Old Saybrook Department of Police Services



General Order - 5.53



	Issued By:
Use of Force	Michael A Spera Chief of Police
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Policy

It is the Policy of the Old Saybrook Department of Police Services that its Police Officers will use only that force which is reasonable and necessary to effectively accomplish lawful objectives in compliance with the United States Constitution and the laws of the State of Connecticut.

It shall be the policy of the Old Saybrook Department of Police Services to provide medical assistance to subjects injured through a use of force and request emergency medical response for subjects with obvious physical injury.

It shall be the policy of the Old Saybrook Department of Police Services to provide officers and supervisors with guidelines for reporting and investigating use of force. In order to protect its citizens and employees, the Old Saybrook Department of Police Services is committed to documenting and investigating use of force incidents.

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the Old Saybrook Department of Police Services. As such, it is this Department's policy that officers report all use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this General Order. Any officer who uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident shall not be permitted to conduct the investigation of the force incident.

Definitions

<u>Physical Force</u>: Any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes deployment of any police weapon including: aiming of a firearm, discharge of a firearm, use of chemical agents, use of impact weapons & munitions, use of an Conducted Electrical Weapon (CEW), taking a subject to the ground, and any physical contact that includes control techniques. The term does not include escorting or handcuffing a person with minimal or no resistance.

Harm: Injury inflicted upon a person, whether visible or not.

Physical Injury: Impairment of physical condition or pain.

Serious Physical Injury: Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in inpatient treatment at a medical facility. Note: minor treatment by medical professionals on scene or at a hospital such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious bodily harm.

Serious Use of Force: Any action by an officer that involves: 1) the use of deadly force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury, or requires hospital admission; 3) a canine bite; and 4) the use of chemical spray or the Electronic Control Device against a restrained person.

<u>Deadly Force</u>: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal physical force is an extreme measure and shall only be used in accordance with the law.

Non-Deadly Force: Any use of force not intended to cause, nor likely to cause, death or serious bodily harm. Also called Less-Than-Lethal Force.

Show of Force: The physical and/or verbal communications between an officer and a threatening subject that visually and/or verbally conveys the action that will be taken should the subject continue his/her threats of violence or resistance.

Reportable Use of force: All force used above non-resistant compliant handcuffing with the exception of drawing a firearm at low ready position. While it does not include unresisted (cooperative) handcuffing, it does include handcuffing individuals to objects.

Reasonable Use of Force: The level of force that is objectively reasonable and necessary to accomplish a lawful purpose.

Active Resistance: Any physical act, or failure to act, undertaken by a subject, against an officer, that could be reasonably interfere with or defeat a lawful attempt by the officer to gain control of the subject.

<u>Passive Resistance</u>: The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or non-violent handcuffed prisoner.

Resisted Handcuffing: When a person actively resists being placed in handcuffs and the officer must use "soft hand controls" to gain compliance by forcibly moving the subject's wrist or arms, or to physically maneuver the subject's body so the handcuffs can be applied. The "resistance" may range from an active struggle to a person simply "locking" his/her arms to prevent compliant handcuffing. Conversely, "un-resisted (cooperative) handcuffing" occurs whenever the subject complies with the officer's verbal commands and/or unresistingly allows the officers to position their arms in order to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.

<u>Soft Hand Control</u>: The use of physical strength and skill in defensive tactics to control subjects that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

<u>Hard Hand Control</u>: Impact oriented techniques that include knee strikes, elbow strikes, punches and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

Reasonable Belief: An objective assessment based upon an evaluation of how a reasonable law enforcement officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances, evident and known by the law enforcement officer at the time of the incident.

<u>Imminent Danger</u>: A threat, risk, or menace that is perceived to be about to happen absent action by the law enforcement officer. The period of time involved is dependent on the circumstance and facts evident in each situation and is not the same in all situations.

<u>Weapon</u>: Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other bodily injury.

Impact Weapon: A less-lethal weapon designed to be used by police to strike a subject that is offering active resistance.

<u>Conducted Electrical Weapon (CEW):</u> A non-deadly weapon designed to disrupt a subject's central nervous system by deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

<u>Deployment:</u> Includes any use of a police weapon against any person. Includes pointing of a firearm, pointing of a CEW, pointing of an impact weapon and extending an expandable baton.

<u>Critical Firearm Discharge</u>: When an Old Saybrook Police officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.

<u>Shift Supervisor</u>: A supervisor includes a Sergeant and above who is assigned responsibility for supervising officers on a designated Patrol Shift.

Qualified medical personnel: Includes medical professionals including medical doctors, licensed nurses, EMS first responders, or police officers certified in the deployment of a CEW and currently certified in the deployment of a CEW and currently certified at no less than the Emergency Medical Responder (EMR) level.

Procedure

A. General Use of Force

- 1. Officers of this Department are authorized to use physical force when the officer reasonably believes it is immediately necessary at the time, to accomplish lawful objectives. This includes but is not limited to:
 - a. Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense.
 - b. Overcome resistance directed at the officer or others; or
 - c. Protect and defend the officer, or a third party, from imminent danger or the use or imminent use physical force; or
 - d. Protect property; or
 - e. Prevent someone from committing suicide or inflicting physical injury upon themselves; or
 - f. Assist a licensed physician, psychologist, or medical professional in providing necessary medical treatment; or
 - g. Prevent the destruction of evidence or contraband; or
 - h. Take persons into protective custody when authorized by law, e.g., persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children; or
 - i. Effect other lawful objectives.
- 2. An officer's use of force response level shall be objectionably reasonable, based upon the totality of the circumstances known or perceived by the officer at the time force was used. This includes but is not limited to:
 - a. Officer-Subject factors,
 - b. Level of resistance,
 - c. Suspect's behavioral cues, and
 - d. Number of officers and/or offenders present.
- 3. The subjects actions shall dictate the level of force used.
- 4. De-escalation strategies and verbal warnings shall be used, when feasible, both prior to the use of force and to gain compliance during any use of force.
- 5. The use of force will end when:
 - a. Resistance ceases;
 - b. The officer has accomplished the purpose necessitating the use of force.
- 6. The following do not constitute a use of force as regulated within this order:
 - a. The mere presence of officers at an incident or scene;
 - b. Verbal commands without an implied or implemented use of force with a weapon;
 - c. Training scenarios;
 - d. Dispatching a sick or seriously injured wild animal.
- 7. Officers shall only be authorized to carry on their person or in a Department vehicle any equipment, firearm, and/or weapon that is approved for use and issued by the Department.
- 8. Any use of force training, to include firearms and weapons, shall be completed as consistent with Connecticut Police Officer Standards and Training Council initial police officer certification and recertification requirements.

B. Use of Deadly Physical Force

- 1. Deadly physical force may be used:
 - a. An officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious physical injury.

- b. An officer may use deadly force to effect an arrest or prevent the escape of a person whom the officer reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury, and, if feasible the officer should identify himself/herself and state his/her intention to use deadly physical force.
- 2. When an officer applies deadly force, the intent is to stop and incapacitate an assailant or dangerous fleeing felon.
- Officers may use deadly force to protect themselves from the use or threatened use of OC
 spray, any chemical agent, or any other Department issued less lethal tool when the officer
 reasonably believes that deadly force will be used against them if they become
 incapacitated.
- 4. Officers are permitted to use any of the following weapons / techniques when authorized to deploy deadly force in the line of duty:
 - a. Department issued firearms;
 - b. Any less-lethal weapon authorized by this Department when their use falls under the scope of deadly force or techniques.
- 5. This Department recognizes that in some extreme circumstances when deadly force is authorized and when the survival of an officer or other person is in jeopardy, the situation may require that the officer resort to using any available weapon, instrument, and/or technique necessary and available to stop the subject's actions. It is immaterial whether the item is department owned or not, or the officer's training status with that item. It is further recognized that, due to the unpredictable nature of a person's movements and/or actions under these circumstances, the officer's technique(s) and/or weapon(s) may unintentionally (on the part of the officer) impact a bodily area, or produce an outcome, which does not parallel Departmental training. In evaluating the appropriateness of an officer's actions in these circumstances, the Department will examine each instance on a case-by-case basis. Such devices that may be used where deadly force is authorized may include but are not be limited to other equipment and articles that officers are authorized to carry, such as;
 - a. Police vehicles:
 - b. Knives;
 - c. Flashlights;
 - d. Clipboard;
 - e. Weapons and/or article from the offender; or
 - f. Any item available in the vicinity of the officer.

Such techniques that may be used only where deadly force is authorized may include but are not limited to:

- g. Martial arts strikes; or
- h. Any other type of deadly technique, whether authorized or not by the Department.
- 6. The use of such devices or techniques, degrees of exigency present in the situation, and the totality of the circumstances will be examined, as in any other use of force incident.
- C. Restrictions on Use of Firearms / Deadly Force
 - An officer is under no obligation to retreat or desist when resistance is encountered or threatened. However, a law enforcement officer should not resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or

- eliminate an imminent danger of death or serious physical injury, and achieve the law enforcement purpose at no increased risk to the officer or another person.
- 2. An officer shall not discharge a firearm as a warning shot or as an alert signal.
- 3. Officers should be aware of the field of fire so as to not unnecessarily create a substantial risk of harm to innocent persons.
 - a. When it appears likely to the officer that an innocent person might be injured, he/she should not discharge their firearm, except in circumstances in which the suspect's actions create a greater risk of harm to the officer or other persons, than the risks posed by an officer firing his/her weapon.
- 4. Officers should not display a firearm except under any of the following circumstances:
 - a. For maintenance and/or inspection of the firearm;
 - b. To secure the firearm;
 - c. During training exercises, approved demonstrations, practice or qualification with the firearm;
 - d. When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm, such as a felony car stop or a building search;
- 5. Officers shall not discharge their firearms at a moving vehicle or its occupants unless, the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.
 - a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.
 - b. No officer should intentionally position their body into the path of a fleeing motor vehicle. Whenever possible, the officer involved should make an effort to move into an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.
- 6. Officers shall not carry or use any firearm or weapon while impaired by alcohol, drugs, or any other medication that might interfere with their judgment or proficiency.
- 7. Officers shall not carry on their person or in a Department vehicle any firearm or weapon that is not officially approved for use and issued by the Department.
- 8. Department firearms certification shall be completed on an annual basis as consistent with Connecticut Police Officer Standards and Training Council police officer requirements.

D. Use of Non-Deadly Force

- 1. Parameters for Use of Non-Deadly Force
 - a. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
 - b. Officers are authorized to use Department approved non-deadly force techniques and issued equipment for resolution of incidents to protect themselves or another from physical harm, or bring an unlawful situation safely and effectively under control.
- 2. Impact Weapons
 - a. Impact weapons are those Department approved tools which provide a method for gaining control of a subject when lethal force is not justified, but when empty hand compliance and control techniques would not be sufficient in effecting control over a subject.

- b. Whenever an officer uses an impact weapon for control, it should be used with the intent to temporarily disable the subject and not with the intent of creating a permanent injury.
- c. The impact weapon may be used when necessary to gain control of a subject engaged in some form of active physical resistance or engaged in *any* form of aggressive physical resistance and aggravated physical resistance.
- d. Officers shall carry the authorized impact weapons while on routine patrol.
- e. Officers shall not carry on their person or in a Department vehicle any impact weapon that is not officially approved for use and issued by the Department. Department approved impact weapons include:
 - i. Department issued police batons;
 - ii. Department issued less lethal impact munitions.
- f. Impact Weapons shall only be carried by sworn personnel who have satisfactorily completed this agency's approved training which shall be in accordance with all manufacturer training specifications and include instruction on this policy.
- g. Impact Weapon certification shall be completed on an annual basis.
- 3. Soft Hand Compliance and Control Techniques
 - a. Officers faced with an uncooperative individual, such as one who refuses to be placed in custody, may use compliance and control techniques to gain control and compliance while minimizing the risk of injury to the officer, the offender or innocent bystanders.
 - b. The intentional use of a chokehold or other method of restraint applied to the neck area of another person is prohibited. Chokeholds include but are not limited to:
 - i. Arm bar holds;
 - ii. Carotid artery holds;
 - iii. Lateral vascular neck restraints;
 - iv. Neck restraint or hold with a knee or other object.
- 4. Conducted Electrical Weapon (CEW)
 - a. CEW's are those Department approved tools which provide a method for gaining control of a subject when lethal force is not justified, but when empty hand compliance and control techniques would not be sufficient in effecting control over a subject.
 - b. CEW's shall only be used or carried by sworn personnel who have satisfactorily completed this agency's approved training which shall be in accordance with all manufacturer training and include instruction on this policy.
 - c. CEW recertification shall be conducted on an annual basis.
 - d. Officers shall not carry on their person or in a Department vehicle any CEW that is not approved for use and issued by the Department.
 - e. The CEW shall be carried in an approved holster on the support side of the duty-belt in a cross draw holster issued by the Department.
 - f. Officers shall be issued and carry a minimum of two cartridges in case of cartridge failure, the need for redeployment, or in case the first cartridge's lead breaks during engagement.
 - g. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
 - h. The CEW shall be pointed in a safe direction during loading, unloading or when handled in other than an operational deployment.
 - i. Daily spark tests shall be conducted in the Department Armory.
 - j. Whenever an officer uses a CEW for control, it should be used with the intent to temporarily disable the subject and never with the intent of creating a permanent injury.

- k. Officers shall be aware of the greater potential for injury when deploying a CEW against persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, the infirm or those in obvious ill health.
- I. Where feasible, prior to a CEW deployment, a loud, clear warning of a CEW deployment should be made by the officer. When aiming the CEW at a subject, officers should adhere to the manufacturer's preferred target zones whenever reasonably possible. The capabilities and limitations of the CEW should be taken into consideration when deploying at close quarters.
- m. Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective to the extent necessary to gain control of the subject.
- n. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles.
 - i. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
 - ii. Officers should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary.
 - iii. Each application of the CEW shall be independently justifiable.
- o. Following the deployment of a CEW, the written Use of Force report will be completed and filed to accommodate CEW deployment tracking. Reports must be completed in their entirety and specifically describe the justification for Use of Force, including events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event.
- p. Officers who store Department issued CEW's at his or her residence, shall keep the CEW secured and locked, so as not to present a danger to innocent persons.
- q. An officer, on or off-duty, who sustains loss or damage to his or her Departmental CEW shall immediately report such loss or damage to the Shift Supervisor who shall take the CEW out of service, notify the Chief of Police. The officer involved shall submit a written report as to the circumstances causing the damage, reason it was lost or the circumstances as to why the weapon became unserviceable.

5. Oleoresin Capsicum (OC) Spray:

- a. OC spray may be used when verbal dialogue has failed to bring about a subject's compliance, and the subject indicates the intention to actively resist the officer's efforts to arrest and or control him or her.
- b. Whenever practical and reasonable, personnel should issue a verbal warning prior to using OC spray on a person.
- c. Officers shall not carry on their person or in a Department vehicle any OC Spray that is not officially approved for use and issued by the Department.
- d. OC spray shall only be carried by sworn personnel who have satisfactorily completed this agency's approved training which shall be in accordance with all manufacturer training and include instruction on this policy.
- e. OC training shall be conducted on an annual basis.

6. Handcuffs and Restraints

 a. The purpose of handcuffs, flex cuffs and transport restraints are to restrain the movement of a subject in a manner that allows for safe transport of the subject.
 Restraining devices also can be used to prevent further physical resistance from a

- subject. Whatever the application, restraining devices should be considered temporary in nature and as a means for safely achieving other goals.
- b. Handcuffs should be utilized to achieve the listed goals, especially for arrest situations, and considerations shall be made when making handcuffing decisions on persons with known physical disabilities or age limitations as indicated with standard training practices.
- c. This Department authorizes the following temporary restraining devices:
 - Handcuffs: Officers should use handcuffs when detaining persons and shall make considerations for persons with known or obvious physical disabilities. Handcuffing decisions shall be based on the circumstances for each prisoner and arrest situation.
 - (a) Officers shall only carry handcuffs that are issued by the Department.
 - (b) Only "double lock" style handcuffs shall be used.
 - (c) The "double lock" feature shall be used.
 - ii. Leg Restraints: These restraints may be applied at the discretion of the Shift Supervisor whenever an arrestee:
 - (a) Is deemed a high risk, or
 - (b) Has demonstrated resistance to arrest prior to being placed in the cruiser, or
 - (c) Has become violent after being placed in the cruiser.
 - iii. Disposable plastic handcuffs: Considerations for disposable handcuffs shall be based on the circumstances in each detainment and/or arrest situation.
 - (a) Officers shall only use disposable plastic handcuffs issued by this department.
 - (b) Subjects detained in disposable plastic handcuffs shall be directly monitored by an Officer as these restraints can be defeated.
- d. Officers shall not carry on their person or in a Department vehicle any Handcuffs or Restraints that are not officially approved for use by the Department.
- e. Handcuffs and Restraints shall only be carried by sworn personnel who have satisfactorily completed this agency's approved training which shall be in accordance with all manufacturer training and include instruction on this policy.
- f. Handcuff and Restraint training shall be conducted on an annual basis.

E. De-escalation of Force

1. In situations where multiple reasonable Use of Force alternatives are available this Department encourages officers to review options and to de-escalate force where possible. De-escalation of force does not mean that the officer should drop his/her guard. If safe to do so an officer should provide subjects of force with opportunities to reduce their resistance. When an officer perceives that a person is complying with the officer's lawful commands/actions, the officer should respond by reducing or not escalating the force he/she is using. An officer should remember that a suspect may de-escalate resistance in an effort to distract the officer in order to resume or heighten hostilities.

F. Taking Action When Another Officer Uses Unauthorized Force

 If an officer directly observes another officer, of the Department or any other law enforcement agency, using force that is un-authorized, unreasonable, excessive, in violation of federal law, state law, or this policy, the officer shall take immediate reasonable action to intervene to stop the unauthorized use of force and contact the Shift Supervisor as soon as practicable.

- a. Every Department member has the <u>duty to intervene</u> when they directly observe a member of the Department or any other law enforcement agency, using force that is un-authorized, unreasonable, excessive, in violation of federal law, state law, or this policy
- 2. Any officer that has knowledge of force used by any officer of this Department that is unauthorized, unreasonable, excessive, in violation of federal law, state law, or this policy, the officer shall notify the Shift Supervisor as soon as practicable.
- 3. Any Shift Supervisor receiving the report that an officer used force that was un-authorized, unreasonable, excessive, in violation of federal law, state law, or this policy, shall notify the Chief of Police as soon as practicable.
- 4. Any officer that has knowledge of force used by an officer that was un-authorized, unreasonable, excessive, in violation of federal law, state law, or this policy, shall complete and submit a written incident report regarding the incident as soon as practicable as directed by the Chief of Police.
- 5. Retaliation against any officer that, in good faith, intervenes, reports, or cooperates in any internal investigation pertaining any misconduct or excessive use of force shall be strictly prohibited.

G. Medical Attention: First Aid/Transport

- 1. When an officer applies force against an individual, and the person is obviously injured, complains of injury, and/or the officer reasonably believes the person is injured, or is in need of medical attention, the officer shall render appropriate first aid (within the limits of his/her training and available equipment) as soon as it is practical, and safe, to do so.
- 2. In the case of obvious injury and/or the officer reasonably believes the person is injured or in need of medical attention, the officer and/or Shift Supervisor shall request medical transport to a hospital.
- 3. OC irritation, CEW probe removal and other, superficial physical injuries do not necessarily require medical transport to a hospital unless additional injury or associated medical concerns are suspected.
- 4. Arresting and transporting officers shall assess prisoners, against whom force was used, to determine whether they are injured or ill.
- 5. A suspect shall be transported to a hospital and examined by a qualified hospital medical personnel prior to prisoner processing for purposes of detention or interview when suffering from obvious injury, complaining of injury or illness, and requesting transport to a hospital when, among other instances, the individual:
 - a. Is struck with an impact weapon or other hard object;
 - b. Is restrained about the neck or throat:
 - c. Is sprayed with a chemical agent:
 - d. Is subject to an CEW application;
 - e. Is struck with any non-lethal weapon projectile.
 - f. Is bitten by a police canine.
- 6. An injured prisoner shall not be admitted to, or held in, detention without being examined and released by a physician or qualified hospital health care providers.
 - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by a physician or qualified hospital health care provider.
- 7. Refusal of treatment shall be documented and verified by the Shift Supervisor and qualified medical personnel.

- 8. A suspect shall be examined by qualified medical personnel following any CEW deployment.
- 9. A subject shall be transported to a hospital for examination by a physician or qualified hospital health care provider following exposure to a CEW when the subject:
 - a. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
 - b. Is hit in a sensitive area such as the face, head, female breasts or male groin.
 - c. Does not appear to recover properly after being energized;
 - d. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
 - e. Has had more than one CEW effectively used against him or her in any given incident;
 - f. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
 - g. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
 - h. Exhibits bizarre or violent behavior, including self-mutilation;
 - i. Is naked in a public place or exhibits signs of overheating;
 - j. Evidences slurring or slowness of speech;
 - k. Claims to have been injured or in medical distress.

H. Use of Force Reporting and Investigation

1. Force Levels

a. Level 1

- i. A firearm or CEW is intentionally pointed at a person:
- ii. A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line; and shoulder muscle grab); or
- iii. A weaponless defense technique control hold is applied to overcome physical resistance:
 - (1) Escort (elbow);
 - (2) Twist lock: or
 - (3) Bent-wrist

NOTE: Unresisted handcuffing is not considered a reportable use of force.

b. Level 2

- i. Chemical agent is applied to a person;
- ii. Any CEW deployment;
- iii. Any impact weapon is deployed, including impact munitions, or any other instrument is used in an attempt to strike another person; or
- iv. The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving or controlling a person);
- v. A weaponless defense technique, other than control holds, but excluding strikes to the head. Examples include:
 - (1) Hand/palm/elbow strikes;
 - (2) Kicks;
 - (3) Leg sweeps; and

- (4) Takedowns.
- c. An on-duty firearm discharge at an animal, other than to dispatch a sick/injured animal;
- d. Any strike to the head (except for an intentional strike with an impact weapon);
- e. A police canine (K9) bites the clothing or the skin of a subject, or otherwise injures a subject.
- f. Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

2. Level 3

- a. Any use of force resulting in death;
- b. Any critical firearm discharge regardless of injury;
- c. Any force which creates a substantial risk of causing death:
- d. Any force which causes serious bodily injuries as identified in section II of this policy
- e. Any intentional impact weapon strike to the head.
- f. Any Use of Force investigation that is elevated to a Level 3 shall be directed by the Chief of Police.

3. Responsibility for Reporting

- a. Officers shall, as soon as safe to do so, notify their Shift Supervisor of any Reportable Use of Force.
- b. Officers shall, as soon as practicable; following all reportable Level 1 and Level 2 Use of Force incidents, complete a Use of Force Report Form.
- c. Completed Level 1 and Level 2 Use of Force Report Form shall be submitted to the Shift Supervisor prior to the officer completing his/her tour of duty. When completing the report, officers are also required to provide a written narrative statement of the event. The following additional procedure shall apply:
 - i. Each officer who uses force shall submit a separate written Use of Force Report. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.
 - ii. Any officer who witnesses a reportable use of force shall advise a Shift Supervisor, or appropriate commanding officer, and shall submit required supplemental reports.
 - iii. If an officer uses force on more than one subject <u>during the same event</u>, the officer shall complete separate Use of Force Report Forms for each subject.
 - iv. If an officer is unable to complete the report due to injury or illness, the Shift Supervisor will complete it to the extent possible.
 - v. A Reportable Use of Force shall be reviewed and investigated by a Shift Supervisor of a higher rank than the officer using force (the reporting officer) where practicable.
- d. All Use of Force Reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received, or refusal of medical treatment.
- e. The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.
- f. Shift Supervisors shall investigate and report any reportable use of force as directed in Section (C) of this policy.
- g. Any officer(s) who engages in or witnesses a Reportable Use of Force, but fails to notify a shift supervisor and/or fails to complete the form as outlined by this General Order, shall be subject to disciplinary action.

h. A Shift Supervisor who uses force, authorizes the use of force, authorizes conduct leading to the Use of Force, or is a witness to the use of force shall obtain as much on scene information as possible but shall not be authorized to conduct the Leadership Review of the use of force incident.

I. Shift Supervisory Responsibilities

1. General

- a. The Shift Supervisor, after being notified of a Level 2 or 3 use of force, shall immediately respond to the scene and conduct the preliminary investigation into the Use of Force.
- b. The Shift Supervisor, after being notified of a Level 2 or 3 use of force, shall contact or cause the Chief of Police to be contacted as soon as it is safe to do so.
- c. If the Shift Supervisor is involved in any Level 2 or 3 Use of Force incident, the Chief of Police shall be contacted as soon as it is safe to do so.
- d. If the Shift Supervisor is injured and unable to contact the Chief of Police, the senior officer on the shift shall contact the Chief of Police. The Chief of Police shall direct the investigation.
- e. While at the scene of a Use of Force the Shift Supervisor shall visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.
- f. While at the scene of a Use of Force incident the Shift Supervisor, or designated investigative unit, will photograph or videotape all claimed or visible injuries, and all areas where the officer reports using force against the subject(s). Photographs of the subject(s) should be taken even when there are no signs of injury.
- g. The Shift Supervisor shall, within a reasonable amount of time after being notified of a reportable Use of Force, obtain a Use of Force case number from Dispatch. This number shall be use to complete officer narratives, document and track use of force incidents and document the Shift Supervisor's use of force investigation.
- h. A Leadership Review shall be conducted for all Use of Force incidents.
- i. The Chief of Police shall review all Use of Force Reports to determine if the findings are consistent with the Leadership Review.

2. Use of Force Investigation

- a. When notified of a Level 2 use of force the Shift Supervisor will respond to the scene on a priority basis and shall do the following:
 - (1) Document, as necessary, the scene of the incident;
 - (2) Interview any physician or qualified hospital health care provider concerning the injuries sustained and their consistency with Use of Force reported;
 - (3) Collect or cause to be collected all evidence of Use of Force;
 - (4) Identify and interview witnesses other than officers as appropriate;
 - (5) Obtain, review, and sign the completed Use of Force Report Form from each officers prior to the end of the tour of duty;
 - (6) Forward a copy if the signed completed Use of Force Report Form to the Chief of Police prior to the end of the tour of duty;
 - (7) Summarize his or her investigation and findings on the Use of Force Report Form.

3. Serious Use of Force

a. In cases involving a serious use of force or Level 3 as defined by this General Order, the Shift Supervisor shall:

- (1) Immediately respond, cause the scene to be safe and secure the scene;
- (2) Ensure that officers and citizens receive appropriate medical attention:
- (3) Notify the dispatcher that an officer has been involved in a confirmed Level 3 Use of Force;
- (4) Document, as necessary, the scene of the incident;
- (5) Secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
- (6) Identify witnesses, both officer and civilian, and insure that they are segregated for the interview by investigating units;
- (7) As soon as possible, secure the weapon(s) used by the involved officer(s).
- b. The Public Safety Dispatcher shall immediately notify the Chief of Police. The Chief of Police will initiate an Internal Affairs investigation to determine whether the officer(s) followed Old Saybrook Department of Police Services Policy.
- c. The Internal Investigation shall be conducted consistent with the approved Level 3 Investigation and Officer Involved Shooting Policy.
- d. The criminal investigation shall be conducted by the Office of the Chief State's Attorney.

J. Administrative Responsibilities

- 1. Administrative Responsibilities shall be directed by the Chief of Police.
- 2. A Leadership Team member will be assigned to review each Use of Force incident.
- 3. The review shall ensure that the Shift Supervisors respond to the scenes of reportable Use of Force as required by this General Order.
- 4. Review Use of Force investigations submitted by the Shift Supervisor, and:
 - a. Verify that all applicable Use of Force Report Forms and accompanying paperwork were submitted within the specified timelines:
 - b. Ensure that the Use of Force Report Forms and accompanying paperwork were reviewed and signed by the Shift Supervisor; and
 - c. Verify that the Use of Force is reported accurately and completely, and that all information concerning the incident/arrest is consistent in all reports.
 - (1) Where there are discrepancies between the reports, or it is determined that further investigation is required, the investigation shall be returned to the appropriate Shift Supervisor for corrections, clarification, and additional investigative steps as needed.
- 5. Once the Use of Force investigation is approved it shall determine the disposition for each allegation of use of force:
 - a. Justified, Within Department Policy- a use of force is determined to be justified and during the course of the incident the subject officers did not violate an Old Saybrook Police Department Policy.
 - b. Justified, Policy Violation- A use of force is determined to be justified, but during the course of the incident the subject officers violated an Old Saybrook Police Department Policy.
 - c. Justified, Training Opportunity- A use of force is determined to be justified, no Old Saybrook Police Department Policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training

- d. Not Justified, Not Within Department Policy-A use of force is determined to be not justified, and during the course of the incident the subject officer violated Old Saybrook Police Department Policy.
- 6. The Chief of Police shall hold Shift Supervisors accountable for the quality of their performance reviews and use of force investigations.
- 7. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a Shift Supervisor fails to conduct a timely and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.

K. Raid and Warrant Situations

- 1. Each officer who uses force will fill out a separate reportable Use of Force Report Form including pointing of firearms at subjects during raids, or execution of search and/or arrest warrants.
 - a. Officers are advised that the reportable Use of Force Report does not take the place or substitute for the completion of an Incident Report. An incident report should be prepared and the incident report number must be included in the Use of Force Report Form.
 - b. The use of force investigations shall be conducted in accordance with and pursuant to applicable Old Saybrook Police Department Policies.

L. Administrative Review, Reporting & Training

- 1. The Old Saybrook Department of Police Services shall coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and Old Saybrook Department of Police Services Written Directives. Old Saybrook Police Department shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.
- 2. The Old Saybrook Department of Police Services shall conduct an annual internal review of all CEW deployments in the field in order to evaluate each policy compliance.
- 3. The Old Saybrook Department of Police Services shall complete the POSTC CEW Annual Report Force as required by statute. This report shall be submitted to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy Management no later than January 15th covering the preceding calendar year.
- 4. Initial and annual Use of Force training shall include and be consistent with the following:
 - a. Section 53a-22 of the Connecticut General Statutes, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
 - b. Section 53a-206 of the Connecticut General Statutes, Officers are specifically granted the legal authority to carry weapons under while engaged in the pursuit of such officer's official duties.
 - c. Supreme Court Graham v. Connor, 490 U.S. 386 (1989), the reasonableness of a particular Use of Force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting them, without regard to

their underlying intent or motivation, and not by the 20/20 vision of hindsight. The 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. Factors relevant to the determination of reasonableness include the severity of the crime that the officer believed the suspect to have committed or be committing, whether the suspect presented an immediate threat to the safety of the officers or the public, and whether the suspect actively resisted arrest or attempted to escape, along with any other fact or circumstance which reasonably bears upon the decision to use force.

- d. Any use of force training, to include firearms and weapons, shall be completed as consistent with Connecticut Police Officer Standards and Training Council initial police officer certification and recertification requirements.
- e. POSTC General Notice 20-04.
- f. This General Order.

General Order Issued: June 18, 2020 - In accordance with POSTC General Notice 20-04.

Replaces Special Order Issued: July 1, 2017

Replaces OSPD Policy 1

Use of Force Instruction Guide

This instruction guide is designed to assist officers and supervisors in properly completing the Use of Force Report Form. Please remember to be as specific as possible to properly document the information requested.

No.	Instruction
	Identify Reporting Officer & Force Level
	at the top of the Use of Force Report
	Form
1	Complete the date of the use of force
	including month, day and year.
2	Identify the time, in military time, that the
	use of force occurred.
	Identify the location as specific as
3	possible where the use of force occurred.
	If not at a specific location, identify
	closest location with cross street.
4	Identify the case number assigned to the
	use of force.
5	Identify the subject's full name.
6	Identify the subject's date of birth,
9	including month, day and year.
7	Identify the subjects being the first and
1	Identify the subject's height by feet and inches.
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8	Identify the subject's estimated weight by
	pounds.
9	Identify the subject's full ten digit phone
	number, including area code.
	Select the boxes which best identify the
10	reasons that the use of force was
	necessary. Please check all that apply
	and more than one box can be selected.
	Identify the most serious criminal offense
11	the subject had committed at the time the
	force was used.
	Identify whether the subject was injured
12	by selecting yes or no, and if yes, provide
	a brief description of the injuries.
	Identify whether the reporting officer was
13	injured. Select yes or no, and if yes,
	provide a brief description of the officer's
	injuries.
	Identify whether any medical treatment
14	was provided to either the subjects or the
7	officer and by what medical provider.
	If photographs were taken, identify by
15	
19	whom they were taken. Include name
	and identification code.
46	Identify the number of subject(s) that
16	resisted during the use of force. The
	narrative section (35) shall be used to
	identify subjects not identified in box 5, 6
	and 9. Identify the additional subject's
	full name, date of birth and full ten digit
	phone number.

No.	Instruction
17	Identify the number of officers present at the scene when force was used. Details such as name and contact information should be identified in box 34.
18	Identify when the Shift Supervisor was notified, who the supervisor was that was notified and who by name notified the supervisor.
19	Select which best describes the subject's mental and physical at the time of arrest. More than one selection is possible. If your selection is not easily identifiable, select other and provide description as to the subject's mental or physical capacity.
20	Using the standards set forth in the investigating force policy, select the level (1-3) which best corresponds to the officer's perception of the subject's actions at the time in which force was used. Select all that apply in this category. Additional details will be given utilizing the narrative section (35) to describe the specific perceived threats and actions by the subject(s) that led to the applicable level of force.
21	Identify and select the officer's best response options as provided in section 21. More than one option could be possible. Describe in detail your attire during the use of force Incident. Additional details will be required in section 35 narrative section.
22	Identify the restraint method used by the officer on the subject during the use of force. More than one selection could be possible.
23	Identify the name and badge number of all officers present at the scene during the force application.
24	Identify the shift supervisor by name and badge number who was notified and was responsible for the investigation/review of the use of force.
25	Identify other witnesses or persons who were present at the scene. This description only needs to be brief. A more detailed description and contact information will be provided in section 34. (Example- non-PRP Police, medical or fire personnel)

Use of Force Instruction Guide

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26	Identify time Chief of Police notified and by whom. LEVEL 2 & LEVEL 3 ONLY.
	Identify by selecting yes or no whether
27	any audio or visual evidence was
21	
	identified and is available regarding the
	use of force.
	Describe additional details in narrative
	section 35.
-	
-	Identify by name and badge number any
28	supervisor(s) who responded to the
	scene after force was used.
	Identify by selecting yes or no whether
29	the subject was injured.
	Identify by name and badge number of
30	officer(a) who took abote seem to device
30	officer(s) who took photographs during
	the use of force investigation, including
	photographs of the scene or photographs
	of injuries sustained by either the suspect
	or officers.
	Identify the total number of photographs
31	thet were taken
31	that were taken.
	Describe in detail the extent of the
32	subject's injuries. In addition identify by
	placing an X on the diagram the location
	where the subject was injured.
33	Identify whether the officer was injured
	by selecting yes or no and if yes,
	describe in detail the extent of the
i	officer's injury along with placing an X on
	the diagram to best identify the location
	of where the injury occurred.
34	Identify the full name, address and ten
	digit phone number for any witnesses to
	the use of force. If more than 4
	witnesses were identified, continue that
	information in box 35 or in the
	supplemental report.
35	Provide a detail narrative description of
	the incident, including the capacity of the
	subject, the officer's perception of the
	subject's action and the officer's
	response options.
	SUPERVISORY &
	COMMAND REVIEW
36	Identify the reporting Shift Supervisor's
	name and badge number.

37	Identify the date and time of the Shift
	Supervisor's response.
38	Identify Location of Force
39	Identify the name and badge number of
	the officer who used force.
40	Identify by selecting yes or no whether
	the subject was injured.
41	Identify by selecting yes or no whether
	the officer(s) were injured.
42	Provide a detailed narrative description
1	which documents all steps taken by the
	investigating Shift Supervisor to review
	and evaluate the officer's use of force,
1	including response and review to the
į.	scene, injuries to both the suspect and
	the officer(s), witnesses and evidence
	collected during the analysis,
	photographs or video documentation and
	any interviews conducted to determine
	basis of officer's Use of Force.
43	Identify whether there is any audio or
	visual evidence available and whether or
	not it was reviewed by the Shift
	Supervisor by selecting yes or no.
44	Identify whether there is any audio or
100000	visual evidence available and whether or
	not it was reviewed by the officer by
	selecting yes or no and the date in which
	it was reviewed.
45	Identify whether there was any audio or
	visual evidence available and whether or
	not it was reviewed by the Leadership
	Team member reviewing the Use of
	Force.
46	Describe the assigned Leadership Team
-	member's review of the investigation and
	conclusion.
47	REPORTING OFFICER SIGN & DATE
48	SHIFT SUPERVISOR SIGN & DATE
49	LEADERSHIP SIGN & DATE
50	Chief of Police determination if Use of
	Force Report is consistent with
	Leadership Review, YES or NO
51	CHIEF OF POLICE SIGN & DATE

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0) 3094EV1 6 n	IAME				5) DATE OF BIR /	кт н ,	7) HEIGHT , ,,	8) WEIGHT LBS	9) PHONI	E NUMBER
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) WITNESS(ES) OR PERSON(S) WITH KNOWL	EDGE: ADDRESS:			PHONE #:
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