


TRUMBULL POLICE DEPARTMENT POLICY

	POLICY TITLE Use of Deadly Force		POLICY NUMBER 7.3.2
	EFFECTIVE DATE July 7, 2015	REVISION DATE(S) September 15, 2017	
	APPROVAL AUTHORITY SIGNATURE:		

I. PURPOSE:

- A. The purpose of this document is to set forth the policies and procedures of the Trumbull Police Department regarding the use of deadly force.
- B. This policy expands upon the principles, language and definitions found in Trumbull Police Department Policies:
 - “Use of Force and Less-Lethal Force Tools”;
 - “Use of Force Reporting and Investigation”;
 - “Qualifications and Carrying of Weapons”;
 - “Handcuffing”

II. POLICY:

- A. It is the policy of the Trumbull Police Department to value and preserve the sanctity of all human life. Officers may use deadly force in the performance of their duties only in those extreme situations in which they must defend themselves or others from harm that could result in death or serious physical injury.
- B. Officers shall seek a tactical advantage by using distance and cover when knowingly approaching a potential deadly force encounter. Continually assessing the need for immediate intervention with force to eliminate a threat vs. opportunity for de-escalation and/or waiting for additional resources. When feasible, officers shall exhaust all other force options available before resorting to the use of lethal force.
- C. Members of this department are expected to justify any use of force in any criminal, civil or administrative proceedings that arise. Members who cannot or will not comply with this policy will subject themselves to disciplinary action, as well as the possibility of criminal and civil liability.

III. DEFINITIONS:

- See also - Policy: “Use of Force and Less-Lethal Force Tools” § III “Definitions.”
- Deadly Force (Lethal Force): Refers to any use of force likely to cause death or serious physical injury.
- Feasible: Possible to do easily or conveniently.
- Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.

- Imminent: Near at hand; close rather than touching; on the point of happening; ready to take place.
- Immediate: Occurring or done at once; instant
- 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 ruling requires careful attention to the facts and circumstances of each particular case, including: 1) the severity of the crime at issue, 2) whether the suspect poses an immediate threat to the safety of the officer or others, and 3) whether he is actively resisting arrest or attempting to evade arrest by flight.” The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.
- 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.

IV. TRAINING:

- A. All department personnel will pass an annual firearms qualification (*see “Qualification and Carrying of Weapons” policy*).
- B. It will be the responsibility of the Training Unit to issue to all sworn personnel a copy of this policy.
- C. It will be the responsibility of the Training Unit supervisor to obtain a signed receipt from all sworn personnel upon issuance of this policy.
- D. It will be the responsibility of the Training Unit to conduct instruction of this directive annually to ensure that all officers fully comprehend this policy.
- E. It will be the responsibility of the Training Unit that all newly sworn personnel be instructed and satisfactorily pass a test on this policy before being authorized to carry a department firearm.

V. PROCEDURES:

A. JUSTIFICATION FOR THE USE OF DEADLY FORCE:

1. Because there exists an unlimited number of circumstances that could arise, no written policy can offer definitive answers to every situation in which the use of force might be appropriate. Rather, the goal of this policy is to set forth specific guidelines for the exercise of sound judgment and reasonable decision-making.
2. Deadly force shall not be used against persons whose actions are a threat only to themselves or property.
3. Officers are authorized to use deadly force to protect the officer or others from what is reasonably believed to be an imminent threat of death or serious physical injury.
4. Officers shall not use deadly force to stop fleeing felons, except against those whose escape presents a clear and immediate danger to the public.

B. NON-FIREARMS:

1. The department issues lethal and less lethal weapons to its officers to provide them the optimum ability to protect others and themselves. The use of any of the weapons authorized and issued to department personnel could result in serious physical injury or death.
2. Under exigent circumstances, involving the threat of death or serious physical injury to themselves or others, an officer is authorized to use any available weapon or tactic in a reasonable manner in the application of force to defend themselves or another person.

C. AUTHORIZED FIREARMS:

1. Trumbull Police Department sworn employees are only authorized to use a firearm and ammunition that he or she has been authorized to carry, and only to the extent that is required in the lawful execution of his or her duties as defined by TPD Policy: *“Qualifications and Carrying of Weapons”* and by state and federal laws.

D. USE OF A FIREARM:

1. From the un-holstering, up to actually pointing a firearm at a person(s) by an officer, even if coupled with verbal commands or threats to shoot, made during the course of an apprehension, does not constitute a use of deadly force. Discharging a firearm is a use of deadly force.
2. Any officer, who points a firearm at another individual, will constitute a level one use of force and the officer shall be required to fully document the incident in a Use of Force Report.
 - a. The mere removal of a firearm from its holster does not constitute a use of force.
 - b. The mere display of a patrol rifle at the low ready does not constitute a use of force.
3. An officer is only authorized to use a firearm that he or she has been authorized and qualified to carry, and only to the extent that is required in the lawful execution of his or her duties as defined by departmental policies and procedures.

E. DISCHARGE OF FIREARMS:

1. Officers should consider bystanders and location conditions when feasible and use any effective options to the discharge of firearms when it appears likely that an innocent person may be injured.
2. When feasible, prior to discharging a firearm, officers shall identify themselves as law enforcement officers and provide a loud and clear warning of their intent to shoot.
3. Under no circumstances may an officer discharge his or her weapon for the purpose of providing a warning, or to threaten another.
4. The discharge of firearms by officers is permitted only under the following circumstances:
 - a. Authorized use of deadly physical force as described in Section V. § A. of this policy.
 - b. Participation in official approved training programs or exercises, or competitive match shooting.
 - c. To euthanize an animal that is attacking a person or represents a threat to public safety.

- d. Officers may use firearm as a humanitarian measure where a wild animal is seriously injured or gravely ill when the officer reasonably believes that lethal force can be used without harm to the officer or others.
5. Officers shall not fire at a moving vehicle, unless use of lethal force is justified by something other than the threat from the moving vehicle. Officers shall not fire at a moving vehicle with only the intent to disable the vehicle.
 - a. The moving vehicle itself shall not presumptively constitute a threat that justifies a use of deadly force.
 - b. Officers shall not intentionally place themselves in the path of or reach inside a moving vehicle.
 - c. Officers where possible, shall attempt to move out of the path of a moving vehicle before discharging their weapon.
6. When officers discharge firearms, they shall continually assess the circumstances that necessitated the discharge and modulate their use of force accordingly, including ceasing to use their firearm when the circumstances no longer require it.
7. All critical firearm discharges shall be reported to highest ranking on-duty supervisor as stated in: *Use of Force Reporting and Investigation policy Section IV § 10.*

F. ROADBLOCKS/BARRICADES:

1. The employment of a roadblock or barricade must be considered a force likely to result in death or serious physical injury and may only be employed for the purpose of stopping vehicular traffic. The extreme dangers inherent in the use of roadblocks mandate that they be employed only for purposes outlined in this policy where use of deadly force is authorized by a threat other than from the vehicle itself.
2. Procedures: The establishment of roadblocks will be performed in compliance with the following. The use of a roadblock must:
 - a. Be approved by a command level officer.
 - b. Be established in an area of sufficient visibility or illumination so that the approaching vehicles can observe the roadblock from a safe distance and of a fixed type.
 - c. Involve unoccupied department vehicles only, if motor vehicles are employed. Officers will position themselves safely away from the vehicle and on the same side of the roadway to prevent cross fire or line of fire situations.
3. Routine roadblocks and checkpoints: (I.e. DUI stops) Procedures herein shall not apply to routine road blocks for which a written plan is prepared and approved in advance by a command level officer which designates a supervisor on location responsible for:
 - a. Equipment, manpower and lighting needed for enforcement, safety and traffic direction and control.
 - b. Clearly designated lanes for vehicular traffic, cruiser and officer positions.