: Use of Force Review and Investigations		Issue Date: December 1, 2021 <u>May 31, 2022</u>
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: January 1, 2022 <u>July 1, 2022</u>
	References/Attachments: Connecticut General Statutes: § <u>7-282e, 53a-3, 53a-8, 53a-165</u> to <u>53a-167, 54-1t</u> Policies and Procedures #: 302, 303, 404, Appendix A – Critical Decision-Making Matrix		Review Date: Annually
			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 protocols that must be followed whenever an officer exerts and/or witnesses any degree of force that is reportable while in the performance of his/her duties.
1. This Directive outlines the method ranking officers shall use to determine, in every such instance, that the exercise of force was done in a manner consistent with the Department's policy.

II. POLICY

- A. It is the policy of the East Haven Police Department that any time an officer uses force that rises above *De Minimis Contact* with a person, he/she shall report the use of force according to the procedures in this Directive.
1. Officers shall use only the minimum level of force necessary to achieve a lawful purpose.
 2. A post-event review as outlined in this Directive regarding any use of force shall determine whether any involved officer acted in a manner consistent with or inconsistent with the Department's Policies and Procedures.

III. DEFINITIONS

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

1. Act Aggressively: The subject displays the intent to harm the officer, himself/herself or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.
2. Acting in a Law Enforcement Capacity: Any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority.
3. Active Resistance: Any physical act undertaken by a subject against an officer that could reasonably impede or defeat the officer's lawful attempt to gain control of the subject. Verbal statements alone do not constitute active resistance. Examples include: fighting and breaking the officer's grip.
4. Chief of Police Finding: The Chief of Police or his/her designee report on the findings issued to the officer(s) under investigation and included in the file on the incident maintained by the Internal Affairs Officer (IAO).
5. Chokehold/Neck Restraint: A physical maneuver or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain.
6. Critical Firearms Discharge: A discharge of a firearm by an officer, including accidental discharges, discharges at animals, and discharges at persons where no one is struck, with the exception of range and training discharges.
7. Deadly Weapon: Any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
8. De-Escalation: The use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.
9. *De Minimis Contact*: ~~Physical interaction that is not expected to result in injury or alleged injury to another person. Physical interaction that does not cause pain or injury and is meant to separate, and/or guide a subject including compliant handcuffing.~~
10. Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.
11. Force Review File: A compilation by the supervisor of the Use of Force Reports, Supervisory Force Review Report and documented evidence for each use of force incident. The Force Review File is reviewed by a Division Head and submitted to the Chief of Police and IAO.
12. Hard-hand Control: Force involving the use of controlled knee strikes, elbow strikes, punches, kicks or other striking techniques; hard takedowns and strikes to pressure

point areas to control a subject. Such force is impact oriented and presents a moderate chance of physical injury to the subject.

13. IAO Use of Force Report: The report submitted to the Chief of Police reporting the IAO's investigation and review of an incident. It shall include the Force Review File.
14. Imminent: Likely to occur at any moment; impending; imminent danger – an immediate threatened injury sufficient to cause a reasonable and prudent person to defend himself/herself.
15. Last Resort: A final course of action, used only when other reasonable options are unavailable or have failed.
16. Less Lethal Force: Any force that is not likely to cause serious physical injury or death. Less lethal force includes weaponless defensive and control techniques (such as open hand strikes, elbow or closed fist strikes, leg sweeps, kicks, and forcible restraint), weapons and munitions (such as OC Spray or chemical agents such as tear gas, CEW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and K9.
17. Less Lethal Weapon: Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional lethal weapon (i.e., firearm). Nonetheless, use of a less lethal weapon may result in death or serious injury.
18. Lethal Force (Deadly Force): Refers to any use of force likely to cause death or serious physical injury, including, the use of a firearm, neck restraint (i.e., choke hold, arm bar hold, carotid artery hold, lateral vascular neck restraint, and neck restraint or hold with a knee or other object), or strike to the head, neck or throat with a hard object, including a fist.
19. Mitigation: The action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.
20. Necessary: An action chosen when, in an officer's judgement, no effective alternative exists.
21. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court established this standard in its ruling in *Graham v. Connor* (490- U.S. 386, 1989).
 - a. The Court held, "...that all claims that law enforcement officers have used excessive force – lethal or not – in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and its objective reasonableness standard...The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable

officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.”

- b. The force must be reasonable under the circumstances known to the officer at the time the force was used.
22. Officer Created Jeopardy: Refers to situations where officers needlessly put themselves in a position where they must use lethal (deadly) force to protect themselves.
23. Officer Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.
24. Passive Resistance: Refers to an unarmed, non-violent person’s failure or refusal to cooperate with a police officer’s lawful directions, such as in an act of civil disobedience or by a non-violent handcuffed person. Passive resistance generally involves lack of voluntary movement by the resister. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming “dead weight”), holding onto a fixed object, or locking arms to another during a protest or demonstration.
25. Physical Force: Any intentional contact used upon or directed toward the body of another person, including restraint and confinement. Physical Force rises above *De Minimis Contact*.
26. Physical Injury: Refers to any impairment of physical condition or pain.
27. Police Officer: Refers to any Connecticut peace officer, as defined in Connecticut General Statutes Section § 53a-3, or otherwise not mentioned such as other Federal or State Agencies.
28. Positional Asphyxia: A condition where the supply of oxygen to a person’s body is deficient because their body position prevents them from breathing adequately, usually as a result of an airway obstruction or limitation in chest wall expansion.
29. Probable Cause: Probable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to cause a reasonable person to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.
30. Proportional Force: Force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.
31. Reasonable: Refers to sound, sensible, and not excessive under the circumstances.
32. Reasonable belief that a person has committed an offense: Refers to a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the

facts or circumstances would not legally constitute an offense, an incorrect belief that they do, even if reasonable, does not justify the use of physical force.

33. Resisting Arrest/ Interfering with Police: Refers to the act of a person who knowingly prevents or attempts to prevent a police officer, acting under the color of his/her official authority, from effectuating an arrest. To resist arrest includes such things as using or threatening to use physical force or violence against a law enforcement officer, or the use of any other means to create a substantial risk of physical injury to a police officer.
34. Serious Physical Injury: Refers to physical injury that creates a substantial risk of death, serious protracted and obvious disfigurement, a serious health impairment, or an extended loss or impairment of any body part or bodily organ.
35. Soft-Hand Control: Force involving the use of pressure point techniques, grabs, holds, soft takedowns, and joint locks/manipulation to control a subject. Such force is not impact oriented and presents a minimal chance of physical injury to the subject.
36. Supervisory Force Review Report: The immediate supervisor's report on an incident involving use of force.
37. Unreasonable Force: Any force applied in a manner inconsistent with this Directive or applicable law.
38. Unreasonable Risk: Any unwarranted exposure to the possibility of a negative consequence.
39. Use of Force Report: To be completed by all officers who used force.
40. Use of Force Witness Report: To be completed by all officers who witnessed the use of force by other officers.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. 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. When feasible, officers shall utilize de-escalation/calming techniques and/or verbal warnings prior to using force.
- 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 police officer in accordance with Policies and Procedures # 404 – Use of Force.
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.
5. Officers must be aware that they are subject to the standards set forth by State Law. In accordance with State Law, evaluations of an officer’s actions related to a use of lethal force will consider, but are not limited to, the following factors:
 - a. Whether the person possessed or appeared to possess a deadly weapon.
 - b. Whether the officer engaged in reasonable de-escalation measures prior to using lethal force.
 - c. Whether any unreasonable conduct of the officer led to an increased risk of an occurrence of the situation that precipitated the use of lethal force.
6. Officers should be aware that the statutory language “but are not limited to” may mean that factors not specified in law or in this Directive are considered in the evaluation of an officer’s actions.

V. PROCEDURES

A. Use of Force Levels

1. Uses of force shall be separated into three levels, Level 1, Level 2, and Level 3. The three (3) levels for the reporting, investigating, and reviewing use-of-force incidents will correspond to the level of force used and the outcome of the force. The categorization of the use of force is based on the following factors:
 - a. Potential of the technique or weapon to cause injury.
 - b. Degree of injury caused.
 - c. Degree of pain experienced.
 - d. Degree of disability experienced by the subject.
 - e. Nature of the complaint by the subject.
 - f. Degree of restraint on the subject.
 - g. Impairment of the functioning of any organ.

- h. Duration of force used.
 - i. Physical vulnerability of the subject.
2. Level 1: Force that is reasonably expected to only cause transient pain and/or disorientation during its application as a means to gain compliance. Level 1 does not involve force that is expected to cause physical injury. Level 1 includes the following uses of force.
- a. Pointing a firearm or a less lethal launcher at a person.
 - b. Unholstering and activating (red-dot laser sight) a Conducted Electrical Weapon (CEW) on a person.
 - c. Soft takedowns ~~(controlled descend and placement)~~that rise above *De Minimis Contact*.
 - d. Soft-hand control that rises above *De Minimis Contact*.
 - e. Pursuits terminated prior to apprehension and no motor vehicle accident/crash occurred.
3. Level 2: Force that causes physical injury or could reasonably be expected to cause physical injury. Level 2 does not include the uses of force that rise to Level 3. Level 2 includes the following uses of force.
- a. CEW deployment even if the CEW prongs missed the subject.
 - b. OC Spray deployment on a person.
 - c. Use of less lethal ammunition resulting in physical injury.
 - d. Use of baton against a person that does not result in serious physical injury or complaint of serious physical injury.
 - e. Hard takedowns (uncontrolled descend and placement).
 - f. Hard-hand control.
 - g. K9 bite resulting in physical injury.
 - h. Pursuits resulting in physical injury and/or a motor vehicle accident/crash.
4. Level 3: Lethal force; force that results in loss of consciousness, serious physical injury, or death. Level 3 includes the following uses of force:
- a. All neck holds/restraints.
 - b. Discharging a firearm at a person.
 - c. CEW application lasting longer than fifteen (15) seconds.

- d. Any Level 2 use of force against a handcuffed subject.
 - e. Strikes to the head, neck, spine, or sternum with a baton or any other hard object, or striking the head against a hard surface.
 - f. K9 bite resulting in serious physical injury or death.
 - g. Pursuits resulting in serious physical injury or death.
5. Any use of force in which a Body Worn Camera (BWC) and/or Mobile Video Recorder (MVR) is not activated to capture the entire interaction shall be investigated as a minimum of a Level 2 use of force.

B. Responsibility for Reporting

1. Officers using, observing, or discovering a use of force that rises above *De Minimis Contact* or force that was alleged to have resulted in injury to another person shall, ~~as soon as possible,~~ notify their supervisor(s) of such reportable force as soon possible.
2. Upon receipt of an allegation of unreasonable or excessive force by an officer, officers shall notify their supervisors as soon as possible.
3. Officers involved in the use of reportable force shall document the use of force in a Use of Force Report and complete an electronic State of Connecticut Police Officer and Standards Training Council (CT POST) Use of Force Form before the end of their tour of duty, absent extenuating circumstances.
 - a. If an extenuating circumstance exists and the officer did not complete his/her Use of Force Report and/or electronic CT POST Use of Force Form, the officer shall complete the aforementioned documents by the end of his/her next tour of duty.
 - ~~b.~~ All extenuating circumstances preventing the completion of the aforementioned documents before the end of an officer's tour of duty shall be documented.
 - b.
 - ~~c.~~ If an officer is out for an extended period of time, arrangements will be made for the aforementioned documents to be completed as soon as feasible.
 - c.
 - ~~d.~~ The officer's Use of Force Report shall, at minimum:
 - d.
 - 1) Provide a detailed account of the incident from the perspective of the officer writing the report.
 - ~~2)~~ Provide the reason for the initial police presence.
 - 2)
 - ~~3)~~ Provide a specific description of the acts that led to the use of force including the attempts to seek compliance, and the subject's reaction such attempts.

3)

~~4) Describe the level of resistance encountered.~~

4)

~~5) Describe every type of force used.~~

5)

6) Use no “canned” or conclusory language.

e. An electronic CT POST Use of Force Form shall be completed for each person subjected to a reportable use of force by each officer involved in the use of force.-

e.1) Officers shall submit the completed CT POST Use of Force Form to the investigating supervisor for review.

f. A copy of the CT POST Use of Force Form shall be submitted to the Records Division and the IAO.

4. Each officer who observed a reportable use of force shall complete a Use of Force Witness Report documenting the officer’s own actions and observations.

a. The Use of Force Witness Report(s) shall be completed before the end of the officer’s tour of duty, absent extenuating circumstances.

1) If an extenuating circumstance exists and the officer did not complete his/her Use of Force Report, the officer shall complete his/her Use of Force Report by the end of his/her next tour of duty.

2) All extenuating circumstances preventing the completion of a Use of Force Witness Report before the end of an officer’s tour of duty shall be documented.

3) If an officer is out for an extended period of time, arrangements will be made for the Use of Force Witness Report to be completed, as soon as feasible.

5. If a supervisor is involved in a use of force incident, he/she will submit his/her Use of Force Report to another supervisor not involved in the incident.

6. Officers’ Use of Force Reports shall completely and accurately describe the use of force. Officers shall be held strictly accountable for material omissions or inaccuracies in the Use of Force Report.

7. Use of Force Involving Another Law Enforcement Agency.

a. Any officer of this Department who witnessed a reportable use of force by an officer of another law enforcement agency shall, as soon as possible, notify this Department’s on-duty supervisor(s) of such reportable force.

1) The officer who observed the reportable use of force shall document his/her own actions and observations within a Use of Force Witness Report.

- b. The supervisor who received the notification of the witnessed use of force shall review any available video recording of the use of force that was captured by the reporting officer's Body Worn Camera (BWC).
- c. The supervisor shall notify the law enforcement agency of the officer that used force during an incident and of the availability of any BWC video recording(s) pertaining to the incident.
- d. The supervisor shall review the officer(s) Use of Force Witness Report(s) and document a use of force supervisory review in a Supervisory Force Review Report within seventy-two (72) hours of learning of the use of force.
 - ~~4~~ A brief summary of the notification to the involved law enforcement agency and of the supervisor's review of the incident shall be provided within the narrative of the Supervisory Force Review Report.

C. Use of Force Review and Investigation by Supervisors

1. A supervisor who uses reportable force, authorizes the use of reportable force, authorizes conduct leading to the use of reportable force, or is a witness to the use of reportable force shall not be allowed to conduct the use-of-force investigation.

2. The supervisor of any officer using reportable force shall review all uses of force and complete a Supervisory Force Review Report.

- a. The supervisor shall also review the officer's completed CT POST Use of Force Form and forward it up the chain of command.

2.3. ~~except those i~~ Incidents involving the following, ~~which~~ shall be investigated by the IAO.

- a. Serious use of force; Level 3 use-of-force incidents.
- b. Use of force that appears potentially unjustified or criminal.
- c. Use of force reassigned to the IAO by the Chief of Police or his/her designee.
- d. Use of force in which the supervisor was involved, by participating in or ordering the force being investigated.

3.4. Level 1 Use of Force:

- a. Upon notification of an officer employing a Level 1 use of force, the supervisor shall speak with the involved officer(s).
- b. It is not mandatory for supervisors to respond to the scene of a Level 1 use of force.

- c. The supervisor shall review video recordings relating to the Level 1 use of force to sufficiently determine if the use of force was appropriate and in accordance with the Department's Policies and Procedures.
 - d. The supervisor shall review and approve the officer(s)' Use of Force Report(s) or elevate the use of force to a higher level use-of-force review prior to the end of the supervisor's tour of duty absent exigent circumstances.
 - 1) All exigent circumstances shall be documented in the case file.
 - ~~2) If the Use of Force Report is returned to the officer for revision, all revisions and additional reviews shall be completed within seventy-two (72) hours of the use of force.~~
 - 2)
 - e. Supervisors shall document a use of force supervisory review in a Supervisory Force Review Report within seventy-two (72) hours of learning of the use of force.
 - 1) A brief summary of the supervisor's review of the incident along with the supervisor's approval or disapproval shall be provided within the narrative of the Supervisory Force Review Report.
 - f. Supervisors shall elevate and investigate any Level 1 use of force that appeared to have violated the Department's Policies and Procedures or was improperly categorized as Level 1.
4. Level 2 Use of Force:
- a. Absent exigent circumstances, the supervisor of any officer, upon notification of a Level 2 use of force or an allegation of unreasonable/excessive force, shall respond to the scene.
 - b. If a supervisor is unable to respond to the scene, the supervisor shall document in the case file the exigent circumstances preventing his/her presence.
 - c. The reviewing supervisor, once on scene, shall take the following steps in response to a use of force or allegation of excessive force.
 - 1) Examine the subject of the force for injury.
 - 2) Interview the subject for complaints of pain or injury
 - 3) Ensure that the subject receives medical attention from an appropriate medical provider.
 - 4) Notify the IAO of the Use of Force and obtain a Department Review system case number.
 - 5) Ensure the canvas for and interview of civilian witnesses.
 - a) Civilian witnesses should be encouraged to provide and sign a written report in their own words.

- 6) Ensure that all officer witnesses provide a statement regarding the incident.
 - 7) Separate officers involved in a use of force incident until they are interviewed. Group interviews shall be prohibited.
 - 8) Ensure that all Use of Force Reports identify all officers who were involved in the incident or were on the scene when it occurred.
 - 9) Interview officers and other witnesses.
 - a) Supervisors shall not ask officers or other witnesses leading questions that improperly suggest justifications for the officers' conduct, when such questions are contrary to appropriate law enforcement techniques.
 - 10) Supervisors shall record all interviews with subjects and civilian witnesses and all follow-up interviews with officers.
 - 11) Ensure collection of all evidence to establish material facts related to the use of force, including audio and video recordings, and photographs and other documentation of injuries or the absence of injuries. Evaluate the evidence to determine the following.
 - a) Whether the use of force was consistent with the Department's Policies and Procedures.
 - b) Whether it raises any policy, training, tactical or equipment concerns.
- d. Supervisors shall take the following steps immediately after conducting interviews and gathering statements and other evidence.
- 1) Review all Use of Force Reports and ensure that all reports include the information required by the Department's Policies and Procedures.
 - 2) Consider all relevant evidence, including circumstantial, direct, and physical evidence, and make credibility determinations, if feasible.
 - a) The Department will train all of its supervisors on the factors to consider when evaluating credibility.
 - 3) Make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force claimed by the officer and the subject's injuries.
 - 4) Where a reasonable and trained supervisor would determine that there might have been misconduct, the supervisor shall immediately notify the IAO to respond to the scene.
 - 5) Absent exceptional circumstances, which shall be documented, each supervisor shall provide a written report to the shift commander or their commanding officer by the end of the shift documenting the following:

- a) The supervisor's preliminary determination of the appropriateness of the use of force, including whether the force was reasonable and within policy.
 - b) Whether the injuries appear proportionate to the use of force described.
 - c) Summaries of subject, witness and officer statements.
- e. Each supervisor shall complete and document a use of force supervisory review using a Supervisory Force Review Report within seventy-two (72) hours of learning of the use of force. A Supervisory Force Review Report shall include the following.
- 1) The supervisor's narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the supervisor's independent review of the facts and circumstances of the incident.
 - 2) Documentation of all evidence that was gathered, including names, phone numbers and addresses of witnesses to the incident.
 - a) In situations in which there are no known witnesses, the report shall specifically state this fact.
 - b) In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number or address of those witnesses, the report shall state the reasons why.
 - c) Identifying information for anyone who refuses to provide a statement.
 - d) The names of all other Department employees witnessing the use of force.
 - 3) The reviewing supervisor's evaluation of the basis for the use of force, including a determination of whether the officer's actions appear to be within the Department's Policies and Procedures, and consistent with State and Federal law.
 - 4) Whether there is any evidence of criminal conduct by the officer. Whenever a supervisor finds evidence of apparent criminal conduct by an officer, he/she shall suspend the investigation immediately and notify his/her Division Head.
 - 5) An assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options.
 - 6) Documentation of any non-disciplinary corrective action taken.
- f. The investigating supervisor shall submit the completed Supervisory Force Review Report file, including copies of all Use of Force Reports completed by involved officers, to his/her Division Head. The completed Supervisory Force

Review Report and Use of Force Reports along with all records, evidence and documents shall be combined by the supervisor into a Force Review File. The supervisor shall submit the complete Force Review File to his/her Division Head.

5. Level 3 Use of Force:
 - a. Upon notification of a Level 3 use of force, the supervisor shall immediately respond to the scene.
 - b. The supervisor shall ensure medical attention is provided to injured person; secure and stabilize the scene.
 - c. The Chief of Police or his/her designee and the IAO shall be notified of any Level 3 use of force, and the IAO shall respond to the scene.
 - d. The Chief of Police or his/her designee shall notify the appropriate Chief State's Attorney/New Haven State's Attorney Office.
 - e. The Office of the Chief State's Attorney Inspector General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of reports as deemed necessary.

D. Use of Force Review by the Division Head

1. The Division Head shall review the Supervisory Force Review Report to ensure that it is complete and that the findings are supported by a preponderance of the evidence
2. The Division Head shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
3. Where the findings of the Supervisory Force Review Report are not supported by a preponderance of the evidence, the Division Head shall modify the findings after consultation with the reviewing supervisor, and document the reasons for this modification, including the specific evidence or analysis supporting the modification.
4. The Division Head shall counsel the reviewing supervisor regarding the modification and on any investigative deficiencies that led to it. The Division Head shall order corrective action where appropriate.
5. The Division Head shall be held accountable for the accuracy and completeness of all materials in the Force Review Files compiled by supervisors under his/her command.
 - a. Where a reviewing supervisor repeatedly conducts deficient investigations, the supervisor shall receive the appropriate corrective action, including training, demotion, and/or removal from a supervisory position.
6. Whenever a Division Head finds evidence of apparent criminal conduct by an officer, he/she shall suspend the investigation immediately and notify the Chief of Police or his/her designee.

7. When the Division Head finds that the supervisor force review is complete and the evidence supports the findings, the Force Review file shall be forwarded to the Chief of Police or his/her designee.

E. Use of Force Investigations by Internal Affairs

1. The IAO shall use the IA Reporting Module, a single, uniform reporting and investigation and review system for all serious uses of force, including firearm discharges.
 - a. The IAO is to conduct the following.
 - 1) Administrative investigations of serious use of force incidents.
 - 2) Administrative investigations of use of force incidents reassigned to the IAO by the Chief of Police.
 - b. The IAO shall receive training on proper use of force investigations.
 - c. The Department and the Town shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated.
 - d. All investigative findings are supported by a preponderance of the evidence and documented in writing.
 - e. All officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent.
2. The IAO shall review the Force Review File and determine whether an incident arises to a Serious Use of Force.
3. The Department shall ensure that all serious use of force incidents (Level 3) are investigated fully and fairly by a properly-trained IAO or supervisor with the appropriate expertise, independence and investigative skills to ensure the following.
 - a. That uses of force that are contrary to law or policy are identified and appropriately resolved.
 - b. That policy, training, equipment, or tactical deficiencies related to the use of force are identified and corrected.
 - c. That investigations are of sufficient quality to ensure that officers are held accountable as necessary.
 - d. Where appropriate to ensure the fact and appearance of impartiality, investigations of serious use of force or force indicating apparent criminal conduct by an officer shall be referred for investigation to an independent, competent entity outside of the Department.

4. The IAO shall respond to the scene of every incident involving serious use of force (Level 3), any use of force indicating apparent criminal conduct by an officer, or as ordered by the Chief of Police.
5. The Chief of Police or his/her designee shall immediately notify the appropriate agency regarding any use of force incident indicating apparent criminal conduct by Department personnel, or any use of force in which an officer discharged his/her firearm, or where an individual has died while in or proximate to the custody of the Department.
6. Where apparent misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to the IAO. Failure to report or document apparent misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment. The default discipline for a failure to report criminal behavior shall be termination.
7. In the event of a criminal investigation, any compelled interview of the subject officer(s) may be delayed. Routine reports on the incident that affect public safety are not compelled statements and shall be completed consistent with Policies and Procedures # 303 – Incident Reports and Review. No other part of the investigation shall be held in abeyance unless specifically authorized by the Chief of Police in consultation with the agency conducting the criminal investigation.
8. The subject officer(s) shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the officer(s), until consultation with the criminal investigative agency and approval by the Chief of Police.
9. If at any time during complaint intake or investigation the investigator determines that there may have been criminal conduct on the part of any officer or employee, the investigator shall immediately notify the Chief of Police. Where an allegation is investigated criminally, the IAO shall continue with the administrative investigation of the allegation, except that it may delay or decline to conduct an interview of the subject officer(s) or other witnesses until completion of the criminal investigation unless, after consultation with the investigating agency and the Chief of Police, such interviews are deemed appropriate.
10. The Department shall ensure allegations of officer misconduct made during criminal prosecutions or civil lawsuits are identified and investigated as misconduct complaints.
11. The IAO shall complete his/her administrative use of force investigation as soon as practical from date of the use of force, unless directed otherwise by the State's Attorney. At the conclusion of each use of force investigation, the IAO shall prepare an IAO Use of Force Report on the investigation.
 - a. The IAO shall submit the completed IAO Use of Force Report to the Chief of Police.

12. Use of Force Reports shall be maintained centrally by the IAO for tracking and analysis purposes.
13. At least annually, the IAO shall complete a written analysis of the Department's use of force activities, policies and practices. The analysis should include the following.
 - a. Date and time of incidents.
 - b. Types of encounters resulting in a use of force.
 - c. Trends or patterns related to race, age and gender of the subjects involved.
 - d. Trends or patterns resulting in injury to any person involved including personnel.
 - e. Impact of findings on the Department's policies, practices, equipment, and training.
14. The analysis shall be used to do the following.
 - a. Determine significant trends.
 - b. Identify and correct deficiencies revealed by the analysis.
 - c. Document the findings in a public report.

F. Review by Chief of Police

1. The Chief of Police and/or his/her designee shall review all Force Review Files.
2. The Chief of Police and/or his/her designee shall review each force review and investigation within thirty (30) days of receiving the force review/investigation report to ensure that it is complete and that the findings are supported by a preponderance of the evidence.
3. The Chief of Police and/or his/her designee shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
4. Where the findings are not supported by a preponderance of the evidence, the Chief of Police and/or his/her designee shall modify the findings and document the reasons for this modification, including the specific evidence or analysis supporting the modification.
5. Determine whether the force violated the Department's Policies and Procedures.
 - a. If the force violated the Department's Policies and Procedures, the Chief of Police and/or his/her designee shall take appropriate disciplinary action, including referring the review or investigation report to the Board of Police Commissioners for appropriate disciplinary action.

- b. Determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate commander or supervisor within the Department to ensure they are resolved.
 - c. Direct supervisors to take and document non-disciplinary corrective action to enable or encourage an officer to improve his/her performance.
6. Document his/her findings within forty-five (45) days of receiving the force review or investigation.
 7. After a force review, an officer's use of force is found to be inconsistent with the Department's Policies and Procedures, the Chief of Police and/or his/her designee shall direct and ensure appropriate discipline to include, if necessary, forwarding the outcome of the force review to the Board of Police Commissioners for disciplinary action.
 8. At the discretion of the Chief of Police and/or his/her designee, a use of force review may be assigned to another supervisor, whether within or outside of the shift in which the incident occurred or may be returned to the Division Head for further review or analysis.
 9. Where the use of force indicates policy, training, tactical, or equipment concerns, the Chief of Police and/or his/her designee shall ensure that necessary training is delivered and that policy, tactical or equipment concerns are resolved.
 10. The Chief of Police and/or his/her designee shall issue a finding to the officer(s) subject to the investigation indicating one of the following conclusions.
 - a. The Chief of Police and/or his/her designee found no violations of the Department's Policies and Procedures, or law.
 - b. The Chief of Police and/or his/her designee found evidence of a need for corrective action such as training or counseling. The Chief of Police and/or his/her designee will describe in detail the requirements of the corrective action.
 - c. The Chief of Police and/or his/her designee finds probable cause that the use of force violated the law and that the case has been referred to the proper authorities.
 11. In all cases the Chief of Police and/or his/her designee's written finding will be maintained on file by IAO. It will be included in the Early Intervention System file(s) of the officer(s).


G. CT POST Use of Force Form

1. A reportable use of force that requires a CT POST Use of Force Form to be submitted to the State shall be the following:
 - a. Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person.
 - b. Using OC spray, CEW, or less lethal projectile.

- c. Using a chokehold or neck restraint.
 - d. Pointing a firearm, less lethal launcher, or CEW laser sight at a person.
 - e. The discharge of a firearm, for other than training, testing, or ~~to dispatching~~ dispatching of an animal.
 - f. Any incident where an officer uses physical force that is likely to cause serious physical injury, as defined in C.G.S. 53a-3, to another person or the death of another person.
2. Use of Force Reports that do not meet the State reporting requirements by statute, but are required by this Directive, shall be stored internally.
- ~~11.~~

—Each year, but not later than February 1st of the proceeding year, the Department shall ensure a copy of each completed POST Use of Force Report and any other required documents that meet the reporting requirements of either Connecticut General Statutes Section §7-282e and/or Connecticut General Statutes Section §54-1t are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management or its designee. Prior to the submission of these reports, the Department shall redact any information that may identify a minor, victim, or witness.

~~12.3.~~

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 414.65
	Subject/Title: Motorized Pursuits	Issue Date: December 17, 2019 May 31, 2022	
		Effective Date: January 1, 2020 July 1, 2022	
Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually		
References/Attachments: Policies and Procedures #: 404, 405, 407 Connecticut General Statutes § 14-283 and 14-283a		Rescinds: 414.54	
		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 pursuit of motor vehicles, in accordance with the provisions of Connecticut General Statute § 14-283a.

II. POLICY

A. It is the policy of the East Haven Police Department that no police officer shall initiate a vehicular pursuit unless the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur.

B. It is the policy of the East Haven Police Department that supervisors shall be accountable for communicating with officers involved in a motorized pursuit and for the decision to terminate the pursuit when it exposes any officer, suspect, or member of the general public to any unnecessary risk of harm or injury.

III. DEFINITIONS

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

B. Boxing-In: The surrounding of a violator’s moving vehicle with multiple police vehicles, which is then slowed to a stop along with the violator’s vehicle.

- C. Communications: The East Haven Public Safety Communications Center (EHPSCC) and its personnel who are the central dispatch center for the Department.
- D. Crime of Violence: An offense in which physical force, the attempted use or threatened use of physical force, is used against another person(s) for the purpose of, injuring, damaging or abusing another person(s), or any offense that is a felony and that involves a substantial risk that physical force against another person may be used in the course of committing the offense.
- E. Heading Off: An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road to otherwise come to a stop.
- F. Intervention Technique: Any device by its design used to reduce the risks or dangers associated with police pursuits that, when deployed and contact is made, will cause the fleeing vehicle to sustain flattened tires and force it to slow down.
- G. Primary Unit: The police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.
- H. Pursuit: An attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.
- I. Roadblock: An obstruction used in the roadway, natural or manmade, having the purpose of stopping vehicular traffic.
- J. Secondary Unit: Any police vehicle operated by a police officer that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- K. Street Paralleling: Driving the police vehicle on a street parallel to a street on which a pursuit is occurring.
- L. Supervisor: A sworn member designated by the Department to have supervisory control over the operation of the Department's vehicles during a pursuit.
- M. Tertiary Police Vehicle: Any police vehicle which supplements the primary or secondary police vehicle, however, is not active in the pursuit.
- N. Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- O. Vehicle Paralleling: A deliberate offensive tactic by one or more law enforcement vehicles to drive alongside the pursued vehicle while it is in motion.

- P. Violation: An offense which is not a crime, for which the only sentence authorized, is a fine and which is not expressly designated as an infraction. C.G.S. § 53a-27.
- Q. Violator - Any person operating a motor vehicle whom a police officer reasonable believes has committed a violation or a crime as defined by Connecticut General Statutes, or poses an immediate threat to the safety of the public or other police officers

IV. PROCEDURES

A. Initiation of a Pursuit

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

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

B. Pursuit Operations

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

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

7.

C. Supervisory Responsibilities

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

D. Pursuit Tactics

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

- b. The unmarked unit shall disengage altogether when an additional marked unit becomes available as the secondary unit.
3. Motorcycles may be used for a pursuit in exigent circumstances including, but not limited to, situations where a crime of violence has been committed, deadly force has been used by a vehicle occupant, or the pursuit is necessary to preserve a life, provided that weather and related conditions allow such pursuit to continue.
 - a. Motorcycles shall disengage from the pursuit when support from marked patrol units becomes available.
4. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.

E. Stop Intervention Techniques

1. Officers may forcibly stop a suspect's vehicle during a pursuit under the circumstances of when the officer reasonably believes it is necessary to prevent immediate, imminent death or serious physical injury to himself/herself or others in accordance with Policies and Procedures # 404 – Use of Force, and Policies and Procedures # 405 – Use of Deadly Force.
2. Forcible stops may only be utilized to apprehend one of the following persons after all reasonable alternatives have been exhausted or would be ineffective.
 - a. A dangerous fleeing felon - A person for whom there is reasonable cause to believe that the person has committed a violent felony involving an actual or threatened attack which the police officer has reasonable cause to believe could or has resulted in death or serious physical injury.
 - b. Any person who is operating a motor vehicle recklessly and in such a manner as to be reasonably likely to cause death or serious injury to any other person. The officer must be able to articulate the exigent need to apprehend the operator or occupant because of the potential harm or risk to the public.
3. Officers shall take into consideration that forcible stops usually present serious safety hazards to participants and any innocent persons who are present.
 - a. Intentional Collision of an Offending Vehicle.
 - 1) An intentional collision of an offending vehicle occurs when there is a deliberate contact between a police vehicle and a violator's vehicle, which is intended to cause the violator to spin or leave the roadway in a slow and controlled manner.
 - 2) When considering intentional collision of an offending vehicle, each police officer and supervisor must be aware that these actions may result in serious physical injury or death and may activate the vehicle airbags or fuel system shut-offs causing the police vehicle to become disabled.

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

- 3) The ~~police~~-officer deploying the device will advise police vehicles involved in the pursuit when the tire deflation device has been deployed.
- 4) Tire deflation devices shall not be deployed to stop motorcycles, or other vehicles with less than four (4) wheels.
- 5) The use of tire deflation devices may be utilized only when officers have received appropriate training in their use.
- 6) Forced stop procedures utilizing the tire deflation devices must be reasonably and properly applied by officers who have received appropriate training in their use and have received authorization from their supervisor.
 - a) Prior authorization shall not be required in exigent circumstances involving a rapidly evolving commission of a violent crime, requiring the officer to take immediate action.
- 7) Prior to attempting a motor vehicle stop or after stopping a motor vehicle, situations may arise where an officer reasonably believes that the operator may attempt to; escape, elude law enforcement or otherwise initiate a pursuit.
 - 5)a) Officers may consider a prophylactic measure, thereby preventing the engagement in a pursuit by utilizing tire deflation devices. The officer employing such measures will comply with all additional requirements under this Directive.

F. Use of Firearms

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

G. Termination of the Pursuit

1. The police officer(s) engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever they reasonably believe the risks associated with the continued pursuit are greater than the public safety benefit or making an immediate apprehension.
2. The pursuit may be terminated by the primary unit at any time.

3. A supervisor has the authority to order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need for immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.
4. A pursuit may be terminated if the identity of the occupants has been determined, immediate apprehension is not necessary to protect the public or police officers, and apprehension at a later time is feasible.
5. A pursuit shall be terminated when the police officers are prevented from communicating with their supervisors, the EHPSCC, or other police officers.
6. A pursuit shall be terminated if the police officer knows or is reasonably certain that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.
7. No officers or supervisor shall be disciplined for a decision not to engage in a vehicle pursuit based on the risk involved even in circumstances where this directive would permit the commencement or the continuation of the pursuit.

H. Inter-Jurisdictional Pursuits

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

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

I. Notifications

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

J. Arrests

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

K. Accident Investigation

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

L. After-Pursuit Reporting

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

M. Police Vehicle Inspection

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

N. Pursuit Review

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

O. Vehicle Pursuit Training

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

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