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| STRATFORD POLICE DEPARTMENT  | Type of Directive: Policy and Procedure | Updated: 12-21-2023 |
| | Title: Less Lethal Force | No. 7.2 |
| | Issuing Authority: Chief Joseph McNeil | Issued: 10-09-2019 |
| | Reference: 04-01-2023, Rescinds 7.1.1, 7.1.1A-1, 7.2 and 13.4 Tier One Accreditation Chapter 14 | |

PURPOSE:

The purpose of this policy is to set procedures for the Stratford Police Department regarding the use of less lethal force.

POLICY:

The policy of the Stratford Police Department is to value and protect human life. The public authorizes the police to use that force which is objectively reasonable for the protection of human life. Officers shall use only the minimum amount of force objectively reasonable to bring a person or incident under control, in pursuit of this mission.

DEFINITIONS:

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

Act Aggressively- The subject displays the intent to harm the officer, himself or herself or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.

Lethal Force- Refers to any use of force likely to cause death or serious physical injury.

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.

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

Hands-On Defense- The use of hard hands such as the physical pressure necessary to force a person against an object or the ground; use of physical strength or skill that causes pain or leaves a mark; leverage

displacement; joint manipulation; pain compliance; and pressure point control tactics. This includes those types of manual holds for which a police officer has been specifically trained in gaining control or maintaining control of a detainee.

- 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.

Less Lethal Weapon- Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional lethal weapon (e.g., firearm). Nonetheless, use of a less-lethal weapon may result in death or serious injury.

Electronic Control Weapon Deployment- Does not include the mere removal of the Electronic Control Weapon (ECW) from the holster, but does include any use of an ECW against a person, including the illumination of the laser sight onto an individual.

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

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

Physical Injury- Refers to any impairment of physical condition or pain.

Probable Cause- Probable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to cause a reasonable person to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.

Resisting Arrest/Interfering with Police- Refers to the act of a person who knowingly prevents or attempts to prevent a police officer, acting under the color of his or her official authority, from effectuating an arrest. To resist arrest includes such things as using or threatening to use physical force or violence against a law enforcement officer, or the use of any other means to create a substantial risk of physical injury to a police officer.

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

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

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.

Conducted Electrical Weapon- (Electronic Defense Weapon or EDW) The CEW is a less than lethal 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.

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 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.

Use of Warnings

Before employing physical force, the officer will, when feasible, issue a clear verbal warning, unless such warning endangers the officer or innocent persons.

Use of Physical Force When Arresting Pursuant to a Warrant

An officer who is affecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using physical force, unless such warrant is invalid and is known by such officer to be invalid.

Use of Physical Force in a Warrantless Arrest

An officer is justified in using physical force upon another person when and to the extent that he reasonably believes that it necessary to effect an arrest or to prevent the escape from custody of a person whom the officer reasonably believes to have committed an offense, or to defend himself or a third person from the use or imminent use of physical force while effecting an arrest or preventing an escape from custody. The use of force is not justified if the officer knows that the arrest or custody is not authorized.

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.

Threat of Danger

The threat of danger must be a present one. An officer is not justified in using physical force to overcome a future or past threat of harm. The officer must reasonably believe that the threatening individual has the present capability to carry out his threat.

The force threatened must have the potential of producing physical injury. Many courts have held that the person injured must have actually possessed or have had an immediate access to a weapon capable of physical injury.

The degree of force used must have been believed necessary. Thus, an officer must testify that he believed that if he had used a lesser amount of force, he would have been physically injured.

The officer's belief in each of the above must be reasonable. It is not sufficient for an officer to later testify that he thought he had used force reasonably under the circumstances.

General Guidelines and Considerations

Officers are justified in using less lethal force in the performance of their duties only when they reasonably believe the force employed is necessary to accomplish the following.

- Protect themselves or others against the use of unlawful force, violence, or an attack by another person.
- Prevent another from committing suicide or inflicting serious physical injury upon himself or herself.
- Thwart the commission of a crime involving or threatening the use of physical injury, damage to, or loss of property, or a breach of the peace.
- Prevent an escape.
- Effect a lawful arrest (where resistance is offered) for any offense or crime under the laws that the officer has been empowered to enforce.

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.

Authorized Less Lethal Weapons

In-service training for the use of the below listed less lethal weapons will occur bi-annually. The Training Lieutenant will coordinate familiarization training for all new police officers for all authorized less lethal weapons before completing the FTO process.

- BolaWrap – Department Issued Only
- Oleoresin Capsicum (OC) Spray – Department Issued Only
- Electronic Control Weapons/Conducted Electrical Weapons – Department Issued Only
- Collapsible Baton and Holder – Department Issued Only
- Shotgun capable of using Less Lethal Specialty Ammunition – Department Issued Only

Unauthorized Use of Weapons

Under no circumstances shall an officer of this Department carry any weapon or ammunition on duty that has not been authorized by this Department.