GENERAL ORDER

G.O. 1-012

SUBJECT: USE OF FORCE

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This General Order is the model policy authored by the State of Connecticut Police Officer Standards and Training Council (POSTC) in accordance with the Police Accountability Act HB 6004.

1. **Purpose**

   The law enforcement profession 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, police 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. A peaceful resolution is the best, most desired outcome in all situations. To that end, police 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 deadly force, police officers must view the use of force as a last resort.

2. **Policy**

   Police officers must use only the minimum level of force necessary to achieve a lawful purpose. Any use of force must be reasonable, proportionate to the threat, and employed in a manner consistent with this policy. While not an actual use of force, the mere presence of a police 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.

3. **Definitions**

   A. "Acting in a Law Enforcement Capacity" means any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority.

   B. "Active Resistance" means 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.

   C. "Chokehold/Neck Restraint" means 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.

D. "Electronic Defense Weapon" (EDW) means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, including a stun gun or other conductive energy device.

E. "Deadly Force" means any force that is likely to cause serious injury or death.

F. "Deadly weapon" means 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, and does not include an electronic defense weapon when used by a peace officer.

G. "De-escalation" means the use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.

H. "Firearm" means any sawed-off shotgun, machine gun rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged, but, for the purposes of this policy, does not mean an electronic defense weapon when used by a police officer.

I. "Imminent" means likely to occur at any moment; impending.

J. "Last resort" means a final course of action, used only when other reasonable options are unavailable or have failed.

K. "Less-Lethal Force" means 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, EDW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and K9.

L. "Mitigation" means the action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.

M. "Necessary" means an action chosen when, in an officer's judgement, no effective alternative exists.

N. "The objectively reasonable standard" is the legal standard used to determine the lawfulness of a use of force under 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).

O. "Officer created jeopardy" means situations where officers needlessly put themselves in a position where they must use deadly force to protect themselves.

P. "Passive Resistance" means 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.

Q. "Police officer," as used in this policy, means any Connecticut "peace officer," as defined in CGS 53a-3.

R. "Physical Force" means any intentional contact used upon or directed toward the body of another person, including restraint and confinement.

S. "Positional Asphyxia" is 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.

T. "Proportional Force" means force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.

U. "Reasonable" means sound, fair, sensible, and not excessive under the circumstances.

V. "Reasonable belief that a person has committed an offense" means 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.

W. "Serious Physical Injury" means 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.

X. "Unreasonable Force" means any force applied in a manner inconsistent with this policy or applicable law.

Y. "Unreasonable Risk" means unwarranted exposure to the possibility of a negative consequence.

4. Moral and Ethical Obligations Regarding the Use of Force

All police officers must comply with this policy and uphold the legal, moral, and ethical obligations of their sworn service to the public, including:

A. Duty to Render Aid

An officer shall render aid and request an emergency medical service (EMS) response as soon as possible for any person who sustains an injury, complains of injury, or otherwise exhibits signs of medical distress including shortness of breath, altered mental status, or loss of consciousness.

An EMS response shall be requested for any person subjected to the use of a firearm, impact weapon, impact projectile, EDW, oleoresin capsicum (OC) spray, or K-9 apprehension. A supervisor shall be immediately notified of any EMS response initiated under these conditions, and injuries shall be documented and photographed whenever possible.

B. Duty to Intervene

Any police officer acting in a law enforcement capacity who witnesses the use of force by any other officer, regardless of rank or department, that the witnessing officer knows to be unreasonable, 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 or physical means or both and notify a supervisor as soon as practicable and prepare a written report. Unreasonable force is any force applied in a manner inconsistent with this policy or applicable law.

These requirements 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 these requirements. For example:

(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.

If circumstances prevent or impede effective intervention, these circumstances shall be promptly reported and documented.

Any officer who fails to intervene in an incident involving unreasonable use of force that they witness may be subject to disciplinary action and criminal prosecution for the actions the offending officer took.

C. Duty to Report

Any police officer acting in a law enforcement capacity who witnesses or otherwise becomes aware of the use of force by any other officer, regardless of rank or department, that the witnessing officer knows to be unreasonable shall notify a supervisor as soon as practicable. The witnessing officer shall also prepare a written report that thoroughly explains how force was used and submit that report as prescribed by Department procedures.

Any officer who fails to report any unreasonable use of force as required by this policy may be subject to disciplinary action and criminal prosecution.

D. 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 policy or cooperates in any internal or criminal investigation related thereto.

5. <u>De-escalation and Mitigation</u>

Officers should use force as a last resort and employ de-escalation and mitigation techniques to the greatest extent practicable. Officers are not required to delay taking protective measures that are immediately necessary or 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:

1. Using a non-threatening, non-confrontational tone of voice
2. Listening carefully and expressing empathy
3. Slowing down the pace of an incident
4. Waiting to take action until the threat subsides
5. Placing additional space or barriers between the officer and a person
6. Permitting a person to move about
7. Permitting a person to ask questions or engage in conversation
8. Tactical repositioning or seeking cover
9. Requesting additional resources

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.

6. Use of Physical Force

The use of force by an officer shall be necessary, reasonable and proportionate to the threat encountered. Physical force may only be used to achieve a lawful purpose. Before resorting to physical force and whenever safe and feasible, officers should first make reasonable attempts to gain compliance through verbal commands and allowing appropriate time under the circumstances for voluntary compliance.

A. Considerations

Before deciding to use physical force, an officer should consider the following:

(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

B. Permissible Purposes for the Use of Physical Force

When necessary and reasonable, an officer may use proportionate physical force to:

(a) Gain control of a subject who poses an imminent risk to the officer, themselves, or a third person.

(b) Effect an arrest of a person whom the officer reasonably believes to have committed an offense unless the officer knows the arrest is not authorized.

(c) Effect an arrest pursuant to a warrant unless the officer knows the arrest warrant is invalid.

(d) Prevent the escape from custody of a person unless the officer knows the custody is not authorized.

(e) Gain compliance to a lawful order.

C. <u>Prohibitions on the Use of Physical Force</u>

The following actions are prohibited:

(a) Using physical force against any handcuffed or restrained person except to the extent necessary to counter active resistance, prevent escape, prevent

the person from sustaining injury, or prevent the person from injuring another.

(b) Using physical force for the purpose of retaliation.

(c) Using physical force against a person whose health, age, physical condition, or circumstances make it likely that serious physical injury will result.

(d) Standing on or kneeling on the neck of another person.

D. Restrictions on the Use of Physical Force

The following are prohibited except under circumstances where deadly force is deemed reasonable and necessary, consistent with this policy:

(a) *The intentional use of a chokehold or neck restraint. Including but not limited to: (1). Arm bar hold, (2). Carotid artery hold, (3). Lateral vascular neck restraint, (4). Neck restraint or hold with a knee or other object is prohibited. The use of a choke hold or neck restraint may only be used when the use of deadly physical force is necessary.*

(b) Intentional strikes to the head, neck, spine, or sternum with an impact weapon, 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.

7. Positioning of Persons Under Officer's Control

Restrained persons shall be positioned so that 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.

8. Less Lethal Force

An officer may use less lethal force when 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. Less lethal force

may not be used against any person engaged in passive resistance.

9. Use of Deadly Physical Force

Deadly force must be used as a last resort. Any use of deadly force must be reasonable and necessary. When feasible and consistent with personal safety, an officer shall give warning of his or her intent to use deadly physical force.

A. Permissible Purposes for Deadly Force

A police officer is justified in using deadly force upon another person only when his or her actions are objectively reasonable under the given circumstances at that time and the officer reasonably believes the use of deadly force is necessary to:

(1) Defend himself or herself or another person from the use or imminent use of deadly physical force, or

(2) Effect an arrest of a person if the following circumstances exist:

a. The officer reasonably believes the person has committed or attempted to commit a felony that involved the infliction of serious physical injury and

b. The officer has determined there are no available reasonable alternatives to the use of deadly force and

c. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.

(3) Prevent the escape of a person if the following circumstances exist:

a. 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.

b. The officer has determined there are no available reasonable alternatives to the use of deadly force.

c. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.

B. Prohibitions on the Use of Deadly Force

(1) Deadly force may not be used against any person for the purpose of protecting property.

(2) Deadly force may not be used against any person who poses a threat only to themselves.

C. Use of Firearms

The discharge of a firearm by an officer in any setting other than a training or testing exercise, or to dispatch an animal, shall be considered a use of deadly force. The discharge of a firearm against another person should be considered a last resort.

The discharge of a firearm is prohibited:

(1) When, in the professional judgment of the officer, doing so will unnecessarily endanger an innocent person.

(2) In the defense of property.

(3) To summon assistance, except in an emergency and no other reasonable means is available.

(4) When fired as a warning shot.

(5) When fired at or into a moving or fleeing vehicle, except:

a. To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.

b. 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.

c. 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.

D. Post Event Review of Deadly Physical Force Incidents

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 policy.

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 deadly 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 deadly 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 deadly force.

Officers should be aware that the statutory language "but are not limited to" may mean that factors not specified in law or in this policy are considered in the evaluation of an officer's actions.

10. <u>Reporting Uses of Force</u>

A. Required Reporting and Review

A reportable use of force to the State shall be the following:

(1) Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person

(2) Using OC spray, EDW, or less lethal projectile

(3) Using a chokehold or neck restraint

(4) Pointing a firearm, less lethal launcher, or CEW laser sight at a person

(5) The discharge of a firearm, for other than training, testing, or to dispatch an animal

(6) Any incident where a police officer uses physical force that is likely to cause serious physical injury, as defined in C.G.S. 53a-3, to another person or the death of another person

The electronic State of Connecticut Police Officer Standards and Training Council *Use of Force* form shall be completed for any incident 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.

Any action that results in, or is alleged to have resulted in, injury to another person shall be reported internally.

Pursuant to General Statutes § 51-277a(a)(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. The use of an electronic defense weapon by a peace officer shall not be considered deadly force for purposes of General Statutes § 51-277a.

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, the name of the officer(s) involved; the date, time, and location of the incident; a description of the circumstances; and the names of any victims and witnesses present, if known.

B. Annual Use of Force Reporting

Each year, but not later than February 1st of the following year, the department shall ensure that each completed *State of Connecticut – Police Officer and Standards Training Council - Use of Force Report (POSTC Form - PUOF) that meets the reporting requirements of either C.G.S. 7-282a and/or C.G.S. 54-1t is* submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management or its designee. Prior to the submission of these reports, the department shall redact any information that may identify a minor, victim, or witness.

Use of force reports that do not meet the State reporting requirements by statute,

but are required by this policy, shall be stored in-house.

11. Training

The Police Officer Standards and Training Council (POSTC) will oversee development and implementation of a single, standardized training curriculum to include lesson plans and presentation material regarding all aspects of this policy for the purposes of in-service or review training. To qualify for POSTC credit, Use of Force training must be delivered by a POSTC certified Use of Force instructor. The Department may elect to offer additional training in any area of this policy, but such training may not supplant any portion of the POSTC approved training module. Any additional training offered must be delivered by a POSTC certified Use of Force instructor using a POSTC approved lesson plan.

All Departments shall ensure that every peace officer bound by this policy completes all required POSTC Use of Force training prior to December 31, 2022 unless granted an extension by the DESPP/POSTC Academy Administrator. Thereafter, the Department shall ensure that every officer completes the POSTC recertification training module no less than once annually.

12. Related Policies

Other policies related to this and department use of force policies include but may not be limited to:

A. Oath of Office

B. Ethics

C. Firearms

D. Controlled Electrical Weapon/ Electronic Defense Weapon

E. Less-Lethal Weapons/Munitions

F. Pursuit

G. Crowd Control

H. Body Camera/In-Car Camera

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I. Canine Unit

HISTORICAL CHANGES TO POLICY

Sept. 22, 2014 – Page 6. Eliminated paragraphs c,d,e and part of f that described the old issuance procedure of the ECD's.

Oct. 6, 2014 – Changed all references from ECD to CEW.

March 25, 2015 – Due to new Public Act, new reporting system to state was instituted using "Use of ECD" form as described in Section F6 on page 12.

December 22, 2016 – Significant changes to the General Order with the exception of Section I. Purpose and Responsibility and Section II. Discussion.

November 25, 2019 - Section G is new wording to reflect Public Act 19-90.

October 1, 2020 - Significant changes to entire General Order to reflect Public Act 20-01, Section 30

September 27, 2021- Replacement of previous General Order to model policy given by POSTC on 9/14/21 in accordance with Police Accountability PA 20-01.

October 12, 2022 - Section 10A6 on page 12 is new wording. Section 10B on page 13 is new wording.

October 3, 2025

- Page 1 Definitions: Added to Section D, "Electronic Defense Weapon" (EDW) Defined
- Page 2 Definitions: Section F updated to not include EDW
- Page 2 Definitions: Added to Section D, "Firearm" Defined
- Page 2 Section K; Page 3 Section 4A; Page 10 Section 10A.(2); Page 11 Section 12D
    - CEW changed to EDW
- Page 10 Section 10A. added language regarding § 51-277a.