



VSP-DIR-701

Use of Force

1.0 Purpose

- 1.1 The purpose of this policy is to provide members with guidelines for use of force.

2.0 Policy

- 2.1 The Vermont State Police believe in the sanctity of every human life and in the value of de-escalation and effective communication. When force is necessary to bring an event or incident under control, members will use only objectively reasonable force to accomplish lawful objectives.

3.0 Definitions

- 3.1 Active aggression – Behavior that an objectively reasonable officer would believe creates an imminent risk of physical injury to the subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include an attack on an officer, strikes, wrestling, undirected strikes with injury potential, kicking, shoving, punching, and other words or behavior indicating that such actions are imminent.
- 3.2 Active resistance – A subject using physical activity to resist or take affirmative action to defeat an officer's ability to take them into custody or to seize them, but the subject's actions would not lead a reasonable officer to perceive a risk of physical injury to themselves, the subject, or a third person. Examples of active resistance include pulling away, escaping or fleeing, struggling and not complying with physical contact.
- 3.3 Chokehold – means the use of any maneuver on a person that employs a lateral vascular neck restraint, carotid restraint, or other action that applies any pressure to the throat, windpipe, or neck in a manner that limits the person's breathing or blood flow.
- 3.4 Deadly force – Any use of force that creates a substantial risk of causing death or serious bodily injury. Also referred to as lethal force.

- 3.5 De-escalation – Actions used by officers, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance from a subject. This generally refers to the act of moving from a state of high tension to a state of reduced tension. Common de-escalation techniques include deliberately slowing the progression of law enforcement actions, using barriers, cover and distance, as well as communicating in a calm, clear manner, using active listening skills and asking open ended questions. When appropriate and available, officers should consider calling in and relying on resources, such as crisis teams or embedded social workers, to assist in de-escalating a situation.
- 3.6 Department Authorized Weapon - Any weapon issued by or authorized for use by the department that requires a member to be trained and/or certified including a firearm, OC spray, Conductive Electrical Weapon and impact tools.
- 3.7 Force – Physical coercion employed by a law enforcement officer to compel a person's compliance with the officer's instructions. For the purpose of this policy, this includes all law enforcement actions beyond compliant handcuffing.
- 3.8 Imminent threat of death or serious bodily injury – Based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of harm, but is one that, from appearances, must be immediately addressed and confronted.
- 3.9 Intervene – To come between, whether physically or verbally, to prevent or alter a result or course of events.
- 3.10 Law enforcement officer – Shall have the same meaning as [20 VSA 2351a](#), used interchangeably with “officer” or “member.”
- 3.11 Less-Lethal Force - Levels of force that when employed are neither intended nor expected to cause serious bodily injury or death. Such force is normally that force used to temporarily control or immobilize.

- 3.12 Necessary – When a reasonable officer with the same information and in the same situation would conclude that no reasonably effective alternative appears to exist.
- 3.13 Objectively reasonable – Whether the decision by a law enforcement officer to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A law enforcement officer's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation, in circumstances that are tense, uncertain, dynamic and rapidly evolving. Factors to be considered in determining the objective reasonableness of force include, but are not limited to:
- A. The seriousness of the crime or suspected offense;
 - B. The level of threat or resistance presented by the subject(s) (e.g. proximity to weapons, potential for escape, availability of other resources or officer backup);
 - C. Whether the subject was posing an immediate threat to officers or a danger to the community;
 - D. The potential for injury to citizens, officers or subjects (e.g. levels of exhaustion, relative size, strength, skill level, age of suspect versus officer as well as number of officers versus subject(s)).
- 3.14 Passive resistance – A subject who takes no affirmative action to defeat police efforts to make an arrest but who does not respond to verbal commands and may refuse to move by sitting down, acting as “dead weight” or similar.
- 3.15 Proportional – To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

- 3.16 Totality of the circumstances – means the conduct and decisions of the law enforcement officer leading up to the use of force and all facts known to the law enforcement officer at the time, including the conduct of the person or persons involved.

4.0 Procedure

4.1 Considerations Prior to Force Being Used

- A. The authority of law enforcement to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and with sanctity for every human life. Every person has a right to be free from excessive force by members acting under authority of the State. The decision by a member to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by members, in order to ensure that members use force consistent with law and with Department policies. The Department shall provide members with training, clear policy guidelines and supervision on use of force consistent with law and policy.
- B. Use of force is intended only to control behaviors and situations while accomplishing a lawful purpose. It is never intended to be punitive. Members must constantly reassess the totality of the circumstances in any encounter where force is necessary to gain compliance from an individual.
- C. A member shall use only the force objectively reasonable, necessary and proportional to effect an arrest, to prevent escape or to overcome resistance of a person the member has reasonable cause to believe has committed a crime or to achieve any other lawful law enforcement objective. Whenever feasible, members shall allow individuals reasonable time to submit to arrest or detention before force is used.

4.2 De-Escalation Tactics

- A. When possible, members shall use de-escalation tactics. This includes taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation, reduce the likelihood that force will be necessary and increase the likelihood of cooperation from the person. The goal of de-escalation is to reduce the immediacy of a threat so that more time, options, and resources can be called upon to resolve the situation without force or with a reduction in

the amount of force necessary. This commitment to de-escalation means that members should not knowingly create exigency or take actions that may increase the likelihood of force becoming necessary.

- B. De-escalation may include the use of such techniques as scene management; calm, respectful and clear communication; use of warnings; verbal persuasion; deliberately slowing the progression of law enforcement actions; creating more space between the member and person; using cover or barriers; and team tactics. Even as a use of force encounter is happening, de-escalation must be re-evaluated so that if the level of resistance offered by the subject goes down, so should the member's response.

4.3 Special Situations

- A. When a member knows that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the subject's control, the member shall take that information into account in determining the amount of force appropriate to use on the subject, if any. This is especially important when responding to calls for service that are non-criminal in nature such as a welfare check or a known mental health crisis.
- B. Police use of force is in response to behaviors, and the underlying cause of those behaviors may not always be apparent during a police-citizen encounter. Some people with mental and physical impairments may be unable to comply with police requests for reasons beyond their control. Intoxicated or otherwise impaired individuals may also have a compromised ability to understand or comply with commands from police. When members have knowledge of these disabilities or conditions, they should factor this knowledge into their response to these individuals, so long as it is safe to do so. When time allows during interactions with such persons, members should emphasize de-escalation as well as the ability to use time and physical distance to reduce the likelihood of force being necessary.

4.4 Members shall only carry department authorized weapons and ammunition on duty. The member must be certified and maintain certification on all department authorized weapons through the department or Vermont Criminal Justice Council.

4.5 Less Lethal Force

- A. The dynamics of all encounters are unique. It is impossible to attempt to categorize and define the levels of force appropriate in any given situation or set of variables. When a member determines that use of force is necessary and appropriate, the member shall utilize objectively reasonable force. Members should modulate their use of force as resistance changes.
- B. In determining whether a particular use of force is objectively reasonable, the member must consider:
 - 1. The seriousness of the offense the member believes the subject is involved in;
 - 2. Whether or not the subject poses an immediate physical threat to the member or others;
 - 3. The degree of the threat posed by the subject;
 - 4. Whether the subject is actively resisting or attempting to evade arrest/detention by flight;
 - 5. Whether the totality of the circumstances justifies the member's response.
- C. The Department shall provide members with a range of force options and appropriate training or certification on these tools or techniques. Members may only carry tools/weapons that are approved by the Department and for which they have been trained. Members must comply with all training requirements of the Vermont Criminal Justice Council. The Department will provide policy guidance on the use of Department approved tools or weapons. Improvised tools as described in section 4.5(F)(3)(c)(i) below are not subject to the approval and training in this paragraph.
- D. Members are responsible for visually inspecting their issued equipment prior to each shift and testing any equipment consistent with training and manufacturer's recommendations. Any equipment that the member knows is not functioning properly shall not be used.
- E. When a member meets resistance in the performance of lawful duties, reasonable attempts to inform the subject of the reason the member is taking relevant actions should be made. To the extent feasible, persuasion and de-escalation should be used and members should take reasonable steps to provide accessible, effective communication.

F. When a subject is not compliant, response to resistance can be addressed by "empty-hand" techniques or in some circumstances, using tools designed to bring a situation under control. Examples of empty-hand techniques include:

1. Officer Presence/Verbal Commands/Persuasion: While not a use of force, officer presence and communication can be an effective way to control a situation. Members should use effective communication skills when practical. Persuasion may occur by a show of authority either by a uniform presence or obvious identification as a police officer. Verbal and non-verbal commands should be given to direct and let the subject know what is expected of them. Members should document their verbal orders regarding arrest, investigative detention, or protective custody, verbal warnings regarding non-compliance and the results. The subject should be informed as to the reason for detention as soon as practical.
 - a. The option of officer presence and verbal commands should not be construed to suggest that a member risk losing control of a situation, or potentially endanger the safety of themselves or others, where the use of escalated force is the proper choice.
2. Control/Restraint (including soft empty-handed control techniques): Members may use a variety of techniques in accordance with their training to gain compliance of passively or actively resistant subjects including but not limited to techniques using their hands, elbows, arms, legs and bodies.
3. Common tools used in police use of force include:
 - a. Aerosol Agents: Aerosol Agents are designed to respond to various threat levels and may be utilized to address subjects who are actively resisting. When an aerosol agent has been used a member shall, as soon as practical, provide the subject with the Administrative Warning form (See Appendix B) in preparation for providing care for the individual contaminated by the product. Decontamination should occur as soon as practical following the application of an aerosolized agent.
 - i. Oleoresin Capsicum (OC) 10% solution is an example of an aerosol agent used by some departments. It may be issued in one of several delivery systems including individual "fog" spray, or individual "stream" spray, or a crowd control "fog" system. The crowd control "fog" system may be used in special

circumstances and must be authorized by the Commander or Supervisor in charge.

- b. Conducted Energy Weapon (CEW): See statewide policy on CEW use. In addition to the statewide policy, members must carry a CEW in a “cross draw” manner that is over the midline of their body toward their non-firearm side or on their non-firearm side in a “support hand draw” manner.
- c. Police Batons: A fixed or expandable impact and control weapon. The baton is designed to respond to various threat levels. Since the levels of force used in response to threats differ, the member must evaluate the level of the threat to determine the appropriate techniques to be employed. Batons can be used in accordance with approved techniques and target areas as a tool for control and restraint techniques, impact techniques and as an instrument to assist in the movement of individuals or groups of individuals. There may be exigent circumstances that prevent the use of a baton but require the use of an impact device due to the level and immediacy of a threat. In such circumstances, a member may utilize alternate techniques or devices, as good judgment would deem appropriate, such as the use of arms and legs, flashlight, clipboard or other such method.
 - i. Additionally, under circumstances that present an imminent risk of serious bodily injury or death, that from appearances must be immediately addressed and confronted, improvised weapons such as pens, knives carried by members to cut ligatures and seat belts and other such tools or instruments could be used.
- d. Use of police canines (K-9): Canines can be used in numerous ways that are not considered a use of force such as search and rescue or evidence searches. When used as a force option to protect the handler and/or others or to apprehend a person, canines are generally considered to be commensurate to an impact tool. An example of using canines at a lower level of force is a sit watch to monitor subjects who have been detained. See also [DIR-607-Canine Program](#).
- e. Less Lethal Impact Munitions (LLIMs) or impact projectiles: LLIMs are designed to function as extended range impact weapons and their use is justified whenever use of an impact technique is appropriate. The intended role of less lethal

munitions is to immobilize resistant persons at safe distances to prevent injury to members or the public. LLIMs are discharged only by specially trained members called "Grenadiers." See also [VSP-DIR-704 Impact Projectiles](#).

- i. LLIMs may be used to prevent the escape of suspects under appropriate circumstances. In these cases, the severity of the threat posed by the continued freedom of the suspect must be carefully weighed.
 - ii. LLIMs are also effective in crowd control and riot situations. When their use is anticipated in this capacity, the Grenadier will obtain clearance from the Commander or Supervisor in charge prior to deploying one or more LLIMs. (NOTE: Crowd control policy further informs this area of operations. No use of force action, including LLIMs, shall be used during peaceful protests and demonstrations).
 - iii. The decision to use LLIMs should never be done at the risk of members' safety or that of the public. Members should not assume unreasonable risks in deploying LLIMs against a suspect threatening to use deadly force.
 - iv. If a suspect is threatening to use deadly force and LLIMs offer an opportunity to resolve the incident without use of deadly force, LLIMs may be deployed if the scene is contained and there are not active attempts of serious bodily injury; and there is adequate staff on scene to supplement the use of LLIMs with deadly force options should LLIMs fail to control the suspect and result in further deterioration of the incident.
 - v. LLIMs may be used against wild and domestic animals to drive them away or to deter an attack. Where an animal poses a threat of bodily injury or must be euthanized, conventional firearms should be used.
- f. Firearms (Lethal Force): see also section 4.6 below.
- i. Pointing the muzzle of a firearm at or in the direction of a person is considered a use of force. Members shall not point the muzzle of a firearm at or in the direction of a person absent articulable facts that the situation may escalate to the point where use of lethal force would be justified. Drawing or maintaining a

firearm at a ready position may be considered as a use of force if it is done during an encounter with a subject(s) or within view of the public.

- ii. There is a clear distinction between escalating the use of force by unholstering a firearm during an encounter with others, versus unholstering a firearm during a building search, execution of a search warrant or any other activity in which only law enforcement personnel are present.
- g. Factors in Choosing the Level of Force Deployed: Circumstances that may be considered in the member's assessment of physical threat and the appropriate use of force include, but are not limited to, the following:
- i. Severity of the offense or significance of the need to apprehend the subject;
 - ii. Age;
 - iii. Size;
 - iv. Skill level (whether they possess knowledge of martial arts, advanced fighting techniques, etc.);
 - v. Number of suspects;
 - vi. Whether the suspect is armed or reported to be armed;
 - vii. Actual proximity to weapons;
 - viii. Prior experience with the suspect(s);
 - ix. Location of the encounter;
 - x. Background or peripheral hazards;
 - xi. The subject's response to commands/instructions;
 - xii. Availability of cover for the member(s);
 - xiii. Physical condition and position of the member and subject(s)
 - are there injuries, is the member on the ground or in a compromised position;
 - xiv. Time considerations – when possible members should seek to use additional time to their advantage to reduce the likelihood of having to use force through planning. Other time

considerations include the action/reaction lag time, as well as the uncertainty of any response or instrument instantly stopping a threat.

- xv. When a member knows that a subject's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factors beyond the subject's control, the member shall take that information into account in determining the amount of force appropriate to use on the subject, if any.
- G. Members are not required to use or consider alternatives that increase danger to themselves or to others. Nothing in this policy requires members to assume unreasonable risks. In assessing the appropriate use of force, the safety of the public and the member(s) is paramount.
- H. All tools/devices intended for police use of force should be securely carried in their approved holders when performing uniform patrol functions. Tools should only be removed from their holders when their use is anticipated, for inspection or testing, or for storage in secure areas such as prior to entering interview rooms, booking facilities or while fingerprinting.

4.6 Lethal Force

- A. Lethal force is used to stop an action that could reasonably result in death or serious bodily injury to a person.
- B. A member is justified in using deadly force upon another person only when, based on the totality of the circumstances, such force is objectively reasonable and necessary to:
 - 1. Defend against an imminent threat of death or serious bodily injury to the member or to another person; or
 - 2. Apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the member reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.
- C. The use of deadly force is necessary when given the totality of the circumstances, an objectively reasonable law enforcement officer in the same situation would conclude that there was no reasonable alternative to the use of deadly force that would prevent death or serious bodily injury to the member or to another person.

- D. A member shall cease the use of deadly force as soon as the subject is under the member's control or no longer poses an imminent threat of death or serious bodily injury to the member or to another person.
- E. Even when lethal force is permissible, members should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use. For example, background or peripheral environments should be considered.
- F. In the event a member uses force that results in the death or serious bodily injury of a person, the procedure found in Appendix A "Lethal force post-incident procedures and statewide policy on review of BWC recordings following lethal force incidents" shall apply.
- G. Verbal warning: When feasible, a member shall, prior to the use of force, make reasonable efforts to identify themselves as a law enforcement officer and to warn that deadly force may be used.
- H. Lethal Force Restrictions:
 - 1. Members shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the member or another person. Put more simply, members shall refrain from using deadly force against a person who is only posing a threat to their own life and no other.
 - 2. Chokeholds: A law enforcement officer shall not use a chokehold on a person unless deadly force is justified pursuant to [20 V.S.A. § 2368 \(c\) \(1 - 4\)](#).
 - 3. Warning shots: Are strictly prohibited.
 - 4. Discharging a Firearm and Moving Vehicles: A member will not discharge a firearm at or from a moving vehicle unless: a person in the vehicle is threatening the member or another person with lethal force other than the vehicle; or, the vehicle is operated to deliberately strike a person(s) and all other means of defense (including moving out of the path of the vehicle) have been exhausted or are not practical.
 - 5. Unholstering Firearms: Firearms should only be drawn when a member has reason to fear for their safety or the safety of others (see 4.5(F)(3)(f)), and at no other time in any public place, except for humane destruction of an animal described below.

6. Dangerous/Injured Animals: Firearms may be utilized to euthanize a dangerous animal or one so badly injured that humanity requires its removal from further suffering when no other disposition is reasonably practical.
7. Alcohol or Drugs: Members will not use any Department issued or approved firearm while under the influence of alcohol or regulated drugs not otherwise prescribed by a medical professional.

4.7 Duty to Intervene

- A. All members have an affirmative duty to intervene whenever they witness another officer using a chokehold or using excessive force. In addition, members shall report any instance of excessive force or use of a chokehold to a supervisor prior to the end of the shift during which it occurred.
- B. Members are reminded that they are required to report such occurrences in accordance with the Code of Conduct and that failure to intervene and also report excessive force or use of a chokehold to a supervisor is considered unprofessional conduct by a law enforcement officer as defined within [20 V.S.A. § 2401](#) and may be subject to sanctions by the Vermont Criminal Justice Council.

4.8 Duty of Care

- A. Whenever a person in a member's care or custody sustains an injury, becomes unconscious, displays a further altered mental status, or states that they are injured, the member must provide, timely summon, or obtain appropriate medical attention. This applies whether the member used force or not, and whether the person's condition preceded custody. Members will provide care commensurate with their training and experience and members will quickly summon emergency medical assistance when needed.
- B. In instances where an obvious severe injury has occurred, medical distress is apparent, or the individual is unconscious, the member(s) is/are responsible to ensure that notification is made to have emergency medical services (EMS) personnel respond as soon as it can be safely accomplished.
- C. Additionally, any time a person has been sprayed with an aerosolized agent that causes irritation, they will be decontaminated as soon as practical. Members will read the [OC administrative warning form](#) to the person being decontaminated.

D. Any injuries resulting from a deployment of force shall be documented in the Use of Force entry submitted in Guardian Tracking. This includes the name of the individual injured (subject or department member), the location of the injury, the nature of the injury, and identification of the source of any treatment provided.

1. If the subject declines medical treatment, this decision is to be documented in Use of Force entry.
2. Whenever possible, a member shall document sustained injuries with photographs.

4.9 Notification Requirements

A. If the member perceives an injury that results, or may result, from a deployment of force, whether to the subject or to a department member, the member shall notify a patrol commander or watch commander and provide relevant facts. Supervisor notice shall also be made in instances of CEW deployment.

4.10 Reporting and Supervisory Review

A. Whenever a member uses force beyond compliant handcuffing, they will complete a Use of Force Report ([See Appendix C](#)) and identify all relevant supporting documentation such as recordings, witness statements, etc. within 72 hours, except in the following circumstances:

1. The member is injured or otherwise unable to complete the report, in which case the member shall provide the necessary information verbally to a supervisor as soon as practical.
2. When lethal force is used, or whenever the actions of a member result in death or serious bodily injury to a person, the member will not complete a Use of Force Report. Instead, an administrative investigation will be completed. The administrative investigation team will complete the data required in the Use of Force Report.
 - a. Any application of lethal force or use of force that results in death shall be investigated by the Vermont State Police Criminal Division and the Office of Internal Affairs. The member(s) involved shall NOT complete a Use of Force Report.
3. Attached to the Use of Force entry shall be all necessary supporting documentation.

4. Any and all recordings (audio or video) of the use of force shall be filed at the local field station in accordance with [VSP-DIR-334 Digital Voice Recorder](#) and [VSP-DIR-417 Audiovisual Equipment and Recordings](#). Only copies of recordings shall be distributed as part of the chain of command review.
 5. A member discharging a firearm in the performance of duty, other than as outlined in section 4.6 of this policy and except for training purposes, shall immediately notify their supervisor and shall forward a written report to their Commanding Officer within twenty-four (24) hours detailing the circumstances surrounding the firearms discharge.
 6. In cases where multiple members use force in excess of compliant handcuffing during an incident, only one member will author a Use of Force Report which clearly names all members who used force. Each member who used force will complete a supplemental report and all reports will be included as supporting documentation when the Use of Force Report is submitted.
- B. Use of Force Reports shall contain details of the subject's actions and behaviors and the member's responses. Members should take reasonable steps to gather and preserve any electronic or physical evidence, including witness statements, regarding use of force incidents.
- C. Supervisory review procedure – It is essential that supervisors ensure that agency policies and procedures are followed. A supervisor will review the Use of Force Report and all supporting documentation. The front-line supervisor responsible for reviewing a UOF report will generally be the same supervisor responsible for reviewing the involved member's other produced paperwork. No field station will assign the duty to review all UOF incidents to a single patrol commander. At a minimum, supervisory review includes:
1. Ensuring that the information submitted is complete and all required data is present.
 2. Supervisors shall view the entirety of all available video evidence in any use of force, including those captured on an in-car video system, body camera, or third-party video that is lawfully obtained by consent or a search warrant. A notation shall be made to this effect in the investigative report.

3. When a use of force involves strikes or use of tools, or there is a documented injury, to either the Trooper or suspect, the Troop/Criminal Division Commander shall review the audio/video recordings. Upon review of the Use of Force entry and supporting documentation, the Troop/Criminal Division Commander shall affirmatively note in their remarks that audio/video recordings were reviewed. If the recordings were not reviewed, the Commander must document that the recordings were not reviewed and the basis for that decision.
4. Determining if the use of force was objectively reasonable and consistent with this policy. The supervisor shall:
 - a. Articulate in their review the level(s) of resistance which they identify the member encountered and the subject's behavior demonstrating said resistance.
 - b. Affirm the identified force deployed by the member and note the applicable section of policy.
 - c. Make a notation indicating their approval or disapproval of the use of force being reasonable.
 - d. Cite specific policy section(s) or language to support the conclusion.
5. Identifying any need for training, performance counseling or other administrative action.
6. If necessary, consulting with the member or returning the report for more information.
7. Supervisory review of whether the decision by a member to use force was objectively reasonable shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances. A member's failure to use feasible and reasonable alternatives to force shall be a consideration for whether its use was objectively reasonable.
8. Guardian Tracking Use of Force Reviews
 - a. When multiple members are involved in a deployment of force, only one member shall complete the Use of Force entry in [Guardian Tracking](#). All other members shall complete a supplemental report and file it with the case. These shall then be attached to the Use of Force entry in Guardian Tracking.

- b. The author of the Use of Force entry shall ensure every member using force, in excess of compliant handcuffing, is properly identified within the report. Members using force in excess of compliant handcuffing shall be differentiated in the Use of Force entry from members present but not using force. All other members who used force in excess of compliant handcuffing shall complete a supplemental report. The member authoring the Use of Force entry shall ensure any and all applicable supplemental reports are properly attached to or included with the Use of Force entry in Guardian Tracking.
- c. A supervisor should not approve or publish a Use of Force Report until all reports from members using force in excess of compliant handcuffing during the incident are compiled in the entry within Guardian Tracking.
- d. All supervisors participating in the review process are responsible for ensuring the data provided is accurate and the entry contains sufficient detail to establish the use of force by the member is objectively reasonable. Each supervisor conducting a review will supply written documentation in the form of a comment upon completion of their review.
- e. The comment from a supervisor will address whether or not the use of force was in compliance with policy, citing specific policy section(s) or language to support the conclusion. If pertinent, the supervisor will also identify if the action(s) require(s) further investigation, along with recommendations on equipment upgrades, training, or other issues.
- f. Any supervisor, following review of the materials entered in Guardian Tracking and if necessary, consultation with the member for clarification purposes, identifies a member's use of force as not meeting the objectively reasonable standard, they shall make notifications as outlined in the provisions of [VSP-GEN-205 Receipt, Reporting, and Investigation of Allegations](#).
- g. Review of Use of Force entries within Guardian Tracking by a member's front line supervisor and a member's commanding officer will be completed within 20 days of occurrence. Use of Force Reports will be forwarded to the Use of Force Committee for review within 30 days of occurrence. It is the goal of the Use of Force Committee to complete the review process within 60 days of the date of the incident. The Chair of the Use of Force Committee has

the authority to extend the review to 90 days if necessary. Only the Director may authorize an extension of the review beyond 90 days.

- h. The Use of Force Committee shall return for correction to the Troop/Criminal Division Commander any use of force investigation that is incomplete, contains errors and/or is not supported by policy.
9. The Director shall make a referral to the Vermont Criminal Justice Council pursuant to [20 V.S.A. §2401 \(2\)\(C\)](#) anytime a finding of excessive use of force is made.
10. The Director shall make a report to the appropriate authorities if the review uncovers evidence that a crime has been committed.

4.11 Administrative Investigation

- A. The Vermont law enforcement community recognizes the enormous responsibility that comes with the authority to use force. As guardians of our communities, the police must ensure that all uses of force, but especially those resulting in death or serious bodily injury, are thoroughly reviewed.
- B. Anytime a member employs lethal force or takes action that results in death or serious bodily injury to a person, the Department shall conduct an administrative investigation. This investigation is separate from any criminal investigation that may occur. The purpose of the review is to document the incident, complete required Use of Force report(s), determine if the incident is within policy, identify areas for improvement and to determine if there are any training or policy implications.
- C. This investigation may result in remedial training, recommendations for discipline or commendation, or recommendations for policy revision.

4.12 Training

- A. At a minimum, members must comply with all certification and in-service training standards of the Vermont Criminal Justice Council. For the purpose of annual certification, only use of force and tactics training conducted by instructors certified by the Vermont Criminal Justice Council is acceptable. All members will receive a copy of and training on use of force policies at least annually and all training will be documented. In addition, all members shall be trained on ways to avoid confrontations, de-escalate conflict and recognize during a physical confrontation when de-escalation must occur.

- B. If sending members to additional use of force or tactics training, the Director should carefully review the content and philosophy of the training to ensure that it is consistent with Vermont law and this policy. Standards for police use of force vary widely across the country and considerable scrutiny should be given to other trainings.
- C. Material from outside resources may not be introduced into the use of force training curricula for Vermont law enforcement officers unless the additional content has been reviewed by the VCJC Use of Force Committee and approved by the VCJC.
- D. Members shall complete a block of instruction on weaponless control techniques and/or other less-lethal tools as identified in this policy on an annual basis. During this block of instruction, a review of the use of force policy will be conducted. Members shall demonstrate proficiency, as determined by the Department Lead Use of Force Instructor or other department use of force and tactics instructors. Any member serving in the capacity of a use of force and tactics instructor must annually complete training designated by the Vermont Criminal Justice Council.
- E. Members shall demonstrate proficiency, as determined by the firearms training staff, through a department prescribed course, and must qualify with each authorized firearm for the member. All members will qualify at least annually with their firearm(s), which shall include a review of this policy. Vermont Criminal Justice Council certified firearms instructors will conduct this training.
- F. In the event a member is unable to certify or re-certify in weaponless control techniques, less-lethal use of force tools or any department authorized less-lethal weapon, the member will undergo on-site remedial training from a department use of force and tactics instructor and offered another opportunity to demonstrate proficiency. If following this on-site remedial training the member does not show improvement, the remedial training procedures within [VSP-DIR-326 Firearms](#) will be followed, except that the remedial training will focus on the weaponless control technique(s) and/or tactic(s); and/or the less lethal tool/weapon(s) with the which the member failed to demonstrate proficiency.
- G. In the event a member is unable to certify, re-certify, or qualify with any department authorized firearm which the member is trained to carry, the remedial training procedures within [VSP-DIR-326 Firearms](#) will be followed.

5.0 References

- 5.1 [Statewide Model Use of Force Policy and Appendices](#)
 - A. [Appendix A](#)
 - B. [Appendix B](#)
 - C. [Appendix C](#)
 - D. [Appendix D](#)
 - E. [Appendix E](#)
- 5.2 [20 V.S.A. § 2401 Unprofessional Conduct](#)
- 5.3 [20 V.S.A. §2368 Standards for Law Enforcement Use of Force](#)
- 5.4 [H.145 \(Act 27\)](#)

Effective October 1, 1983

Revised August 1, 1997

Revised October 1, 2011

Revised February 14, 2013

Revised September 12, 2013

Revised August 20, 2014

Revised September 15, 2015

Revised October 30, 2015

Revised October 12, 2016

Revised June 20, 2018

Revised June 5, 2020

Revised September 3, 2020

Revised January 29, 2021

Revised September 30, 2021 (Revised to adopt Statewide Policy on Police Use of Force)

Revised November 4, 2021

Revised January 8, 2025

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