


## TRUMBULL POLICE DEPARTMENT POLICY

	POLICY TITLE <b>Use of Force Investigations</b>		POLICY NUMBER <b>7.5.3</b>
	EFFECTIVE DATE January 25, 2016	REVISION DATE(S) June 1, 2017, October 15, 2019	
	APPROVAL AUTHORITY SIGNATURE:		

**I. PURPOSE:**

- A. The purpose of this policy is to provide officers and their supervisors with guidelines for reporting and investigating uses of force. In order to protect citizens and employees, the Trumbull Police Department is committed to documenting and investigating use of force incidents.
- B. 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 Trumbull Police Department. As such, it is the policy of the Trumbull Police Department, that any time an officer uses force that rises above De Minimis force against a person, he/she shall report the use of force, in a timely, complete, and accurate manner as prescribed by this directive. 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 allowed to conduct the review/investigation.

**II. DEFINITIONS: See TPD Use of Force Policy, “Definitions” (Section III)**

**III. POLICY:**

- A. This policy expands upon the principles, language and definitions found in Trumbull Police Department Policies:

“Use of Force”;  
 “Use of Deadly Force”;  
 “Handcuffing”

- B. Use of force response to aggression and resistance by a subject is defined by Department policy into three levels, they are:

**1. Level 1:**

- Soft Empty Hand Controls
- A weaponless defense technique is applied to a vulnerable area, excluding strikes
- A weaponless defense technique control hold is applied
- A firearm is intentionally pointed at a person
- Laser pointing a Taser at suspect

**2. Level 2:**

- Hard Empty hand Control
- Baton/Impact weapon is used for any purpose regardless of injury
- Any weaponless strike to the head (i.e. punch, kick)

- Any use of force which results in injuries requiring emergency medical treatment
- Chemical agent is applied to a person
- The use of a TASER involving conducted electrical charge delivered to or attempted on suspect (I.e. Probe contact with skin, drive stun, probe deployed and missed)
- A police canine bites the clothing or the skin of a subject, or otherwise injures a subject

### **3. Level 3:**

- Any use of force resulting in death
- Any critical firearm discharge regardless of injury
- Any force which creates a substantial risk of causing death
- Any force which causes serious bodily injuries as identified in section II of this policy
- Any intentional impact weapon strike to the head

## **IV. PROCEDURES:**

### **A. RESPONSIBILITY FOR REPORTING:**

1. Officers shall, as soon as possible, notify their shift supervisor of any reportable use of force.
2. All Officers who use force shall, as soon as practicable; following all reportable Level One and Level Two use of force incidents, complete all applicable sections a Use of Force Report, Form 98).
3. In Level 1 and Level 2 the completed Use of Force Report Form shall be submitted to the shift supervisor prior to the officer completing his/her tour of duty. Officers are also required to provide their incident report of the event. The following additional procedures shall apply:
  - a. Any officer who witnesses a reportable use of force shall advise a shift supervisor, or appropriate commanding officer, and shall submit required supplemental reports.
  - b. If an officer uses force on more than one subject during the same event, the officer shall complete separate Use of Force Report Forms.
  - c. If an officer is unable to complete the report due to injury or illness, the officer's immediate supervisor will complete it to the extent possible.
  - d. A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting Officer).
4. 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.
5. Any officer 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 policy, shall be subject to disciplinary action.
6. A 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 not be allowed to conduct the investigation.
7. Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor to document the incident as a citizen complaint. The supervisor shall investigate the incident in accordance with applicable policies.
8. After a Use of Force incident, an Officer(s) is placed on administrative leave he or she shall assure their availability to this Department during the subsequent investigation and debriefing.

9. Officers involved in incidents which result in serious physical injury or death to another will be required to attend counseling sessions to aid them in dealing with the stress inherent in these traumatic incidents.

10. Any Critical Firearm discharge:

- a. In any instance in which a Department firearm is discharged, whether accidentally or intentionally (unless during training or to dispatch an animal) by an Officer of this department either on or off duty or anytime a person other than the Officer discharges a department firearm, the officer having knowledge of that discharge shall, as soon as possible, report that fact to the highest ranking officer on duty. The officer shall submit a written report setting forth all of the circumstances involved in the incident.
- b. The highest ranking officer on duty to whom the report is made will notify the Operations Division Commander. The ranking officer will also submit a written report to the Operations Division Commander. The Operations Division Commander will report the incident to the Chief of Police who will then determine if an Administrative and/or a criminal investigation will be conducted.

B. SUBJECT REFERRAL FOR MEDICAL ATTENTION:

1. Arresting and transporting officers shall ask subject, against whom force was used, whether they are injured or ill.
2. A subject shall be examined by a physician or qualified health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness.
3. Refusal of treatment shall be documented and verified by the Officer's and attending physician or qualified health care provider at a health care facility (not EMS); if applicable.

C. SUPERVISORY RESPONSIBILITIES:

1. General Responsibilities:

- The Supervisor will review and evaluate all reports related to level 1 uses of force and forward to Division Commander.
- Upon being notified of a Level 2 or 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force.
- While at the scene of a use of force the supervisor shall visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives medical attention.
- While at the scene of a use of force the Supervisor, or designated investigative unit, will photograph or videotape all claimed or visible injuries, and all areas where the officer reports striking the subject. Photographs of the subject shall be taken even when there are no signs of injury.

2. Use of Force Investigations:

- 1) When notified of a Level 2 use of force the supervisor will respond to the scene on a priority basis and shall do the following:

- Document, as necessary, the scene of the incident.
  - Interview any physician or qualified health care provider concerning the injuries sustained and their consistency with uses of force reported.
  - Collect or cause to be collected all evidence of use of force.
  - Identify and interview witnesses other than officers as appropriate.
  - Obtain, review, and sign the completed Use of Force Report Form from each officer prior to the end of the tour of duty. Summarize his or her investigation and findings in the narrative section of the form.
  - Forward a copy of the signed completed Use of Force Report Form to the Operations Commander prior to the end of the tour of duty.
- 2) When notified of a level 3 use of force as defined by this policy, the supervisor shall:
- Immediately respond to and secure the scene, ensure that officers and citizens receive appropriate medical attention.
  - Assign an officer to establish a scene log recording arrivals and departures to the scene by involved personnel.
  - Notify Communications an officer has been involved in a confirmed Level 3 use of force.
  - Notify or direct Communications to immediately notify the Operations Commander and Chief of Police. In addition the following notifications are to made as soon as possible:
    - ✓ Investigations Division Commander
    - ✓ Internal Affairs Investigator
    - ✓ State's Attorney Office (done by Chief of Police or his assigned designee)
    - ✓ Peer Support Team Coordinator and Union Representative.
  - Document, as necessary, the scene of the incident.
  - Secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units.
  - Identify witnesses, both officer and civilian, and insure that they are segregated for interview by investigating units.
  - As soon as possible, secure the weapon(s) used by the involved officer(s).
  - Assignment of an officer to accompany any injured parties to the hospital and remain there until relieved.
- 3) If an Officer-Involved Shooting:
- The scene shall be secured without removing or relocating evidential material including motor vehicles, unless items must be removed or relocated to preserve their evidential value. Medical needs of the victim shall be given priority.
  - The State's Attorney's Office in the judicial district in which the incident occurred shall be immediately notified.
  - Search and seizure issues requiring prompt attention shall be addressed by involved agencies including the State's Attorney's Office in which the incident occurred unless that State's Attorney has been notified that another prosecutorial official has been

designated pursuant to General Statutes 51-277a(b).

- The Office of the Chief Medical Examiner shall be notified when death has occurred.
- Other police agencies having a direct interest in the law enforcement officers involved in the use of force shall be notified.
- Until relieved, the department having jurisdiction of the geographical area shall secure the scene, identify potential witnesses, note vehicle registrations, conduct interviews and perform other appropriate investigatory functions to the extent that the passage of time would inhibit this function. Ordinarily, this would include:
  - a. Seizure of the involved officer or officers' weapon(s), ammunition, clothing and other equipment and securing such items without altering their condition unless alteration is required for the safety of the seizing officer.
  - b. Assignment of a ranking officer to liaison with other involved agencies.
  - c. Relieving the involved officer or officers and having them return to the police department and remain there unless medical attention is required.
  - d. Preserving and preparing to provide records of telephone calls, data terminal information and radio calls concerning the incident, roll call sheets for the date of the incident and any recordings of the incident captured by body or dash-mounted cameras.
  - e. Preserving and preparing to provide any internal intelligence or department case files concerning the party injured or deceased.
- A ranking officer of the designated law enforcement agency shall notify the next of kin of the death and the availability of resources and services for a decedent's family.
- Any news releases will be authorized by the prosecutorial official designated to conduct the investigation after consultation with the Chief of Police in the involved jurisdiction and Commanding Officer of the involved Major Crime Squad. One individual will be assigned by the prosecutorial official designated to conduct the investigation to serve as media liaison, conduct interviews and provide news releases. All media requests should be referred to that individual by all involved agencies.

#### D. OPERATIONS COMMANDER RESPONSIBILITIES:

1. Ensure that supervisors respond to the scenes of reportable use of force as required.
2. Review Use of Force investigations submitted by the immediate 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 immediate supervisor.
  - 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.
3. Where there are discrepancies between the reports, or the Commander determines that further investigation is required, he/she shall return the investigation to the appropriate supervisor for corrections, clarification, and additional investigative steps as needed.

4. Once the investigation is approved, 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 officer(s) did not violate Trumbull 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 officer(s) violated a Trumbull Police Department policy.
  - c. Justified, Training Opportunity – a use of force is determined to be justified, no Trumbull 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(s) violated Trumbull Police Department policy.
5. The Operations Commander shall submit all use of force reports, any findings and conclusions recommending further investigation needed or training issues needing to be addressed, to the Chief of Police within 15 days of incident. If a Level 3 incident this time frame may be adjusted as needed by approval of the Chief for investigative purposes.
6. The Operations Commander shall hold supervisors accountable for the quality of their performance reviews and investigations.
7. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely and thorough investigation.
8. Respond to and assist with command and coordination functions at Level 3 use of force incidents. Assure Department resources, necessary mutual aid or replacement manpower is in progress for patrol coverage and all required contacts and agencies have been notified.
9. Conduct an annual analysis of all Use of Force Reports. A review of incidents of force may reveal patterns or trends that could indicate training needs and/or policy modifications. Prepare a written report to the Chief of Police summarizing the review and any recommendations to meet these needs.

E. CHIEF OF POLICE RESPONSIBILITIES:

1. Conduct a final review of all department use of force reports and paperwork forwarded by the Operations Commander. Initial bottom of form indicating when done. Reports will be filed by Professional Standards Office.
2. If indicated by the Operations Commander, force used was either not justified, within department policy or both, Direct the Internal Affairs Office to conduct an internal investigation.
3. Review with Division Commanders, any need for a criminal investigation.
4. If criminal charges may be applicable for excessive force, the Chief of Police will notify and request assistance from the State's Attorney's Office and outside assistance for investigation.
5. For all Level 3 uses of force, the Chief of Police will be made aware of the incident immediately

and direct Internal Affairs to begin an investigation to determine whether the officer(s) followed Trumbull Police Department policy.

6. Determine post use of force incident if officer(s) will need to be placed on administrative relief from duty.
  - a. In every instance where an officer whose actions or use of force results in a death or serious physical injury to another person or based on evidence, an investigation is required for use of excessive force resulting in injury, the officer will be immediately relieved of duty and/or placed on administrative leave or administrative duty by the Chief of Police or his designee.
  - b. The Chief of Police shall assign the officer to administrative leave or duty with no loss of pay or benefits. This administrative leave or duty serves two purposes:
    - To address the personal and emotional needs of the officer involved in a deadly use of force.
    - To assure the community that verification of all facts surrounding such incidents are fully and professionally explored.

F. PROFESSIONAL STANDARDS OFFICE RESPONSIBILITIES:

1. If training issues are noted in the Use of Force Review, Professional Standards will coordinate with the Training Officer for recommended training to be implemented and evaluated.
2. As directed by the Chief of Police and/or the Investigations Division Commander, the Internal Affairs Officer shall investigate all uses of force deemed unjustified, all Level 3, any force resulting in death or serious injury and any complaint or allegation of excessive force.
3. The completed original Use of Force Report will be filed in the case folder in Records. Copies of the completed Use of Force Report will be filed with:
  - Professional Standards Office for annual reporting requirements.
  - Operations Division Commander for annual review and reporting requirements.
  - The Training File of the Officer involved in the use of force.
4. In compliance with Connecticut PA 14-149, no later than January 15th each year, the State of Connecticut Office of Policy and Management Electronic Defense Weapon Annual Report will be completed by the Professional Standards Office using the data from TPD Use of Force Report Form # 98 for any TASER deployment meeting the reports defined criteria and submitted to the Criminal Justice Policy and Planning Division within the Office of Policy and Management.