


<b>STRATFORD POLICE DEPARTMENT</b>  	Type of Directive: <b>Policy and Procedure</b>	Updated: <b>09-19-2023</b>
	Title: <b>Deadly Force</b>	No. <b>7.1</b>
	Issuing Authority: <b>Chief Joseph McNeil</b>	Issued: <b>10-23-2018</b>
	Reference: AS 1.14.1, 1.14.4, 1.14.5, 1.14.6, 3.4.20	

### **PURPOSE:**

The purpose of the policy is to establish a policy on the use of deadly force by officers of the Stratford Police Department and the procedures that will be followed in investigating the incident and assisting the officer.

### **POLICY:**

It will be the policy of the Stratford Police Department to only use deadly force in accordance with Connecticut State Statutes and this policy.

### **USE OF FORCE**

The police are one of the few groups, which have legal right to use force in the execution of its duties and responsibilities. It is a trust, which must be exercised sparingly, within the exigencies of a given situation. The law recognizes that in arresting a person no more force shall be used than is necessary, reasonable and proper for the safe custody of the prisoner, or for overcoming any resistance that may be offered.

Since the law holds the individual officer to the standard of a reasonable prudent man, the determination to use force and how much is necessary in each situation is left, generally, to the individual officer. A police officer that uses force in the performance of his duty must answer for his act and its consequences to his conscience, the law, and the department.

### **DEFINITIONS:**

**Deadly Force** - as used in this policy is defined as that force which may cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

- Deadly force shall include Choke holds and other manners of restraint applied to the neck of a suspect including but not limited to Arm Bar, Carotid Artery Holds, Lateral Vascular and Neck Restraint and neck restraint using knee or other object.

Note: The use of a choke hold or neck restraint may only be used when the use of deadly physical force is authorized.

**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. Whenever an officer believes that de-escalation is feasible, based on his or her training and judgment, such techniques shall be the first deployed by the officer to gain compliance.

**The Value of Human Life** - The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must at all times be subservient to the protection of life. The officer's responsibility for protecting life must include his own.

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

**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.

**Shooting To Stop** - Members of the department shall not fire their weapons to kill, but rather to stop an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "Center Mass." This provision shall in no way limit or restrict the policies or procedures to be applied in a hostage situation as set forth in the SWAT Policy.

**Defense Of Life** - An officer may use deadly force to protect him or others from what he/she reasonable believes to be an immediate threat of death or critical bodily harm (near death).

**Significant Threat** -An officer may use deadly force to affect the capture of a dangerous fleeing felon, or prevent the escape of a person, when the officer reasonably believes that person poses a significant threat of death or serious physical harm to the officer or others.

**Juveniles** - No distinction shall be made relative to the age of the intended target of deadly force. Self defense and imminent threat shall be the only policy guidelines for employing deadly force.

**Warning Shots** - A police officer is not justified in using his firearm to fire a warning shot. A verbal warning of impending use of deadly force will be given, by the officer, whenever feasible.

**Risk To Innocent Bystanders** - Officers are prohibited from discharging firearms when it appears likely that an innocent person maybe injured.

**Shooting At or From Moving Vehicles** - Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self- defense, or in defense of another.

**Shots To Destroy Animals** - The killing of an animal is justified for self- defense, to prevent substantial harm to the officer or another, or when an animal is so badly injured that humanity requires its relief from suffering.

Note: A seriously wounded or injured domestic animal may be destroyed after all attempts have been made to request assistance from the agency responsible for the disposal of animal (i.e. Humane Society, Animal

Control, Game Warden, etc.). The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others.

**Safe Handling of Firearms** - Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.

**Departmental Control of Weapons** - All on-duty officers shall be armed with a department approved firearm and ammunition. The department issued hand gun is the Glock Gen 5, G-19 or G-17 in 9mm caliber. The only authorized duty ammunition for the department issued handgun is the Speer Gold Dot 124 grain 9mm caliber. No reloaded ammunition is permitted. A department-approved handgun intended for official use by any police officer must meet the requirements set forth in current policies (**1.14.1a**). The Training Lieutenant will conduct an annual audit of all department owned firearms and be responsible for maintaining this record. The annual audit will consist of the make, model, serial number and location (i.e., armory, vehicle number. Officer assigned to) (**1.14.1g**).

**Secondary Weapons** - A secondary (backup) on-duty weapon is authorized. It must conform to departmental regulations and approval set forth in current policies. Officers who carry a secondary weapon while on duty will be responsible to annually pass a POSTC approved qualification with a department firearms instructor, who will complete a POSTC-50 review training credit form (**1.14.1b**).

**Off-Duty Weapons** - Officers may carry an approved handgun and ammunition set forth in current policies when off-duty. An officer who elects not to carry a handgun while off-duty shall not be subject to disciplinary action, if an occasion should arise in which he could have taken police action if he were armed. Off-duty officers while operating a department vehicle shall be armed with an approved weapon and ammunition (**1.14.1e**).

## **PROCEDURE:**

Officers shall be ever mindful of the seriousness of the offense for which the person is being arrested and shall use the utmost discretion in determining the necessity for using physical force.

### **Alternative Apprehension Techniques**

Officers shall employ every reasonable apprehension technique to de-escalate a situation and exhaust every reasonable means of apprehension before resorting to the use of force.

The offender's actions shall dictate the level of control or force necessary at the time the incident occurs.

### **Firearms Training**

The departmental firearms training program will include comprehensive instruction of:

- Department policy on use of Deadly Force will be given to every Officer
- Legal requirements
- Moral responsibilities of carrying firearm

- De-escalation techniques/tactics
- Firearm safety
- Firearm proficiency

The above requirements will be met before an officer is allowed to carry a firearm. The firearms proficiency training will, as closely as possible, reflect those circumstances and conditions that our police officers are most likely to confront in real life deadly force situations (**1.14.1b**). All aspects of the firearms training program will include the officer's on-duty, off-duty and secondary weapons. Firearms instructors shall note the make, model and serial number of all weapons on each POSTC-50 review training form (**1.14.1d**).

When Officers qualify, a department certified weapons instructor will review and inspect each weapon. If any firearm is determined to be unsafe it shall be immediately removed from service pending a replacement or a repair by a certified instructor or armorer (**1.14.1c**).

### **Unauthorized Use of Force**

Force shall never be used as punishment or retaliation regardless of the alleged offense. If an officer should witness excessive force or retaliatory and unauthorized use of force in violation of policy or state and federal law they shall intervene and report verbally and in writing the incident to their immediate supervisor or appropriate department authority.

Members of the Stratford Police Department shall not be the subject of retaliation by any member of the Department for cooperating with excessive use of force or internal investigations.

### **Firearms Certification**

All officers shall be "certified" with their primary weapon as required by State Statute. Officers will be certified semi-annually (**1.14.4c, 1.14.6**). Certification shall include training regarding the legal, moral and ethical aspects of firearms use, de-escalation techniques/tactics, and safety in handling and proper storage of firearms and proficiency in the use of firearms. Officers must demonstrate proficiency with their primary, secondary and off-duty weapon (**1.14.4b**). In the event of any accidental discharge; the officer involved must undergo immediate re-certification training prior to returning to full duty (**1.14.4e**).

Should the member fail to meet certification standards, the authority to carry the weapon shall be immediately revoked. Written notification of such revocation shall be forwarded to the Officer's Commanding Officer, Training Officer, Personnel Department and Union.

Officers, whose authority to carry their on-duty weapon has been revoked shall be subject to the provisions of Article 15, Disciplinary Procedures of the Agreement between the Town and Union. Said Officer must report to the Training Officer and will be assigned to the day shift (0800-1600) for remedial training and re-certification. The officer will not be paid for this period, which shall not exceed ten (10) days. The officer will also be taken off all extra duty details for that period of time.

If an Officer fails to achieve certification within said ten (10) day period, further actions, pursuant to Article 15, Disciplinary Procedures, may be implemented for failing to maintain standards or in the case of physical or mental disabilities the officer may become eligible for disability retirement.

### **Firearms Certification Records**

All training records for firearms certifications and training shall be maintained by the Training Division and reported to POST as required (1.14.1d, 1.14f).

### **Departmental Investigative Process**

The following procedures will be used to investigate every incident of firearms discharged by a department member in the performance of their duties except for target practice, ballistics examinations, and euthanasia of sick or injured animals.

### **Reporting Requirements**

All officers are responsible for reporting/documenting use of force during the performance of their duties. This includes but is not limited to an incident report and the mandated use of force report.

### **Involved Officer (1.14.5)**

Whenever a member discharges his firearm, either accidentally or officially, he shall immediately determine the physical condition of any injured person, render first aid when appropriate request necessary emergency medical aid, and notify the dispatcher of the incident and location.

The officer will remain at the scene (unless he/she is injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (i.e. violent crowds) the ranking commanding officer at the scene shall have the discretion to instruct the officer to respond to another location.

The officer will protect his weapon for examination and submit said weapon to the appropriate investigator upon request. The officer shall prepare a detailed report of the incident.

The officer should not discuss the case with anyone except supervisory and internal investigative personnel, as well as the officer's privately retained attorney. The officer shall be available for internal affairs and other administration interviews including statements regarding the case.

### **Communications**

Dispatchers that have been notified of the incident shall dispatch requested medical aid and notify the on-duty uniformed patrol commander.

### **On-duty Commander (1.14.5)**

The uniformed patrol commander or his designate shall proceed immediately to the scene. Upon making sure the scene is secured conduct a preliminary field investigation. Assist personnel at the scene as needed. Where injury resulted, notify the Chief of Police and the State's Attorney using the current court procedure.

In the case of a homicide, the officer shall be placed on administrative duty or administrative leave, without loss of pay or benefits. The amount of leave will vary, commensurate to the officer's needs. The assignment to administrative leave/duty shall not be interpreted to imply or indicate that the officer has acted improperly. The on-duty Commander shall submit a written report of the incident to the Chief of Police, the assigned investigator(s), and the Board of Firearms Review.

#### **Internal Affairs (1.14.5)**

Those investigators assigned to Internal Affairs shall conduct an administrative investigation of every qualifying incident of firearms discharge by a department member. Internal Affairs will conduct an investigation (subordinate to criminal investigation) to determine whether the shooting was within policy guidelines.

In addition, examine:

- Evaluate training considerations
- Drawing and exhibiting firearms
- Firing weapon
- Tactics prior to drawing and discharging
- Tactics during and following discharge
- The quality of supervision prior to, during, and after the shooting incident

Before interviewing or requesting written statements of the involved member(s), the Internal Affairs Investigator shall advise the member of his/her Garrity Rights.

#### **Criminal Investigation (1.14.5)**

The Criminal Investigation Unit or will conduct and assist the States Attorney's Office investigation of every shooting by a police officer, which results in injury or death. The investigation shall include the following minimum procedural standards:

- Proceed to the scene immediately upon notification
- Secure the scene
- Obtain any preliminary information from officers at scene (Investigators shall conduct the following in a discreet manner away from the public's view. Requests made of any department Member will be tactful and done without causing any embarrassment to such member.)
- Examine the weapon(s) of all officers present at the time shots were fired including secondary weapon(s) and any weapon(s) in police vehicles

- Seize the weapon(s), which may have been fired. Unless there is a safety factor involved, weapons will not be seized while the officer is in view of the public. If the weapon has to be seized for investigation purposes another weapon will be immediately supplied to the officer(s)
- Seize samples of un-spent ammunition
- Separate, secure and interview all on-scene witnesses
- Photograph and diagram the scene
- Secure all physical evidence (employ the proper medical authorities to secure projectiles from the victim's body)
- Secure telecommunications tapes
- Obtain hospital, autopsy, lab and photographic reports

Before interviewing or requesting written statements of the involved officer(s), the investigator shall advise the officer of his rights in a criminal investigation.

The Criminal Investigation Unit shall prepare a detailed report of the investigation and submit same to the Chief, prosecutor/state's attorney, and the deadly Force Review Board.

#### **Use of Deadly Force Review Board (1.14.5)**

The use of Deadly Force Review Board shall convene and review circumstances attendant to each discharge of a firearms by a department member. The Board shall consist of the Deputy Chief, the Commanding Officer of the Patrol Division/Shift, the Training Officer, and one Command Officer (Lieutenant) who was in charge of the officer who discharged his weapon.

If any of the designated board is involved in the case, in any manner, the Chief of Police will designate an alternate.

The use of Deadly Force Review Board will evaluate, in explicit and fact- finding fashion, each aspect of an officer-involved shooting to include thorough review of the criminal investigation report, thorough review of the internal affairs report, and a hearing of direct testimony, if necessary, from officers and witnesses.

The Use of Deadly Force Review Board will develop findings and make recommendations in writing to the Chief of Police in the following areas:

- Whether the shooting was within policy, out of policy, or accidental
- Tactical considerations
- Training considerations
- Quality of supervision

- Discipline considerations
- The past-shooting investigative processes and quality of same

### **Civil Rights Investigation (1.14.5)**

The department will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations, which may have occurred. The department will not order or request any of its members who may be suspects, to confer with federal investigators without the advice of counsel.

### **Reporting In-Custody Deaths to the Bureau of Justice Statistics (3.4.20)**

To establish procedures for accurately and timely reporting deaths of individuals in police custody to the Bureau of Justice Statistics, in compliance with federal reporting requirements.

**Scope:** This directive applies to all officers and administrative staff responsible for managing incidents involving custodial deaths.

#### **Definitions:**

- **In-Custody Death:** Any death occurring during an arrest, in a holding facility, or during transport by law enforcement personnel.
- **Bureau of Justice Statistics (BJS):** A federal agency responsible for collecting and analyzing criminal justice data.

#### **Reporting Requirements:**

1. **Immediate Notification:**
  - Upon an in-custody death, the ranking officer shall notify the department's designated reporting official.
  - The office of the chief medical examiner (OCME) should be contacted immediately to determine the cause of death.
2. **Incident Documentation:**
  - Officers involved must complete incident reports, including circumstances surrounding the death, demographic information of the deceased, and witness statements.
  - A report of the in-custody death must be completed in our RMS under a separate case number from the original incident with proper NIBRSs data entry on the decedent and circumstances surrounding the death.
3. **Submission to the BJS:**
  - Reports will be collected by the Office of Policy and Management (OPM) and will be submitted electronically to the BJS database on a quarterly basis.
4. **Annual Review & Compliance:**
  - The department's Records Lieutenant shall review in-custody death reports annually to ensure they were reported to the OCME and through NIBRS.



**Confidentiality & Legal Considerations:**

- All reports must follow applicable privacy laws and regulations.
- No identifying information of the deceased shall be disclosed outside of authorized personnel and agencies.

**Administration Leave/Duty (1.14.5)**

Any officer directly involved in a deadly force incident shall be placed on "administrative leave" directly upon completion of his preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer has acted improperly.

While on administrative leave, the officer shall remain available at all times for official departmental interviews and statements regarding the shooting incident, and shall be subject to recall to duty at any time. The officer should not discuss the incident with anyone except the State's Attorney or private council, departmental personnel assigned to the investigation, the officer's psychologist, the officer's chosen clergy and the officer's immediate family.

Upon returning to duty, the officer may be assigned to "administrative duty" for a period of time as deemed appropriate by the officer, psychologist and the Chief of Police.