

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 404.76
	Subject/Title: Use of Force		Issue Date: December 1, 2021 December 3, 2020
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: January 1, 2022 December 21, 2020
	References/Attachments: Connecticut General Statutes: § 53a-8, 53a-165 to 53a-167 Policies & Procedures #: 302, 407, 408 Appendix A – Critical Decision-Making Matrix		Review Date: Annually
		Rescinds: 404.6, 405.7, 406.8, 408.55	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 the~~ use of force and the protocols that must be followed whenever an officer exerts any degree of force in the performance of his/her duties.

~~A.~~

~~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.~~

~~2. This directive details the guidelines the officer is to follow when exerting any degree of force in the performance of his/her duties. The nature of officers' work requires them to make fine~~

~~judgments, often in dangerous and confusing circumstances, usually by relying on their internalized values, knowledge, and skills rather than on direct oversight.~~

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.

~~3.5. 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~~ It is the policy of the East Haven Police Department's ~~to value and protect human life as our~~ highest priority. The public authorizes the police to use that force which is objectively reasonable for the protection of human life. As such, it is the policy of the Department that officers shall use only the minimum ~~amount~~ level of force necessary to achieve a lawful purpose. ~~bring a person or incident under control, in pursuit of this mission.~~

A.

~~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. When feasible, officers shall exhaust all other possible methods of force before resorting to the use of lethal 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 physical force only when strictly necessary; use physical force in a manner that avoids unnecessary injury to officers and civilians; and de-escalate the physical use of force at the earliest possible moment.~~

C.

~~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.~~

D.

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

~~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.~~

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.

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

H.

- ~~G. Any officer, while acting in a law enforcement capacity, witnesses another officer use force that the witnessing officer objectively knows to be unreasonable, excessive or illegal, shall intervene and attempt to stop such use of force.~~
- ~~1. The level of intervention should be to that level necessary to stop said use of unreasonable, excessive or illegal force and may involve verbal and/or physical intervention.~~
 - ~~2. Any such officer who fails to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of Connecticut General Statutes Section § 53a-8 as the officer who used unreasonable, excessive, or illegal force.~~
 - ~~3. The provision of this section does not apply to an officer acting in an undercover capacity if the intervention will significantly compromise the officer's safety or the safety of another.~~

- ~~4. Additionally, the Department recognizes there may also be exigent circumstances that could prevent an officer from complying with the intervention requirements such as the following:
 - ~~a. An officer engaged in a simultaneous attempt to apprehend another person.~~
 - ~~b. An officer actively engaged in rendering aid to a seriously injured person.~~
 - ~~c. An officer separated by space, elevation, physical barriers, terrain or other hazards or impediments that prevent intervention.~~~~
- ~~5. Circumstances that prevented or impeded an effective intervention shall be promptly reported to the on-duty supervisor and documented as outlined in Policies and Procedures 407—Use of Force Review and Investigations.~~

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

III. DEFINITIONS

- A. The Directives governing use of force use certain major terms or phrases to describe and/or define various aspects of less lethal force and lethal force. For purposes of clarifying these terms, a glossary of major terms has been established as follows.
 1. Act Aggressively: The subject displays the intent to harm the officer, himself/herself or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.

~~—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.~~

2.

~~2.~~ 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. Refers to the subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance. –Examples include: fighting and breaking the officer's grip.

3.

—Chief of Police Finding: The Chief of Police or his/her designee report on the findings issued to the officer(s) under investigation and included in the file on the incident maintained by the Internal Affairs Officer (IAO).

4.

~~3.~~ 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.

5.

~~4.6.~~ 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.

~~5.8.~~ De-Escalation: The use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.~~The use of verbal and physical cues, such as words and gestures, by a responding officer to reduce the potential for a subject to resist police authority.~~

~~6.~~ De Minimis Force Contact: Physical interaction that does not cause pain or injury and is meant to separate, and/or guide, ~~and/or control~~ a subject including compliant handcuffing (i.e., guidance without resistance).

9.

~~7.10.~~ Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.

~~8.11.~~ 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 ~~H~~head and submitted to the Chief of Police and IAO.

~~9.~~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.

~~10.~~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.

~~11.~~ Imminent: ~~—Likely to occur at any moment; impendingThreatening to occur immediately; dangerously impending; About to take place;~~ imminent danger – an immediate threatened injury sufficient to cause a reasonable and prudent person to defend himself/herself.

~~14.~~

~~15.~~ Last Resort: A final course of action, used only when other reasonable options are unavailable or have failed.

~~—~~ 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 S

~~12.~~ pray 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. A force application not intended or expected to cause death or serious injury and which is commonly understood to have less potential for causing death or serious injury than conventional, more lethal police tactics. Nonetheless, use of less-lethal force can result in death or serious injury.

~~16.~~

~~13.~~

~~14.~~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.

~~15.~~ Lethal Force (Deadly ~~Physical~~ Force): Refers to any use of force likely to cause death or serious physical injury, including, the use of a firearm, neck restraint (~~i.e.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.

~~18.~~

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.

16.21. 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.

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

18.24. 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. Refers to circumstances in which the subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.

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.;

19.26. 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.

—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.

28.

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.

~~20. Proportional Force: Force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.~~

30.

31. Reasonable: Refers to sound, sensible, and not excessive under the circumstances.

—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.

32.

~~21.33. 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.~~

~~22.34. 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.~~ to physical injury that creates substantial risk of death, or causes serious disfigurement or serious impairment of health, or loss or impairment of the function of any bodily organ.

23.35. 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.

24.36. 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.

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

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

IV. PROCEDURES

I. 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.

J. 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. Members of this Department are expected to use only that degree of force that is objectively reasonable, necessary, reasonable, and proportionate to the threat encountered. Physical force may only be used to achieve a lawful purpose such as in making a lawful arrest, placing a person into protective custody, effectively bringing an incident under control, or defending themselves or others from the use or imminent use of deadly physical force.

A.

- 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.

—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.

4.1) _____

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.

—Gain compliance to a lawful order.

- ~~2. When feasible, officers shall utilize de-escalation/calming techniques and/or verbal warnings prior to using force.~~

~~_____~~

~~_____~~

- ~~3. Officers using, observing, or discovering a use of force that rises above “De Minimis” force shall notify their supervisor(s) of such reportable force as soon as possible and document such force in a Use of Force Report and/or Witness Use of Force Report in accordance with Policies and Procedures # 407—Use of Force Review and Investigations.~~

~~e.~~

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

~~—As outlined in Policies and Procedures # 302—Weapons and Weapons Storage, the Department issues lethal and less lethal weapons to its officers to provide them the optimum ability to protect others and themselves. The use of any of the weapons authorized and issued to sworn members of the Department could result in serious harm or death. Personnel are to be especially aware of this when deploying Department authorized and issued less lethal weapons.~~

L. 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.

~~—Standing on or kneeling on the neck of another person.~~

~~1.—~~

~~d.~~

2. The following are prohibited except under circumstances where lethal force is deemed reasonable and necessary, consistent with this Directive.

~~2.—The intentional use of a chokehold or other method of restraint applied to the neck area of a person that impedes the ability of such person to breathe or restricts blood circulation to the brain is prohibited unless the officer reasonably believes such use to be necessary to defend himself/herself or a third person from the use or imminent use of deadly physical force.~~neck restraint including,

- a. ~~Prohibited methods of restraint to the neck area include,~~ but is not limited to the following.

- 1) Arm bar hold.

- 2) Carotid artery hold.

- 3) Lateral vascular neck restraint.

- 4) Neck restraint or hold with a knee or other object.

- b. 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.

~~b.—Training on the specific use of a chokehold and the lateral vascular neck restraint shall be provided upon hire to officers and biennially thereafter by a certified instructor.~~

M. 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.

—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.

3.

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 (POSTC). Authorized less lethal weapons are:

1) Conducted Electrical Weapons (CEW): Taser X-26 and X-26P

a) CEW – Department issued only, to be carried on the support side from the belt area or a drop holster.

a)

—CEW equipped with camera – Department Issued Only

—CEW equipped with HD camera – Department Issued Only

—CEW Duty Holster, to be carried on support hand side from the belt area or a drop holster.

2) Collapsible Baton and Holder – Department Issued Only

3) Oleoresin Capsicum (OC) Spray – Department Issued Only

4) 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 this Department.

c. Use of Conducted Electrical Weapon

1) The Taser X-26 and X-26P, hereinafter referred to as “the CEW”: the CEW authorized and issued by the East Haven Police Department. They are less lethal force alternatives used to assist officers in the performance of their duties. The CEW is designed for self-defense and/or to temporarily immobilize a subject who is actively resisting arrest. Any other use of the CEW is prohibited.

2) Officers shall report all CEW discharges, except for training discharges, to their supervisor and the East Haven Public Safety Communications Center (EHPSCC) as soon as possible.

3) A supervisor shall respond to any scene at which 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 CEW camera and/or the officer’s body worn camera shall be activated.

b) When deploying a cartridge from the CEW, frontal shots are strongly discouraged except in situations of self-defense or defense of another. The CEW should never be aimed at an individual’s head, neck, eyes, throat, chest/breast, or genitals. The preferred target area is the back of the individual actively resisting arrest.

c) The CEW may be deployed on a suspect actively resisting arrest when there is probable cause to arrest the suspect, or to defend oneself or another from active aggression.

d) An individual simply fleeing from an officer, absent additional justification, does not warrant the use of the CEW.

e) Each application is a separate use of force.

f) After each application an officer must assess the subject’s ability to comply. Multiple applications are not justified just because the subject does not respond.

- g) Officers must allow subjects time to comply between subsequent applications.
- h) After one standard CEW cycle (5 seconds), the officer shall 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 at issue.
 - 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: ~~Each CEW has an internal tracking chip. This chip stores the time and date of the last 2,000 times the trigger was engaged on the CEW. Supervisors can retrieve information stored in the data chip by connecting to the data port on the rear of the weapon and downloading the information into the Department's computer system. When necessary, a supervisor will download the CEW information 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 policy 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.~~

iii.

i. ~~Multiple activations.~~

iv.

~~Multiple activations.~~

v. Three or more consecutive activations with minimal time in between the activations.

8) Training: 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.

~~Department Monitoring of CEW Use: The Department will monitor its use of CEWs and will conduct periodic analyses of practices and trends. The Department shall include the number of CEWs in operation and the number of CEW uses as elements of the EIS. Analysis of this data shall include a determination of whether CEWs result in an increase in the use of force and~~

whether officer and subject injuries are affected by the rate of CEW use. CEW data and analysis shall be included in EHPD's the Department's Annual Use of Force Annual Report.

9)

— Informing the Public: The Department will in its community outreach activities educate the public about its Use of Force policy and the specific role and operations of the CEW.

— All officers certified in its use will be required to carry the CEW while on duty in uniform working patrol or ~~paid~~ security details and overtime assignments. Officers working extra duty traffic details are not required to carry their CEW however, it is highly recommended that they do.

— Officers will submit a Use of Force Report before the end of his/her tour of duty explaining the reason for the use of the CEW. This report will be forwarded to his/her supervisor and through the chain of command.

10)

11) Officers shall receive annual CEW certifications, which should consist of physical competency, weapon retention; ~~EHPD policy~~ 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 ~~only~~. It is to be used by officers to defend themselves or other persons when under attack and/or to control the person who is combative when the officer is trying to arrest him/her. The use of the baton is permitted when it is necessary ~~used~~ to effect an arrest, to ~~overcome active resistance~~ 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 the 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, inside of the wrist, upper thighs, calf muscles, abdomen, shins, feet, back of the hand, and instep. 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 to a primary target area fails to overcome resistance or does not correspond with the threat level. Secondary target areas consist of the collarbone, groin, knee 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; or situations where force to lower level areas fail to overcome the resistance and end the confrontation. These target areas are the head, neck, solar plexus, kidney, sternum, spine and tailbone. Physical force directed to these areas pose a greater risk of injury to the subject and in certain cases may result in unconsciousness, serious physical injury, or death.
- 3) All officers certified in its use will be required to carry the collapsible baton while on duty working patrol in uniform or any paid 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.
- Use of Oleoresin Capsicum (OC) Spray
- General Information: OC Spray is cayenne (red) pepper in a mixture of a resin and oil combined with an aerosol propellant. It is classified as an inflammatory agent with low toxicity and minimal acute or chronic health hazards. It is not classified as a hazardous chemical.

~~2) Effects: 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. OC Spray has no history of long-lasting side effects or after effects. In over a decade of field experience, there has never been any substantiated instance of adverse reaction to the spray by any subject with respiratory illnesses, heart problems, or poor reflexes.~~

~~— Use of Aerosol Chemical Devices Containing OC:~~

~~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.~~

~~— The standard to consider is for OC Spray to be used to overcome active resistance before resorting to hands on defense.~~

~~4) OC Spray is used when it is necessary to defend against an unarmed aggressor or when unarmed physical force is required to apprehend or restrain 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.~~

~~— OC Spray can be used against dangerous animals.~~

~~— The standard to consider is for OC Spray to be used to overcome active resistance before resorting to hands on defense.~~

~~— An aerosol chemical device is not intended to be a substitute for the use of lethal force when the use of lethal force is justified.~~

~~— Use will be in accordance with Department policy after training on its proper use by a certified instructor.~~

~~— The Use of Aerosol Chemical Device is Not Authorized for Use Against an Individual who:~~

~~— Exhibits no physical force toward another or is under control.~~

~~— Assaults another only verbally and exhibits no intention of carrying out the assault.~~

~~Assumes the posture of a passive resistor in an arrest situation. Note: For purposes of this procedure, a passive resistor is an individual who is uncooperative but does not exhibit any act of physical aggression toward another.~~

5) 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) Use/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 applicable/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 canister in a ready position, and be positioned at an angle from the suspect/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.:
- 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.
- b)
- 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.:

~~Officers using the force shall complete and submit a Use of Force Report before the end of his/her tour of duty, absent exigent circumstances, explaining the reason for the use of OC Spray. All officers observing the force shall complete and submit a Use of Force Witness Report before the end their tour of duty absent exigent circumstances. The Use of Force Report shall include:~~

~~A detailed account of the incident from the officer's perspective.~~

~~The reason for the initial police presence.~~

~~A specific description of the acts that led to the use of force.~~

~~The level of resistance encountered.~~

~~A description of every type of force used. The use of force reporting policy explicitly prohibits the use of "canned" or conclusory language in all reports documenting use of force.~~

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

~~1. An officer who directly observes a use of force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures, and/or in violation of Federal and/or State laws shall contact and notify a supervisor as soon as possible of such force.~~

~~2. Officers shall act to intervene and stop any unreasonable, excessive or illegal use of force by another officer.~~

~~3. An officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall notify the on-duty supervisor and submit an incident report and/or Witness Use of Force Report to the on-duty supervisor by the end of his/her tour of duty.~~

~~B. 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.~~

~~C.~~

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

~~E.~~

~~F. It is incumbent upon all personnel involved in a post shooting incident situation to be cognizant of the implications whenever a member of this Department uses lethal force that results in the death or serious physical injury of another. Personnel who are engaged in the supervision and/or the investigation of a post shooting incident are expected to take immediate action after incidents where shooting causes death or serious physical injury to an officer or another person to safeguard the continued good mental health of all involved personnel.~~

~~G.~~

~~H. Officers shall be issued and be trained in the Department's Use of Force Policies and Procedures prior to being authorized to carry any lethal or less lethal weapons.~~

~~I.~~

~~D. The following policies and procedures further detail the use of force.~~

~~1. Policies and Procedures # 405 Use of Lethal Force.~~

~~2. Policies and Procedures # 406 Use of Less Lethal Force.~~

~~3. Policies and Procedures # 407 Use of Force Review and Investigations.~~

~~J. Policies and Procedures # 408 Post Incident Procedures for Use of Lethal Force that involves a reportable use of force. A separate form shall be completed for each person subjected to a reportable use of force. Except as provided below, the officers involved shall complete the form as soon as is practical. The required supervisory review of any use of force shall be completed in a timely manner.~~

~~N. 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.

4.3. 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. The incident report should address the reasons for using this method of destruction, as well as any issues or circumstances that may have arisen, and address how the animal was disposed of once it had been destroyed.~~

~~e.~~

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.

O. 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.
- 4)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.

P. Handling of Officers at the Scene of a Lethal Force Incident 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 ~~standard investigation~~ 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 ~~internal~~ use of force review may rely ~~investigation follows and relies on~~ the investigation ~~and~~ 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.
~~When the officers were relieved of their duty weapons after an incident, at what point they should be returned.~~
 - b) The suggested course of counseling for the officers, if needed.
- 6) The Department strongly encourages the families of the involved officers to take advantage of available counseling services.
- 7) Any Department investigation of the incident shall be conducted as soon and as quickly as practical.
- 8) The Department should brief other employees concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.
- 9) 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.

10) 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.

11) Officers directly involved in the shooting incident shall be required to re-qualify with their Department firearms.

d. Following an Incident – Supervisor’s Role.

1) Often the impact of a lethal force incident does not immediately present itself in terms of a change in an officer’s behavior. It may be days, weeks, or months before there is any evidence that the stress of such a traumatic incident could alter an officer’s behavior or performance. It is for this reason that it is vitally important that supervisors be cognizant of any symptomatic behaviors or change in work performance, which may suggest that an officer is feeling the delayed effects of such an incident.

2) As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.

3) Some symptoms of post-traumatic stress disorders include:

a) A feeling of being numb.

b) Feeling out of touch with what is going on around them.

c) A feeling that this is happening to someone else.

d) Withdrawing and avoiding anything to do with the traumatic situation or police work.

e) Avoiding other people, including one’s family.

f) Intrusive and recurring thoughts of the event and feeling that it may be happening again.

g) Irritability.

h) Sleep problems.

i) Difficulty in concentrating.

j) Hyper-vigilance.

4) A supervisor observing these symptoms should immediately confer with the Chief of Police or his/her designee.

- 5) A supervisor observing any deviations in behavior or performance should confer with the officer. It is imperative that an officer who may be suffering the after effects of a traumatic incident not be treated any differently than would be the case of any other similar supervisory counseling session.
- a) If the officer reveals that he/she is experiencing problems stemming from an incident, the supervisor should be supportive and encourage the officer to seek professional assistance either from his/her own physician or through the town's EAP.
 - b) The supervisor should also encourage personnel who may be feeling the after effects of the incident, to take advantage of speaking with one of the Department's Peer Stress Counselors, EAP, or interfaith Chaplains.
 - c) If the supervisor is made aware that personnel may be suffering from the after effects of a lethal force incident, that supervisor has an obligation to bring such matters to the attention of the Chief of Police (not necessarily through the appropriate chain of command, depending upon the circumstances).
- 6) Supervisors are responsible for making available to their unit members information about the agency's EAP group and mental health services.
- e. Officers will be returned to full duties at the discretion of the Chief of Police after the officers are cleared to return by a qualified psychiatrist or psychologist.
 - 1) Prior to return to full duty, officers may be assigned administrative work assignments.
 - f. Family Notification.
 - 1) If a member of the Department is killed or seriously injured while on duty, it becomes the responsibility of the Department to notify the officer's next of kin. The Chief of Police or his/her designee shall make such notification in person.
 - a) At least one other member of the Department shall accompany the Chief of Police or his/her designee to make the notification.
 - b) If feasible, the Department's chaplain or other clergy member may accompany the Chief of Police or his/her designee.
 - 2) If a member of the Department is seriously injured while on duty and is receiving treatment at a local hospital, the Department will make arrangements for the personnel's spouse or next of kin to be brought safely to the hospital.
 - 3) Another member of the Department should be assigned to stay with the family and assist them in any way possible.

4) Family Support.

a) The Chief of Police or his/her designee will:

- i) Assist the family with funeral arrangements and coordinate the Department's involvement according to the wishes of the family.
- ii) Inform the family of financial assistance available from the Town, State and Federal Government.
- iii) Ensure EAP or other similar counseling service is available to the family.
- iv) Maintain contact with family to insure financial and emotional needs are being met.

Q. 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.

~~Duty to Intervene & Report~~

~~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.~~

~~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.~~

- ~~— 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.~~
- ~~— Unreasonable force is any force applied in a manner inconsistent with this Directive or applicable law.~~
- ~~— 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.~~
- ~~— 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.~~
- ~~— In rare cases, exigent circumstances may prevent an officer from complying with the intervention requirements such as the following:~~
- ~~— An officer may be engaged in a simultaneous attempt to apprehend another person.~~
- ~~— An officer may be actively engaged in rendering aid to a seriously injured person.~~
- ~~— An officer may be separated by space, elevation, physical barriers, terrain or other hazards or impediments that prevent access necessary to intervene.~~
- ~~— 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.~~
- ~~— 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.~~
- ~~— The witnessing officer shall thoroughly document such use of force and how the force was used in an incident report and/or Witness 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.~~
- ~~— 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.~~
- ~~— Prohibition Against Retaliation~~
- ~~— 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.~~

R. Use of Force Reporting & Review

1. Officers using, observing, or discovering a use of force that rises above De Minimis Contact shall notify their supervisor(s) of such reportable force as soon as possible and document such force in a Use of Force Report and/or Witness-Use of Force Report 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.
 - a.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.
 - b.c. 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.
 - b.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, ~~Witness~~ 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 POST~~E~~ Use of Force Fform shall also be completed for any use of force incident.

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.

a-d. ; and The names of any victims and witnesses present, if known.

5. Each year, but not later than February 1st of the following proceeding year, the Department shall ensure ~~that~~ a copy of each completed State of Connecticut POST~~E~~ Use of Force Report and any other required documents are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management. Prior to the submission of these reports, the ~~D~~e department shall redact any information that may identify a minor, victim, or witness.

K.S. 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 POST~~E~~ certified Use of Force Instructor.

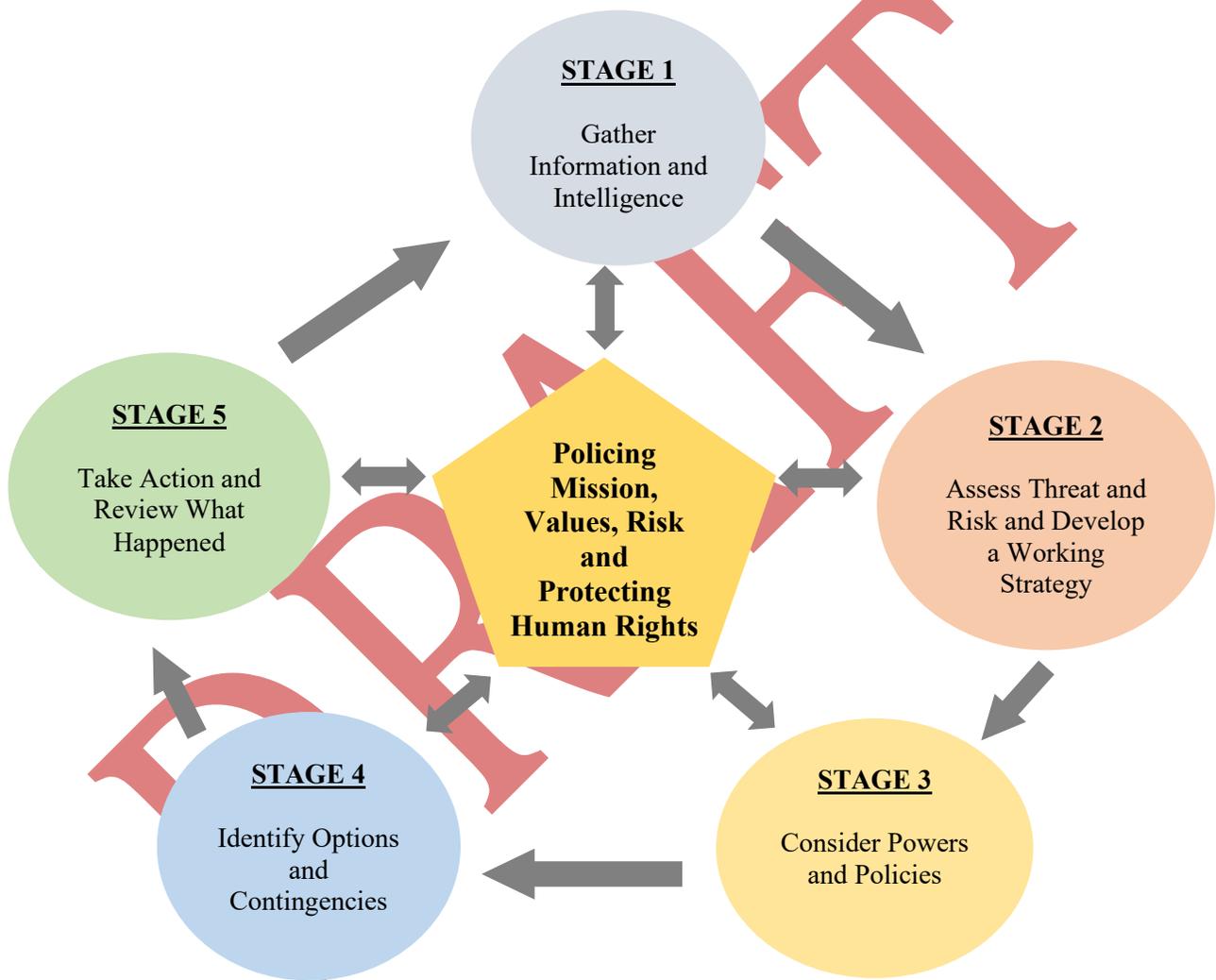
2. The Department shall ensure all officers complete the POST~~E~~ Use of Force Training Module. Upon receiving the initial training, all officers shall thereafter complete the POST~~E~~ Use of Force Training Module at least once annually.

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 POST~~E~~ approved Use of Force Training Module.

a. Any additional training offered must be delivered by a POST~~E~~ certified Use of Force Instructor using a POST~~E~~ 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 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

STAGE 3: Consider Powers, Policies and Other Obligations

Ask yourself:

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

STAGE 4: Identify Options and Consider Possible Contingencies

Ask yourself:

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

Identify suitable responses, taking into consideration:

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

Use PLANE to evaluate potential options, i.e., is each one:

PROPORTIONATE, LAWFUL, AUTHORIZED, NECESSARY, ETHICAL?

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

STAGE 5: Take Action (and Review What Happened)

RESPOND:

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

RECORD:

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

Monitor and Review Decision

Ask yourself:

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

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

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

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

East Haven Police Department 	Type of Directive <u>Directive</u> : Policies & Procedures		No. 407.65<u>76</u>
	Subject/Title: Use of Force Review and Investigations	Issue Date: December 1, 2021 <u>September 29, 2020</u>	
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: January 1, 2022 <u>October 1, 2020</u>	
References/Attachments: Connecticut General Statutes: § 53a-8, 53a-165 to 53a-167 Policies and Procedures #: 302, 303, 404, 405, 406, 408 Appendix A – Critical Decision-Making Matrix		Review Date: Annually	Rescinds: 407.65
			Amends: N/A

I. PURPOSE

- A. The purpose of this ~~directive~~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~~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 ~~force against~~Contact with a person, he/she shall report the use of force according to the procedures in this ~~directive~~Directive.
1. Officers shall use only the minimum level of force necessary to achieve a lawful purpose.
 - A.2. A post-event review as outlined in this ~~directive~~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.
- ~~B. Officers who use or observe reportable force and fail to report it shall face discipline up to and including termination, regardless of whether the force was reasonable.~~

- ~~C. Any officer, while acting in a law enforcement capacity, witnesses another officer use what the witnessing officer objectively knows to be unreasonable, excessive or illegal use of force, shall intervene and attempt to stop such other officer from using such force.~~
- ~~1. Any such officer who fails to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of Connecticut General Statutes Section § 53a-8 as the officer who used unreasonable, excessive, or illegal force.~~
 - ~~a. The provision of this section does not apply to any witnessing officer who is operating in an undercover capacity at the time he/she witnesses another officer use unreasonable, excessive or illegal force.~~
- ~~D. Any officer who witnesses another officer use what the witnessing officer objectively knows to be unreasonable, excessive or illegal use of force or is otherwise aware of such use of force by another officer shall report, as soon as is practicable, such use of force to the on-duty supervisor.~~
- ~~1. The reporting of such force shall be done in accordance with Policies and Procedures 407—Use of Force Review and Investigations, and the on-duty supervisor shall notify the Captain of the Patrol Division.~~
 - ~~2. Any officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of Connecticut General Statutes Sections § 53a-165 to § 53a-167.~~
- ~~E. The Department shall not take any retaliatory action or discriminate against an officer who intervenes in an incident or reports an incident because the officer made such report and/or intervened; the reporting officer shall be protected by Connecticut General Statutes.~~
- ~~1. The Department prohibits retaliation and/or discrimination against any member who intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.~~

III. DEFINITIONS

- ~~A. The directiveDirectives 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 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/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.

4. Use of Force Witness Report: To be completed by all officers who witnessed the use of force by other officers. Act Aggressively: The subject displays the intent to harm the officer, himself or herself or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.

40.

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

B. Chief of Police Finding: The Chief's report on his/her findings issued to the officer(s) under investigation and included in the file on the incident maintained by the Internal Affairs Officer (IAO).

C. 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.

~~D. — De Escalation: The use of verbal and physical cues, such as words and gestures, by a responding officer to reduce the potential for a subject to resist police authority.~~

~~E. — De Minimis Force: Physical interaction that does not cause pain or injury and is meant to separate, guide, and/or control a subject including compliant handcuffing.~~

~~F. — Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.~~

~~G. — 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.~~

~~H. — 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.~~

~~I. — 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.~~

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

~~K. — 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 (e.g., firearm). Nonetheless, use of a less lethal weapon may result in death or serious injury.~~

~~L. — Lethal 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.~~

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

~~1. — The Court held, "...that all claims that law enforcement officers have used excessive force — lethal or not — in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and its objective reasonableness standard...The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation."~~

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

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

~~O. Passive Resistance: Refers to circumstances in which the subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.~~

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

~~Q. 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.~~

~~R. 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.~~

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

~~T. 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.~~

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

~~V. Use of Force Report: To be completed by all officers who use or witness the use of force by other officers.~~

~~W. 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~~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.
 - 4.6. 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~~Directive are considered in the evaluation of an officer's actions.
- ~~D. The intentional use of a chokehold or other method of restraint applied to the neck area of person that impedes the ability of such person to breathe or restricts blood circulation to the brain is prohibited unless the officer reasonably believes such use to be necessary to~~

~~defend himself/herself or a third person from the use or imminent use of deadly physical force.~~

~~1. Prohibited methods of restraint to the neck area include, but is not limited to the following:~~

~~a. Arm bar hold.~~

~~b. Carotid artery hold.~~

~~c. Lateral vascular neck restraint.~~

~~d. Neck restraint or hold with a knee or other object.~~

~~E. Officers shall be issued and be trained in the Department's Use of Force Policies and Procedures prior to being authorized to carry any lethal or less lethal weapons.~~

~~a. Training on the specific use of a chokehold and the lateral vascular neck restraint shall be initially provided to officers and biennially thereafter by a certified instructor.~~

V. PROCEDURES

A. Use of Force Levels

1. ~~The use of force by officers of the Department~~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 **amount 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. ~~Unholstering a~~ Pointing a firearm or a less lethal launcher ~~and pointing it~~ 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).
 - d. Soft-hand control.
 - 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/Foam deployment on a person.
 - ~~b.c.~~ Use of less lethal ammunition resulting in physical injury.
 - ~~e.d.~~ Use of baton against a person that does not result in serious physical injury or complaint of serious physical injury.
 - ~~d.e.~~ Hard takedowns (uncontrolled descend and placement).
 - ~~e.f.~~ Hard-hand control.
 - ~~f.g.~~ K9 bite resulting in physical injury.
 - ~~g.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 subject 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 ~~or face~~ 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 ~~force~~ Contact shall, as soon as possible, notify their supervisor(s) of such reportable force.
 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 (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 POST Use of Force Form, the officer shall complete his/her Use of Force Report the aforementioned documents by the end of his/her next tour of duty.
 - b. All extenuating circumstances preventing the completion of a Use of Force Report the aforementioned documents before the end of an officer's tour of duty shall be documented.
 - c. If an officer is out for an extended period of time, arrangements will be made for the Use of Force Report the aforementioned documents to be completed as soon as feasible.
3. ~~The officer's Use of Force Report shall, at minimum, shall include the following:~~
- 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.
 - 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.
 - 4) Describe the level of resistance encountered.
 - 5) Describe every type of force used.

6) Use no “canned” or conclusory language.

e. An electronic POST Use of Force Form shall be completed for each person subjected to a reportable use of force.

f.) A copy of the 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.

4. ———

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 shall complete any required Use of Force Reports, whether primary or supplemental, before the end of their tour of duty, or as soon as feasible if exigent circumstances exist to prevent the completion of the Use of Force Report before the end of his/her tour of duty.~~

~~a. All exigent circumstances preventing the completion of the Use of Force Reports shall be documented.~~

7.6. 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.

8.7. 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.
 - 1) 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 except those 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. 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.
 - 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 Sstate and Ffederal 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.

~~f.~~

4.5. 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.

~~e.~~ ~~The supervisor shall follow the procedures set forth in the Policies and Procedures # 408 – Post Incident Deadly Force when the use of force is an officer involved shooting.~~

~~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 investigate such use of force.~~ respond to the scene.

~~d.~~ ~~The Chief of Police or his/her designee shall notify the appropriate Office of the Chief of Police, the State's Attorney, the State's Attorney Inspector General, and the State's Attorney's Office.~~

~~d.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.~~

~~9.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.

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 ~~within sixty (60) days~~ as soon as practical from date of ~~from~~ 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.
 - ~~g. Impact of findings on the Department's policies, practices, equipment, and training.~~
 - e.
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

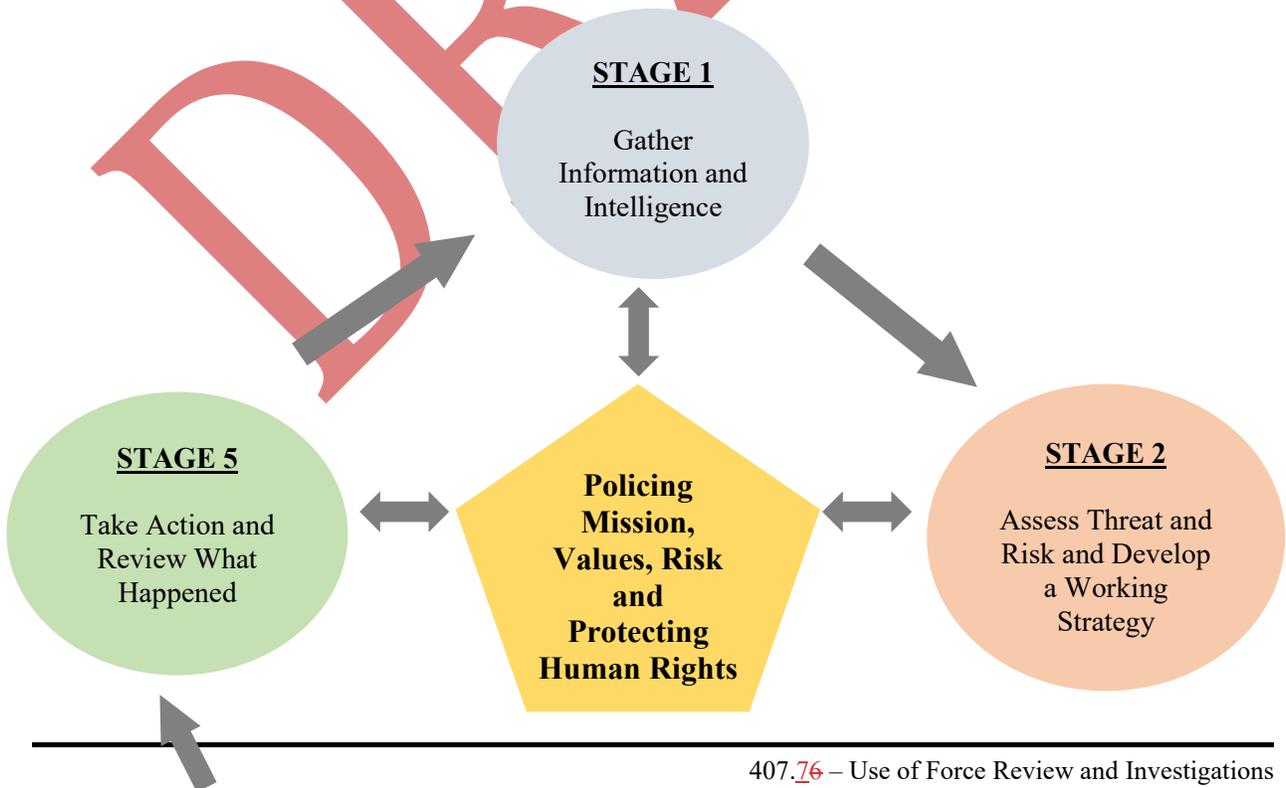
- to ensure that it is complete and that the findings are supported by a preponderance of the evidence.
3. The Chief of Police and/or his/her designee shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve 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 officers(s) subject to the investigation indicating one of the following conclusions.

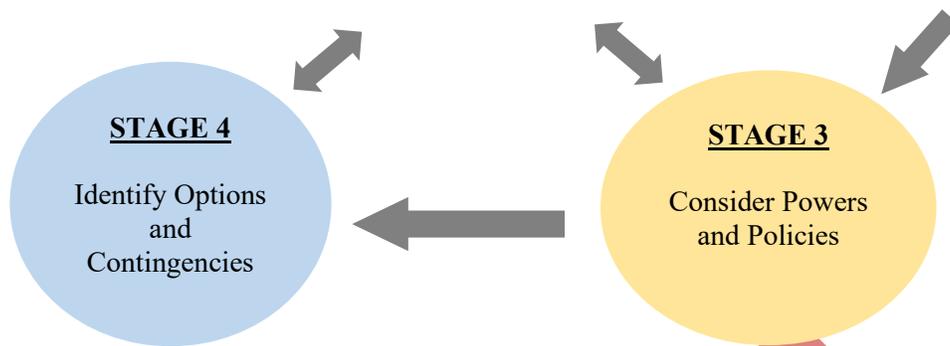
- a. The Chief of Police and/or his/her designee found no violations of the Department's Policies and Procedures, or law.
- b. The Chief of Police and/or his/her designee found evidence of a need for corrective action such as training or counseling. The Chief of Police and/or his/her designee will describe 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).

~~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 are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management. Prior to the submission of these reports, the Department shall redact any information that may identify a minor, victim, or witness.

~~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,

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

12.

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