



# *Windsor Police Department General Order*

Use of Force	G.O. 14.00
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POSTC: General Notice 20-04	Related Documents: GO 4.19

## **Purpose**

The purpose of this policy is to provide law enforcement officers with guidelines for the use of less-lethal and deadly force.

## **Policy**

It is the policy of the Windsor Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.

## **Definitions:**

**Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury.

**Less-Lethal Force:** Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

**Objectively Reasonable:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations. Officers will take into consideration:

- a. The relative physical size, age and fitness of officer to subject,
- b. Resistance by subject,
- c. Suspect's behavioral cues, and
- d. Number of officers and/or offenders present.

**Serious Bodily Injury:** Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

**Exigent Circumstances:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

**Choke Hold:** A physical maneuver that restricts an individual's ability to breath for the purposes of incapacitation. This includes vascular neck restraint, arm bar hold to the neck area, carotid artery hold, or any neck restraint applied to the neck area.

**Warning Shot:** Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

**De-escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

## Procedure

### A. General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent escape or prevent imminent bodily injury to the individual, the officer or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with her /his training to any individual who has visible injuries, complains of being injured or requests medical attention.
4. All uses of force shall be documented and investigated pursuant to the general orders of this Department and the requirements of State and Federal law.
5. Officers are prohibited from using excessive force against any individual engaged in non-violent civil rights demonstrations<sup>1</sup>.
6. The following do not constitute a use of force as regulated within this order:
  - a. The mere presence of officers at an incident or scene,
  - b. Verbal commands without an implied or implemented use of force with a weapon.

### B. De-escalation

1. Officers shall use de-escalation techniques / calming strategies and/or verbal warnings prior to the use of force when feasible.
2. Whenever possible, officer shall allow an individual time and opportunity to submit to verbal commands prior to the use of force, provided that the delay in the use of force will not compromise the safety of the officer or another person,

will not result in the destruction of evidence, the escape of the suspect or the commission of a crime.

### **C. Duty to Intervene**

1. Officers are required to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
2. Any officer who directly observes a use of force that is unreasonable, excessive, or otherwise in violation with any portion of this policy and/or a violation of state or federal statute (illegal), shall contact a supervisor as soon as practicable.
3. Any officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall notify a supervisor and submit a written report to a supervisor in a timely fashion.
4. There shall be no retaliation for any officer that intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.

### **D. Use of Less-Lethal Force**

Officers are authorized to use less-lethal force when de-escalation techniques are not effective or appropriate.

1. Officer are authorized to use Department approved less-lethal force techniques and issued equipment:
  - a. To protect the officer or others from immediate physical harm,
  - b. To restrain or subdue an individual who is actively resisting or evading arrest, or
  - c. To bring an unlawful situation safely and effectively under control.
  - d. The use of less-lethal force shall be limited to defensive and control purposes, and officers will use only the reasonable amount of force necessary to overcome resistance or accomplish the police task.
  - e. The use of less-lethal force shall conform to applicable departmental standards of conduct, policies, procedures, and training.<sup>2</sup>

### **E. Compliance and Control Techniques:**

1. Officers faced with an uncooperative individual, such as one who refuses to be placed in custody, may use compliance and control techniques to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.
2. The use of carotid restraint, lateral vascular neck restraints, and similar choke holds and control techniques are not authorized for use by department personnel as a less-lethal use-of-force, due to the inherent danger of their use.

## **F. Use of Deadly Force**

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances, and to
  - a. Protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury,
  - b. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believe that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
  - c. When feasible, the officer shall identify himself or herself as a law enforcement officer and warn of her/his intent to use deadly force.
2. When officers apply deadly force, the intent is to stop and incapacitate an assailant or dangerous fleeing felon.
3. Members are permitted to use any of the following weapons/techniques when authorized to deploy deadly force in the line of duty:
  - a. Department-issued or personally owned department-authorized firearms, and/or;
  - b. Any less-lethal department authorized weapon, when the use falls under the scope of deadly force or techniques.
4. The Department recognizes that in some extreme circumstances, when the survival of an officer or other person is in jeopardy, the situation may require that the officer resort to using any available weapon, instrument, and/or technique necessary and available to stop the suspect's actions. It is immaterial whether the item is department owned or not, or the officer's official training status with that item.
  - a. Such devices may include:
    - 1) Other equipment and articles that officers are authorized to carry, such as;
      - a) Knives,
      - b) Flashlights, and
      - c) Clipboards;
    - 2) Weapons of the offender; or
    - 3) Any item available in the vicinity of the officer.
  - b. Such techniques may include:
    - 1) Choke holds,
    - 2) Martial art strikes, or
    - 3) Any other type of deadly technique, whether authorized or not by the Department.

- c. The use of such devices or techniques, degree of exigency present in the situation, and the totality of the circumstances will be examined, as in any other use-of-force incident.

#### **G. Restrictions on Use of Firearms/Deadly Force**

1. Officers are prohibited from discharging a firearm as a "warning shot" or as an alert.
2. Officers shall shoot at or from a moving vehicle only when officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force.
3. When officers are about to discharge their firearms, they should be aware of their field of fire, including the backstop, so as to not unnecessarily create a substantial risk of harm to innocent persons.
4. When it appears likely to the officer that an innocent person might be injured, the officer should not discharge the firearm, except in circumstances in which the suspect's actions create a greater risk of harm to the officer or other persons than the risks posed by an officer firing his/her weapon.
5. Except for general maintenance, storage or authorized training, officers will not draw or display any weapon unless the totality of the circumstances create a reasonable belief that it may be necessary to lawfully use the weapon in conformance with this Directive.
6. Officers shall not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency.
7. Deployment of Patrol Rifle:
  - a. Officers wishing to carry a department rifle must have completed the department's rifle training and qualification course and;
  - b. Officers will secure the rifle in their car in the appropriate container or device and it will remain so secured for the duration of the shift.
  - c. Officers with a patrol rifle in their car will not leave the vehicle unattended when:
    - 1) Unlocked,
    - 2) Running or
    - 3) Otherwise accessible.
8. While secured in a patrol car rifles will be left in a "cruiser ready mode."
9. Officers may arm themselves with the rifle in circumstances where the use of deadly force may be appropriate. When doing so the officer shall adhere to all WPD Use of Force guidelines.

10. If an officer does arm himself or herself with the department rifle, the chambering of a round into the breach may be done at the discretion of the operating officer.
11. Unless the officer is about to fire, the rifle's safety will remain "ON", and the officer's trigger finger will be placed alongside the frame, outside of the trigger guard.

#### **H. Temporary Restraining Devices:**

1. The Department authorizes the following temporary restraining devices:
  - a. Handcuffs: Officers must use discretion in the use of handcuffs based on the circumstances for each prisoner and arrest situation.
    - 1) Officers shall only carry handcuffs that are issued and/or approved by the department.
    - 2) All prisoners shall be searched.
    - 3) Only "double lock" style handcuffs may be used.
    - 4) The "double lock" feature must be used.
  - b. Leg Restraints: These restraints may be applied as a precautionary measure during prisoner transports whenever an arrestee:
    - 1) Is deemed a high risk, or
    - 2) Has demonstrated resistance to arrest prior to being placed in the cruiser, or
    - 3) Has become violent after being placed in the cruiser.
  - c. Disposable plastic handcuffs: In multiple or mass arrest situations, disposable plastic handcuffs designed for law enforcement purposes may be used.

#### **I. Use of Electronic Defense Weapons (TASER):**

General Order 4.19, Conducted Electrical Weapons (TASER) addresses in detail the deployment of Taser's by Windsor Police Department personnel.

#### **J. Impact Weapons:**

1. Officers have the legal authority to carry and use such impact weapons as a police baton or any other weapon defined in C.G.S 53-206(a) in the performance of their duties to exclude brass knuckles and a blackjack. Such weapons are at the discretion of the Chief or his designee.
2. Impact weapons, such as batons, may potentially cause serious physical injury and officers should attempt to strike individuals in areas of the body that are least likely to result in serious physical injury.
3. The use of such weapons shall be in accordance with department training.

## **K. Oleoresin Capsicum (OC) Spray:**

1. Officers will be issued Oleoresin Capsicum (OC) Spray that is non-flammable and electronic immobilization device compatible.
2. The use of OC spray will be in accordance with POSTC/ department training.

## **L. Ensuring Appropriate Medical Aid after Use-of-Force Incidents:**

1. Any time a person has visible injuries or complains of being injured as a result of force used against him/her by an officer, the officer must take appropriate actions to provide medical care for the injured person. This includes:
  - a. Providing first aid,
  - b. Requesting emergency medical services, and/or
  - c. Arranging for other transportation to a hospital or emergency medical facility.
2. Officers shall be trained in proper treatment procedures for persons exposed to chemical sprays and the effects of other less-lethal force.
3. Treatment procedures for OC shall be administered.
4. Electronic Defense Weapons (see General Order 4.19, Conducted Electrical Weapons):
  - a. Any subject against whom a Conducted Electrical Weapon, or CEW, is used shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, EMS first responders, or police officers certified in the use of a CEW and currently certified at no less than the Emergency Medical Responder (EMR) level.
  - b. Officers may remove the CEW probes if they are not in sensitive areas or the subject meets the below listed criteria for transport to a medical facility.
  - c. When a subject is injured through any use of a CEW, the officer shall offer the injured party medical assistance when such medical assistance is reasonably necessary. In the case of obvious physical injury or when otherwise prudent, the officer shall request medical dispatch.
  - d. The following persons shall be transported to a hospital for examination following exposure to a CEW. Any person who:
    - 1) Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
    - 2) Is hit in a sensitive area (e.g., face, head, female breasts, groin);
    - 3) Does not appear to recover properly after being energized;
  - 4) Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;

- 5) Has had more than one CEW effectively used against him or her in any given incident;
- 6) Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
- 7) Is in a potentially susceptible population category, including children, the elderly, persons of small stature irrespective of age, of those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
- 8) Exhibits bizarre or violent behavior, including self-mutilation;
- 9) Is naked in a public place or exhibits signs of overheating;
- 10) Evidences slurring or slowness of speech.

#### **L. Use of Force Reporting**

1. The employee shall notify the shift supervisor of the details involved, as soon as circumstances allow.
2. Employees shall document within their case report of the incident whenever they:
  - a. Discharge a firearm for other than training or recreational purposes on-duty or off-duty, not to include the use of a firearm to destroy sick, injured or vicious animals;
  - b. Are directly involved in a use-of-force incident that results in, or is alleged to have resulted in, injury to or death of another person;
  - c. Discharge an electronic defense weapon for other than training, including accidental discharge;
  - d. Use a police K-9 that bites or injures someone;
  - e. Use a chemical irritant; or
  - f. Use a baton.
3. Reports will be completed before the end of the shift and forwarded to the shift commander on duty at the time of the incident.
4. Following any use of force, a written report will be generated to include the Use of Force report. Reports must be completed in their entirety and specifically describe the justification for the use of force, including events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place and any injuries sustained by anyone during the event. The report shall include all pertinent details, such as:
  - a. Persons involved,
  - b. Other employees,
  - c. Date and time,
  - d. Extent of injuries, and
  - e. Treatment made available, and
  - f. Detailed explanation of the use-of-force.



5. All written reports generated regarding the use of a force will be promptly reviewed by a supervisor to determine that the use of the force was appropriate. Should a determination be made by the supervisor that the use of force was questionable or inappropriate, the matter shall be immediately referred to the patrol captain for a further review. The supervisor's findings regarding the use of force shall be documented in the Use of Force Report.

## **M. Review and Analysis of Use of Force Incidents**

1. Shift Supervisor shall:
  - a. Review each reported use-of-force incident;
  - b. Review and sign the Use-of-Force Report and forward it to the Division Commander to whom the employee is assigned;
  - c. Determine if the use-of-force was reasonable and in compliance with this policy; and
2. Supervisors involved in a use-of-force incident shall forward the case report to the next level of command not involved in the incident.
3. When an employee is involved in an on-duty or off-duty use-of-force incident that results in death or serious physical injury to any person, the shift supervisor shall immediately notify the Chief of Police through the chain-of-command. This also includes cases where any firearm is accidentally or intentionally discharged which results in death or injury to any person.
4. The Division Commander will review the Use-of-force Report to determine:
  - a. Whether the action was consistent with policy and procedure;
  - b. Whether the action warrants further administrative review/investigation;
  - c. Recommendations on equipment upgrades, training and/or policy issues, if applicable.
5. The Division Commander may confer with Department instructors/trainers who specialize in the field of force used.
6. The Division Commander shall initiate the appropriate action when a deficiency is found.
7. An annual review of use of force incidents will be conducted by the Chief of Police or his designee.

## **N. Removal from Line of Duty after a Use of Deadly Force Incident**

1. An officer involved in a use of deadly force incident should be removed from any duty assignment requiring contact with the public or the exercise of law enforcement powers pending an internal review.
2. Such action is not disciplinary in nature; rather, it takes into account the stress experienced by the employee, possible tensions in the community caused by the incident, and the need to protect the agency in the event the review determines the employee's actions were improper.

## **O. Approved Weapons**

1. In the performance of their scheduled duties, officers shall carry only authorized firearms and ammunition, which are as follows:
  - a. Sidearm: Glock Model 17 or 19 semi-automatic pistol.
  - b. Patrol Rifle: Carbine .223/5.56, Colt M4, Stag M4
  - c. Less-lethal Shotgun: Mossberg beanbag
  - d. Sabre Red Capsicum Spray
  - e. Moonsock Collapsible Baton
  - f. CEW/X26P Taser
  - g. Stinger Stop Sticks
  - h. K-9

## **2. Alternate Firearms**

- a. Personnel may request, through the Chief of Police, to carry an alternate firearm, ammunition and holster during scheduled duties. Such requests should be limited to a demonstrated need or be commensurate with a particular duty assignment where an alternate weapon is warranted (i.e. undercover assignment). Such requests will be evaluated by the Chief of Police for approval or denial of the requests.
- b. Formal appointment to the North Central Emergency Services Team (EST) will serve as approval by the Chief of Police to utilize specialized weapons not listed in this policy when such weapons are issued by NCMEST for the performance of EST related duties. The use of such weapons shall be limited to EST duties and consistent with the policies and procedures of the North Central Emergency Services Team and the Windsor Police Department.
- c. EST Members may, in accordance with 2.a above, request to carry specialized EST weapons and equipment during regular duty assignments.

## **P. Training and Certification in Use of Weapons**

1. Initial Training and Certification  
Prior to the issuance of an authorized weapon the officer will be trained and certified in the use of the weapon in accordance with the directives of the manufacturer of the weapon and of the Connecticut Police Officer Standards and Training Council (POSTC).
2. Continued certification in the use of authorized and issued weapons will be in accordance with the weapon's manufacturer's guidelines and with the directives of POSTC.