

	<b>Department of Emergency Services and Public Protection</b>	
	<b>Administration and Operations Manual</b>	
A&O Section # <b>13.04.01</b>	<i>Subject:</i> Use of Force	<i>Revision Date:</i> <b>October 1, 2020</b>
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**A. PURPOSE & SCOPE**

- (1) The purpose of this policy is to provide troopers and police officers under the jurisdiction and direction of the Division of State Police with guidelines for the use of force.
- (2) This policy also outlines duties of personnel before, during and after the use of force.
- (3) This policy applies to all troopers and police officers acting within the scope of their lawful authority, both while on-duty and while off-duty.
- (4) Unless otherwise specified, reference to the term trooper or troopers shall mean any sworn department police personnel, regardless of rank, and includes auxiliary state troopers, town police officers (constables) and police officers of other departments (task force officers) operating under the authority of the Department of Emergency Services and Public Protection (DESPP).

**B. POLICY**

The policy of the Connecticut State Police in regard to use of force is governed by the following principles:

- (1) **Only reasonable force necessary to achieve lawful objectives may be used** CALEA 4.1.1  
It is the policy of the Connecticut State Police to use only such force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of law enforcement personnel and others.
- (2) **Excessive force will not be tolerated**  
A trooper who uses excessive force in light of existing circumstances violates the Constitutional rights of the person against whom the force is applied. A trooper shall not exceed the scope and authority of applicable laws or policy regarding the use of force.
- (3) **Employ de-escalation techniques when safe and feasible**  
Troopers shall use de-escalation techniques consistent with his or her training whenever possible and appropriate before resorting to force and in an effort to reduce or eliminate the need for force.
- (4) **Medical aid shall be rendered**  
Following the application of force, once the scene is safe and as soon as practical, a trooper shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries or is likely to be injured, appears to be in medical distress, complains of being injured or requests medical attention.

- (5) **Do not react angrily or punitively**  
A trooper is never justified in using physical force to punish a suspect or to retaliate for physical or verbal abuse.
- (6) **Duty to intervene**  
Any trooper acting in his or her law enforcement capacity who witnesses another trooper or police officer using force that the witnessing trooper objectively knows to be unreasonable, excessive or illegal shall intervene and attempt to stop such other trooper or police officer from using such force. The interceding trooper shall report the incident to a supervisor as soon as possible. Retaliation against anyone who takes action to intervene or reports such an incident is prohibited.
- (7) **Training and proficiency required**  
Prior to being authorized to carry any lethal or less-lethal weapon or firearm, troopers shall first receive copies of all use of force policies, have received initial training on the weapon's use, and demonstrated proficiency in the use of such weapon and any associated techniques.
- (8) **Knowledge of the law shall be current**  
Each trooper shall be knowledgeable about current, relevant state and federal statutes and State Police policy regarding the use of force.
- (9) **All uses of force shall be reported to a supervisor and investigated**  
Troopers shall promptly notify a supervisor whenever they, or another trooper, use force, and shall document the facts and circumstance of such instances in a written report. This shall also include instances involving the pointing of firearm or a conducted electrical weapon at a subject. Supervisors shall investigate and document all uses of force pursuant to department policy.

### C. DEFINITIONS

- (1) **Deadly Physical Force** — Means physical force which can reasonably be expected to cause death or serious physical injury (C.G.S. § 53a-3(5)).
- (2) **Less-Lethal Force** — Means any use of force other than that which is considered deadly physical force that involves physical effort to control, restrain, or overcome the resistance of another.
- (3) **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 reasonable officer would use under the same or similar situations.
- (4) **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. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- (5) **Choke Hold** — Means any hold that inhibits breathing or blood flow by compression of the airway in the neck, including a:
  - (a) Carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck;
  - (b) Lateral vascular neck constraint; or
  - (c) Hold with a knee, elbow or other object to the neck of a prone subject.

A choke hold is considered deadly physical force.

- (6) **Serious Physical Injury** — For purpose of this policy and other use of force related policies, means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ [C.G.S. § 53a-3(4)].
- (7) **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. [*United States v. McConney*, 728 F.2<sup>nd</sup> 1195, 1199 (9<sup>th</sup> Cir. 1984)]
- (8) **Warning Shot** — Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.
- (9) **Subject Resistance** — An act of defiance by an individual opposing a trooper's lawful commands. There are four levels of resistance:
- (a) **Passive Resistance** — A subject's verbal and/ or physical refusal to comply with a trooper's lawful direction causing the trooper to use physical techniques to establish control. An example of passive resistance is a subject who refuses to move at the trooper's direction.
- (b) **Active Resistance** — A subject's use of physically evasive movements directed toward the trooper such as bracing, tensing, pushing, or pulling to prevent the trooper from establishing control over the subject. Examples of active resistance include, but are not limited to:
1. A subject physically anchors himself/herself to a person or object to prevent being removed.
  2. A subject braces or pulls away from the trooper when the trooper grips the subject's arm.
  3. A subject attempts to run when the trooper touches or attempts to grab the subject's arm or shoulder.
- (c) **Aggressive Resistance** — A subject's active defiance through attacking movements toward a trooper that may cause injury but are not likely to cause death or great bodily harm to the trooper or others. Examples of aggressive resistance include, but are not limited to:
1. A subject who balls up his fist and approaches the trooper.
  2. A subject who pushes the trooper back as the trooper tries to take the subject into custody.
  3. A subject who grabs any part of the trooper's body.
  4. A subject who attempts to strike the trooper.
- (d) **Deadly Force Resistance** — A subject's hostile, attacking movements, with or without a weapon, that cause a reasonable perception by the trooper that the subject intends to cause, and has the capability of causing, death or serious bodily injury to the trooper or others.
- (10) **Use of Force Decision Making Process** — A three-step circular model used in conjunction with the Use of Force Matrix that involves:
- (a) Determining the perceived degree of compliance or non-compliance presented;
- (b) Determining the appropriate control methods, depending on the circumstances confronted, which may involve one or more choices, either used alone or in combination with others; and

- (c) Continually reassessing use of appropriate control methods by repeating the above steps.
- (11) **Totality of the Circumstances** — The facts and information known to the trooper at the time, or reasonably perceived by the trooper, and serve as the basis for the trooper's decision to use force.
- (12) **Acting in a Law Enforcement Capacity** — *For purposes of this policy*, acting in a law enforcement capacity refers to a trooper working in an on-duty capacity (including General Patrol), or otherwise affirmatively asserting police authority by means of his or her conduct.

#### D. **STANDARD OF OBJECTIVE REASONABLENESS**

The U.S. Supreme Court has expressed concern that a police officer should not be unduly constrained from protecting himself or others from the use of deadly force because of fear of the outcome of any administrative or judicial review process and has formulated a standard of "*objective reasonableness*" to be used when the propriety of an officer's use of deadly force is at issue.

(1) ***Graham v. Connor***

In accordance with ***Graham v. Connor***, 490 US 386, 395 (1989) claims against police officers alleging the use of excessive force, deadly or not, during the course of an arrest, investigative stop or other seizure of a person shall be analyzed under a Fourth Amendment standard of "objective reasonableness."

(2) **Reasonableness test**

The US Supreme Court observed that "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application." in ***Graham v. Connor***, 490 US 386, 396 (1989).

(a) The U.S. Supreme Court has further observed that the "*proper application [of the reasonable standard] requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest or attempting to evade arrest by flight.*" *Id.* at 386, 396.

(b) The U.S. Supreme Court explained the application of objective reasonableness in these terms:

1. "*The question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them...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...the reasonableness' inquiry...is an objective one...*" *Id.* at 396-399.
2. The Supreme Court further stated that the Fourth Amendment is "*not violated by an arrest based on probable cause, even though the wrong person is arrested...nor by the mistaken execution of a valid search warrant on the wrong premises...With respect to a claim of excessive force, the same standard of reasonableness at the moment applies....*" *Id.* at 396.

#### E. **GENERAL FORCE PROVISIONS – RESPONDING TO RESISTANCE**

The primary purpose for the use of force by law enforcement is to overcome resistance and/or establish control over the subject(s) who is resisting or creating the threat of physical harm to the trooper, themselves, or another person.

- (1) As described in section D. regarding objective reasonableness, the decision to use force requires careful attention to the facts and circumstances of each particular case. Factors to consider include, but are not limited to:

- (a) The severity of the crime at issue;
  - (b) Whether the suspect poses an immediate threat to the safety of the officer and others; and
  - (c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- (2) When applying department force guidelines to actual situations, troopers shall not unnecessarily or unreasonably endanger themselves or others. Troopers shall be mindful of subjects who may be physically or mentally incapable of responding to law enforcement commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, deafness/hard of hearing, or language/cultural barriers.
- (3) The amount of force, the continued use of any force, and the type of equipment utilized all depends upon the situation being faced by the trooper at the time.
- (a) However, once the threat has been overcome and resistance has ceased, or a subject is securely in custody, the trooper shall discontinue the use of force and address any injuries the suspect or others may have sustained.
- (4) Response to subject resistance through physical force occurs when the subject refuses to comply with a trooper's lawful order and verbal dialogue. There are three levels of force response:
- (a) **Physical Control:** Use of restraining and/or physical force to achieve compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, restraint devices, takedowns, and striking techniques.
  - (b) **Less-Lethal Weapons:** Use of weapons that are not fundamentally designed to cause death or great bodily harm. Some examples include chemical agent sprays (e.g. Sabre Red), Conducted Electrical Weapons (e.g. TASER), less-lethal impact weapons such as expandable batons and Less-Lethal impact munitions (for those personnel authorized and trained in such impact munitions).
  - (c) **Deadly Force:** Force that is likely to cause death or great bodily harm. Some examples include use of a firearm, eye gouges, empty hand strikes to the throat, choke holds, impact weapon strikes to the head or side of the neck.

**NOTE:** The mere handcuffing of a compliant individual is not considered force.

(5) **Situational Factors**

In addition to assessing a subject's resistance level, the process of determining the threat potential a trooper is facing also includes considering the following factors (factors are not all-inclusive):

(a) **Subject Factors:**

1. Size, age, and weight of the subject;
2. Apparent physical ability/skill level of the subject;
3. Number of persons present who are involved or who may become involved;
4. Weapons possessed by or readily available to the person;
5. Known history of violence by the subject;
6. Presence of innocent persons or potential victims in the area;
7. Whether the subject can be captured at a later time;

8. Whether evidence is likely to be destroyed.

(b) **Officer Factors:**

1. Size, physical ability, and trooper's Safety and Survival tactics and expertise;
2. Number of law enforcement officers present;
3. Immediate reaction in the case of sudden attack;
4. Weapon options or restraint devices available to the trooper;
5. Legal justification;
6. Agency policies and procedures.

(c) **Environmental Factors:**

1. Physical location;
2. General surroundings and the dynamics and dangers associated;
3. Lighting conditions;
4. Presence of other persons who may become involved as participants or victims;
5. Weather;
6. Avenues of escape for the subject as well as for the trooper.

**F. DE-ESCALATION**

(1) **Overview**

- (a) De-escalation techniques seek to minimize the likelihood to use force during an incident, increase the likelihood of voluntary compliance, and/or lessen the amount of force that may be needed.
- (b) De-escalation techniques involve a range of tactics that can assist in slowing down or stabilizing an incident so that, when safe and feasible under the totality of the circumstances, more time, options, and resources become available to safely resolve an incident.
- (c) The employment of de-escalation techniques may be especially important to maintain trooper and individual safety during encounters with children, youth, and persons experiencing a behavioral health disorder or in crisis.

(2) **Employing de-escalation techniques**

- (a) A trooper shall use de-escalation techniques consistent with his or her training and experience whenever possible and appropriate before resorting to force and in an effort to reduce or eliminate the need for force. *(Gov. Lamont Exec. Ord. #8, Part 2a)*
- (b) Whenever possible and when such delay will not compromise the safety of the trooper or another, and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, a trooper shall allow an individual time and opportunity to submit to verbal commands before force is used.

(3) **Examples of de-escalation techniques**

The following de-escalation techniques are examples that troopers may consider utilizing during an incident, but each technique may not be practical for employing in every situation:

- (a) Conducting a threat assessment of the situation upon arrival to help shape the options that may be available to the trooper to resolve the situation;
- (b) Communication techniques to calm an agitated subject and promote rational decision making such as:
  - 1. Ensuring that only one law enforcement officer addresses the person and that other officers present remain detached as much as safety permits;  
  
**Note:** The presence of multiple officers that are issuing commands to an agitated subject may escalate the incident by increasing the likelihood of miscommunication, and is less likely to result in a peaceful resolution. Whenever possible, only one member shall communicate with and address the person.
  - 2. Regulating vocal tone and pitch (e.g., speaking slowly in a calm voice, rather than shouting commands);
  - 3. Using calming gestures and facial expressions (e.g., arms extended with palms out; avoiding angry expressions);
  - 4. Sharing the trooper's name, asking the person his/her name, and exhibiting a genuine willingness to listen;
  - 5. Practicing procedural justice techniques, such as explaining the trooper's actions and responding to questions (e.g., directly answering questions about why the police are there or taking action);
  - 6. Verbal persuasion (e.g., explaining, without threats, how the person would benefit from cooperation);
  - 7. Verbal advisements (e.g., respectfully explaining the person's rights or what the police want the person to do);
  - 8. Verbal warnings (e.g., when necessary, notifying the person of the consequences of continued non-cooperation and then offering the person a chance to cooperate); and
  - 9. Avoiding the unnecessary display of weapons, including a CEW, a firearm, a baton, or OC Spray.
- (c) Decreasing the exposure to the potential threat by moving to a safer position. This may involve:
  - 1. Creating distance;
  - 2. Seeking cover;
  - 3. Tactical repositioning;
  - 4. Concealment; and/or
  - 5. Placing barriers between an uncooperative person and the trooper.
- (d) Slowing down the pace of the incident by:

1. Slowing your speech;
2. Taking deep breaths;
3. Waiting out the person;
4. Avoiding physical confrontation; and/or
5. Calling for extra resources outside of the subject's hearing, whenever possible, such as additional troopers and specially-trained personnel with skill sets or tools that would increase the likelihood of a safer resolution.

**G. USE OF DEADLY FORCE CALEA 4.1.2**

A trooper shall not resort to the use of deadly force if he or she reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the law enforcement purpose at no increased risk to himself or herself or another person. (*Gov. Lamont Exec. Ord. #8, Part 2c*)

**(1) Statutory authority for use of deadly force under C.G.S. § 53a-22(c), as amended by PA 19-90**

(a) A trooper is justified to use deadly physical force upon another person when he or she reasonably believes deadly physical force is necessary to:

1. Defend himself or herself or a third person from the use or imminent use of deadly physical force; or
2. Effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury if, where feasible, the trooper has given warning of his or her intent to use deadly physical force; or
3. Prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction of serious physical injury if, where feasible, the trooper has given warning of his or her intent to use deadly physical force.

**(2) *Tennessee v. Garner***

(a) The U.S. Supreme Court in *Tennessee v. Garner*, 471 US 1 (1985), has established constitutional standards for police use of deadly physical force to prevent the escape of a dangerous fleeing felon.

1. Pursuant to *Tennessee v. Garner*, in situations where a suspect poses no immediate threat to the trooper or others, any harm resulting from failing to immediately apprehend the suspect does not necessarily justify the use of deadly physical force.
2. **Troopers may not use deadly physical force:**
  - [a] Against an unarmed, non-dangerous person; or
  - [b] To prevent the escape of a person who has committed a misdemeanor and who is not considered dangerous.

**(3) Firearms**

Information pertaining to training, carrying and maintenance of firearms, as well as approved ammunition, are detailed within separate policies found in A&O § 13.4.

- (4) **Use of deadly force is authorized in certain situations to appropriately dispatch, destroy or disable:**
- (a) Any animal jeopardizing the safety of the public;
  - (b) Any dog, which the trooper observes pursuing or worrying any deer, domestic animals or poultry;
  - (c) An injured domestic animal if the trooper has the consent of the owner or has been requested to do so by a veterinarian. In any case, when a reasonable attempt to locate an owner has failed, the trooper may use his discretion to decide whether or not to kill an animal to relieve it of its suffering;
  - (d) An injured wild animal or one who exhibits unusual or threatening behavior or exhibiting signs of rabies infection, or any species of wild animal which is known to be commonly a carrier of rabies (e.g., undomesticated raccoons, skunks, foxes, etc.); or
  - (e) An inanimate object or device in any reasonably safe manner to eliminate or reduce a perceived present or imminent danger to the trooper or to the public.
- (5) **Verbal warnings prior to using deadly force**  
Whenever it is reasonable and feasible and doing so will not unreasonably increase the risk of injury to the trooper or any other person, a verbal warning shall be given before a trooper intentionally uses deadly force against a person. *(Gov. Lamont Exec. Ord. #8, Part 2b)*
- (6) **Warning shots are prohibited** CALEA 4.1.3  
Warning shots are a substantial danger to troopers and citizens alike and are not authorized by this department.
- (7) **Shooting into or at a moving motor vehicle**
- (a) **Considerations**  
Shooting into or at a moving vehicle is generally ineffective and the involved hazards are always great.
    1. Discharging of a firearm towards a vehicle will have limited ability to disable the vehicle.
    2. Passengers in a vehicle for whom deadly force is inappropriate will be exposed to great risk.
    3. If a violator is shot while driving, the un-piloted vehicle may become an uncontrolled hazard.
  - (b) A trooper should minimize placing himself/herself in a position of vulnerability when confronting a suspect in a vehicle. When confronted by deadly force either emanating from or by a moving vehicle, where possible, as a first course of action, a trooper should attempt to remove himself/herself from the path of the moving vehicle or deadly force before considering to employ deadly force.
  - (c) **Intentionally positioning oneself in front of a fleeing motor vehicle**  
No trooper shall intentionally position his or her body in front of a fleeing motor vehicle, unless such action is a tactic approved by the Connecticut State Police Training Academy and such tactic is employed in a manner consistent with the trooper's training.

1. Troopers and police officers should also avoid intentionally positioning his or her body in the potential path of travel any motor vehicle where there is a high likelihood that such vehicle will attempt to flee.
- (d) **Deadly force shall not be directed at a motor vehicle merely to disable a vehicle.**
- (e) **Troopers are prohibited from shooting at or into a moving vehicle unless the occupants of the vehicle pose a deadly threat *by means other than the vehicle*** (Gov. Lamont Exec. Ord. #8, Part 2e)
- (8) **Choke Holds and certain restraint methods** CALEA 4.1.6, 4.1.7
  - (a) The Connecticut State Police Training Academy does not advocate or teach troopers to utilize choke holds or similar types of restraints that rely on cutting off the flow of oxygen to the brain.
  - (b) Troopers are prohibited from utilizing choke holds, strangleholds or any other methods of restraint applied to the neck area or that otherwise impede the ability to breathe or restrict blood circulation to the brain of another person unless the application of deadly physical force is justified. (Gov. Lamont Exec. Ord. #8, Part 1)

## H. USE OF LESS-LETHAL FORCE

### (1) **Overview**

When de-escalation techniques are not effective or appropriate, a trooper may consider the use of less-lethal force to control a non-compliant or actively resistant individual. A trooper is authorized to use department-approved, less-lethal force techniques and issued equipment in order to:

- (a) Protect the trooper or others from immediate physical harm;
- (b) Restrain or subdue an individual who is actively resisting or evading arrest;
- (c) Bring an unlawful situation safely and effectively under control;
- (d) Thwart the acts of another person the trooper reasonably believes is about to commit suicide or to inflict serious physical injury upon himself/herself, to the extent that such actions are deemed to be necessary to thwart such result (C.G.S. § 53a-18(4));
- (e) Assist a licensed physician or psychologist, or person acting under such physician's or psychologist's direction, in administering necessary medical treatment (C.G.S. § 53a-18(5));  
or
- (f) Lawfully seize evidence and prevent against the destruction of evidence.

1. Troopers are discouraged from using force solely to prevent a person from swallowing evidence or contraband by means of ingestion, and shall not use any technique in these instances that impedes the ability to breathe or restrict blood circulation to the brain of another person.

### (2) **Use of physical force in making arrest or preventing escape (C.G.S. § 53a-22(b))**

A trooper, or other peace officer, is justified in using physical force upon another person when and to the extent that he or she reasonably believes it is necessary to:

- (a) Effect an arrest or prevent the escape from custody of a person whom the trooper reasonably believes has committed an offense; or

- (b) To defend the trooper or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

## **I. LESS-LETHAL FORCE WEAPONS** CALEA 4.1.4

### **(1) Baton**

The Monadnock Expandable Straight Baton is the department issued baton to troopers.

#### **(a) Overview**

1. The issued straight baton is designed as an impact weapon designed for blocking, jabbing, striking or to apply control holds. How the baton is used shall be based upon the dynamic circumstances of the incident.
2. Issued and authorized batons can be an effective tool for crowd control, escort, and compliance when used properly and in the proper circumstances.
3. Black-jacks, brass knuckles, "slappers" or other similar impact type weapons are not authorized.

#### **(b) Baton deployment considerations**

1. The straight baton is authorized for use whenever a subject is combative, assumes a fight stance, or indicates aggressive intent by other means (refer to the Use of Force: Threat Assessment and Response Management Matrix incorporated into this policy)
2. The straight baton may not be effective against a subject in certain circumstances, therefore troopers and officers should be prepared to gain control through other trained tactics and techniques to effect compliance with a lawful order.
3. Maintain or create a safe distance from the subject whenever possible.
4. Secure control of the subject and handcuff as soon as possible.
5. Do not strike with the straight baton once the subject becomes compliant.

#### **(c) Baton carrying and maintenance**

1. While on-duty and in uniform, the trooper shall place the police straight baton in a holder located on the duty belt on the side opposite to where the firearm is carried ("support hand side").
2. Each trooper or officer issued a department straight baton shall ensure that it is kept clean, lightly oiled, and functional at all times.

#### **(d) Police straight baton certification and recertification**

All troopers shall be trained and certified with the issued police straight baton.

1. The Monadnock Expandable Straight Baton Basic Training Course is the training program that shall be taught to all sworn department members as part of initial training.
  - [a] The Monadnock Baton Chart, located in section Q. at the end of this policy, shall be used to train sworn department members on where to effectively strike using the straight baton.

2. The Training Academy shall determine, based on the agency's experience with the weapon in the field, the appropriate re-certification course of instruction that is required.
3. Each trooper who is assigned an additional baton (i.e. a riot baton) shall successfully complete an initial training program prior to issuance of such baton.

(2) **Oleoresin Capsicum (OC) Spray**

OC Spray is an organically based (oleoresin capsicum) aerosol device designed to incapacitate an attacker without harmful side effects, and is a force option to be used consistent with department training, manufacturer's guidelines and consistent with the provisions of this policy. The current department issued OC Spray to troopers is Sabre Red.

(a) **Overview**

OC Spray is intended to allow a trooper to gain a tactical advantage and aid in controlling a hostile subject by causing the subject's eyes to close and creating a distraction associated with the discomfort from the OC spray.

1. The effectiveness of the OC Spray may reduce the need for an escalation to other force options.

(b) **OC spray deployment considerations**

1. OC Spray is authorized for use whenever a subject is combative, assumes a fighting stance, or indicates aggressive intent by other means (refer to the Use of Force: Threat Assessment and Response Management Matrix incorporated into this policy).
2. OC Spray may be ineffective against some subjects, so troopers should be prepared to react appropriately in these instances.
3. Normally, a one second spray to the face is sufficient. Some persons may require additional or slightly longer spraying.
4. Maintain or create a safe distance from the suspect whenever possible.
5. Gain control of the subject and handcuff as soon as it is possible to do so.
6. Do not spray OC Spray after resistance ceases.

(c) **After-use procedures**

1. Immobilize the subject by handcuffing and conduct a search for weapons.
2. Alleviate any anxiety the subject may have by assuring him / her that the effects of the spray are temporary and that symptoms should disappear within 15-45 minutes.
3. Remove the subject promptly from the area in which the spray was used.
4. If a subject is wet from spraying, when possible, allow a few minutes for the OC Spray to dry before transporting.

5. **Continuously monitor the subject's physical condition**

- [a] Ask the subject whether he / she has a respiratory condition, such as asthma, bronchitis or emphysema.
- [b] If significant symptoms last longer than 45 minutes, especially in the eyes or respiratory system, seek prompt medical attention.

6. Allow compliant subjects to clean OC Spray from their person after arrival at a physically secure prisoner processing area.
  - [a] Rinse the eyes with a sufficient flow of clean water for a duration of time until relief is received, and wash the area that was sprayed with soap and water to clean the OC Spray from the subject.
7. Non-compliant persons should have the OC Spray washed off as soon as it is safe to do so, or in such a manner as to minimize the risk of injury to police personnel.
8. If the subject will be detained, inform monitoring personnel that he or she has been sprayed.

(d) **OC spray maintenance**

1. OC Spray should be shaken vigorously when first acquired and at least once a month thereafter. A one second test spray is recommended when issued a new canister.
2. OC Spray canisters should be replaced via the Connecticut State Police Training Academy prior to the expiration date located on the bottom of the canister. Expired OC Spray canisters should be disposed of in accordance with the Training Academy's guidelines.
3. OC Spray shall be stored at normal room temperatures and shall not be placed near excessive heat or an open flame. Prolonged exposure to sunlight or to temperatures of more than 120 degrees Fahrenheit may rupture the canister.
4. Prolonged exposure to below-freezing temperature may result in a slower discharge or short range.

(e) **Carrying OC spray**

1. Troopers authorized to carry the issued OC Spray shall place it on the duty belt where it can be easily accessed.
2. OC Spray shall not be part of the Class A uniform.

(f) **Certification and re-training**

1. Troopers shall complete the department OC Spray training course before carrying or using the department issued spray.
2. The Training Academy shall determine, based on the agency's experience with OC spray in the field, the appropriate re-certification course of instruction that is required.

(3) **Conducted Electrical Weapons (CEW)**

- (a) The use of the CEW is authorized in situations where the subject is actively resisting a trooper's efforts to gain control of the incident, or imminently likely to do so, and where deployment of the CEW is reasonably likely to minimize the possibility of injury to the subject, all police officers involved, and/or other members of the public.
- (b) Detailed guidance regarding the use of CEWs is located in a separate policy in A&O § 13.4.

(4) **Other less lethal force weapons**

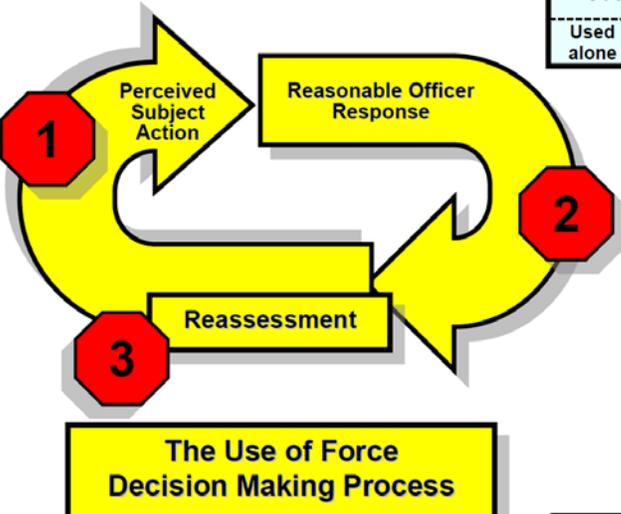
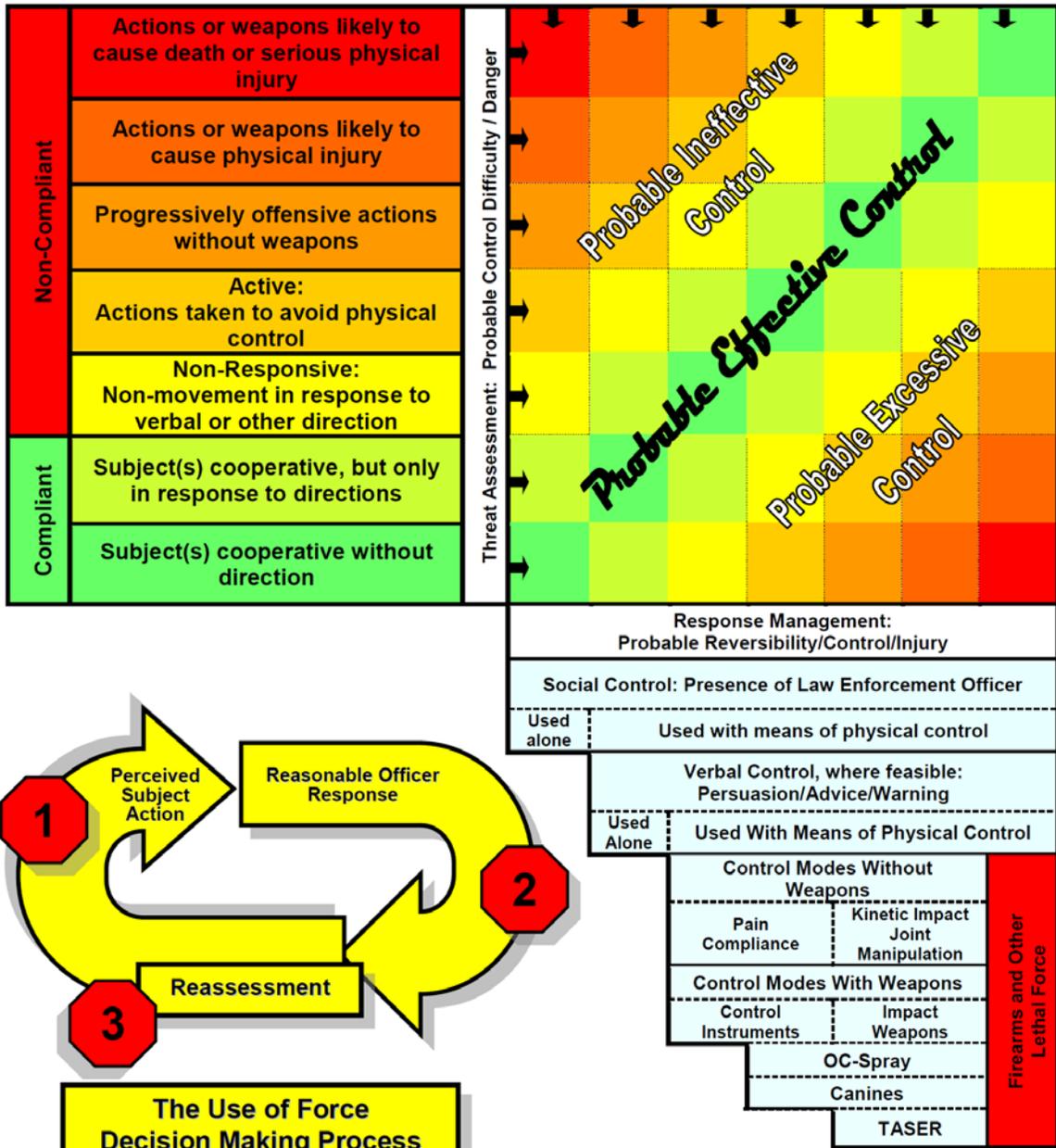
The use of other issued less lethal weapons, such as those issued to specially trained troopers in the State Police Tactical Unit, is located at A&O § 13.4.4

**J. USE OF FORCE: THREAT ASSESSMENT AND RESPONSE MANAGEMENT MATRIX**

No use of force decision can be accurately reduced to a simple diagram while adequately taking into consideration all of the facts and circumstances with which an officer is confronted when deciding what force is appropriately used in any given circumstances. As a result the below Use of Force Matrix should be considered only as a guide and a training aid in framing the use of force decision. (Gov. Lamont Exec. Ord. #8, Part 2f)

**Use of Force:  
Threat Assessment and  
Response Management Matrix**

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**CONTROL KEY**

- Red: Force option not appropriate under most circumstances or otherwise forbidden by law.
- Orange: Force option probably excessive or likely to result in officer injury under most circumstances.
- Yellow: Force option not permitted by policy or only appropriate under limited circumstances.
- Light Green: Force option likely appropriate, depending upon the circumstances.
- Green: Force option likely to result in probable effective control under most circumstances.

The basic concepts underlying the Use of Force Matrix are:

- (1) All legitimate uses of force in a law enforcement or custodial setting are ultimately justified by an articulable need to exert some level of control over another person.
- (2) It is the subject's actions which dictate the quality and quantity of force used by an officer in response thereto in order to exert control.
- (3) The need to exert control over another person in a law enforcement or custodial setting is often characterized by rapid and unpredictable changes requiring the officer to continually reassess a subject's actions as well as his or her response to those actions.
- (4) A proper application of force in any given set of circumstances is as much influenced by the quality of the force applied, and by the timeliness with which it is applied, as it is by the quantity of force applied.
- (5) The decision to use force in a tactical environment is not progressive in nature. Rather, the use of force inquiry focuses on the reasonableness of the force options actually employed.
- (6) The use of force inquiry focuses not on what the most prudent course of action may have been, but instead whether the seizure actually effectuated falls within a range of conduct which is objectively reasonable. There exists no legal requirement to choose the one "correct" means of gaining control over a subject through the use of force.
- (7) The appropriateness of a use of force decision is properly judged on the basis of the reasonableness of an officer's perception of the subject's actions with which he was confronted at the time he or she made the decision to use force rather than upon absolute fact.
- (8) The appropriateness of a decision to employ a particular tool in response to a perceived threat depends on the degree of control which is reasonably likely to result based on all of the circumstances known to the officer at the time the tool is employed.
- (9) The degree of force which can be appropriately used to respond to a threat increases proportionally in relation to the degree of threat reasonably perceived by an officer, and to the immediacy of the response required.
- (10) The reversibility of a decision to use force is inversely proportional to the degree of force employed.
- (11) The greater the degree of force employed, the more likely it is that physical injury will result, and the resulting physical injury will be serious in nature.
- (12) The greater the probability of injury to a subject, the greater the potential for liability to the officer. The greater the probability that a particular technique will result in officer control, the greater the advantage for the officer.

#### **K. SPECIAL CONSIDERATIONS**

- (1) **Use of non-traditional weapons in rare circumstances**
  - (a) It is recognized that rare circumstances may arise in which a trooper reasonably believes that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the department. A trooper may find it necessary, more effective or practical to improvise his or her response to rapidly unfolding conditions they are confronting.
  - (b) In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree necessary to achieve a lawful objective.

Such circumstances shall be subject to the same force notification and reporting requirements as traditional methods, and will be subject to careful scrutiny.

(2) **Positional asphyxia precautions**

- (a) When restraining subjects as part of an arrest or any custodial event, a trooper should make attempts to place a subject in a position that allows for adequate breathing, once that subject has been placed into custody and is considered under control.
- (b) When transporting subjects, consistent with A&O § 19.1.10, troopers shall not "hog-tie" or position a person using physical restraints in any position that is likely to result in serious injury or death, as from a position that might induce "positional asphyxia."

(3) **Use of Physical Force by other persons**

Troopers must be aware that provisions of C.G.S. §§ 53a-18 through 53a-22, inclusive, that govern use of reasonable physical force and use of physical force in defense of person are applicable to persons other than police officers.

**L. DUTY TO INTERVENE CALEA 1.2.10**

Troopers must recognize and act upon the duty to intervene to prevent or stop any other trooper or police officer, regardless of department affiliation, from using excessive or unreasonable force.

- (1) Any trooper, who while acting in his or her law enforcement capacity, witnesses another trooper or police officer use what the witnessing trooper objectively knows to be unreasonable, excessive or illegal force shall intervene and attempt to stop such other trooper or police officer from using such force. *(Gov. Lamont Exec. Ord. #8, Part 2d)*
- (2) Any trooper who witnesses another trooper or police officer use what the witnessing trooper objectively knows to be unreasonable, excessive or illegal force, or is otherwise aware of such use of force by another trooper or police officer shall verbally report, as soon as is practicable, such use of force to the duty supervisor, or when not appropriate, to the next highest ranking commanding officer.
  - (a) The commanding officer of the reporting trooper shall promptly contact the commanding officer of the trooper who was observed using force that was clearly beyond what is objectively reasonable so that appropriate investigative steps into that reported use of force can be taken.
  - (b) In the event that the unreasonable, excessive or illegal force act was committed by a police officer not employed by or affiliated with the Connecticut State Police, the law enforcement unit that employs the police officer is required to be notified.
    - 1. This shall be accomplished by the supervisor or commander who receives the initial report making notification through the chain of command to the Commanding Officer of the Division of State Police, or his/her designee, for prompt reporting to the Chief Law Enforcement officer of the law enforcement unit that employs the police officer(s) that were observed to have used the unreasonable, excessive or illegal force.
- (3) The initial verbal report shall be followed by a written memorandum to the attention of the reporting trooper's commanding officer within forty-eight (48) hours.
- (4) The intervention provisions of subsection L(1) above do not apply to any witnessing trooper who is operating in an undercover capacity at the time he or she witnesses another trooper or police officer use unreasonable, excessive or illegal force.
  - (a) However, troopers operating in an undercover capacity are still bound by all other provisions of this policy, including the reporting requirements set forth in subsection L(2) and L(3).

- (5) Troopers are strongly encouraged to take a preventive approach, whenever possible, to prevent the use of excessive or unreasonable force by other troopers and police officers. Troopers observing behavior that suggests that another trooper is contemplating or about to apply unreasonable, excessive or illegal force should intercede before it rises to such a level, if feasible.
- (6) A trooper who intervenes against unreasonable, excessive or illegal use of force, reports misconduct related to use of force, or cooperates in an internal or other investigation regarding the use of force shall not be retaliated against for doing so.

**M. RENDERING MEDICAL AID IN FORCE SITUATIONS CALEA 4.1.5**

- (1) Any time a person has visible injuries or complains of being injured as a result of force used against him/her by a trooper or other police actions, the trooper must take appropriate actions to provide medical care for the injured person. Appropriate medical aid shall be requested and rendered as soon as it is safe and practical to do so whenever an injury results from the use of deadly force, non-deadly force, or other police action incidents involving serious physical injury or death.
  - (a) Appropriate medical aid may include, but is not limited to:
    1. Increased observation of the subject to detect obvious changes in condition;
    2. Rendering of emergency care, rescue, and/or first aid to the extent of a trooper's training and/or certification;
    3. Assist in flushing chemical agents from the subject's eyes;
    4. Securing the scene to protect the subject from any further injury;
    5. Evaluation by Emergency Medical Services (EMS) personnel; and
    6. Aid by medical professionals, as applicable.
  - (b) In instances when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious, the trooper shall ensure that emergency medical services are activated.
- (2) Additionally, troopers shall promptly notify troop dispatch and ensure the scene/duty supervisor is made aware of any instance in which an individual is injured, complains of injury, requests medical attention, or appears to be in medical distress following the application of force, or from any attempt of police personnel to control or take an individual into custody.
  - (a) Also refer to A&O § 22.3 for additional requirements in reporting injuries resulting from the use of department canines.
- (3) Involved troopers and witnessing troopers shall document the facts and circumstances of the injuries/complaints of injury, and the medical aid rendered in his or her written arrest/incident report, and in any other reports as directed by the duty supervisor.

**N. NOTIFICATION AND DOCUMENTATION OF THE USE OF FORCE CALEA 4.2.1**

- (1) Troopers shall report to the on-duty shift supervisor as soon as feasible anytime a trooper:
  - (a) Discharges a firearm for other than training or recreational purposes or to dispatch an animal;  
CALEA 4.2.1a

- (b) Takes action that results in, or is alleged to have resulted in, the injury or death of another person; CALEA 4.2.1b
  - (c) Applies force through the use of lethal or less than lethal weapons including a department canine; or CALEA 4.2.1c
  - (d) Applies weaponless physical force, other than: CALEA 4.2.1d
    - 1. Reasonable holding, restraining or positioning of an individual necessary to apply handcuffs and other restraints, unless injury or death occurs or injury is alleged; or
    - 2. Necessary physical touching or guiding of an individual intended to effect compliance with a lawful command, which is applied in such a manner as to be reasonable and which is not intended to cause physical injury, and does not cause injury or result in an allegation of injury.
  - (e) Points a firearm at a subject, or points a conducted electrical weapon (CEW), whether in arc mode or the illumination of a laser sight onto a subject, as a show of force. (Gov. Lamont Exec. Ord. #8, Part 2g)
  - (f) Observes or receives a report of any injury or complaint of injury to a prisoner in State Police custody, a person otherwise under the control of the State Police, or a person who is in the process of actively being taken into custody or control by the State Police.
- (2) Each trooper involved in a use of force incident, show of force incident, or any other incident described in subsection N(1) above shall prepare a written report in the field reporting system thoroughly documenting the actions taken by the trooper during the course of the incident, the facts and circumstances that led the trooper to take such actions, and any other pertinent observations.
- (3) Each trooper witnessing a use of force incident, show of force incident, or any other incident described in subsection N(1) above shall also prepare a written report in the field reporting system thoroughly documenting their observations and actions, as well as any other pertinent information related to the incident.
- (4) All use of force, show of force, and injury to prisoner incidents involving troopers shall be investigated by a State Police supervisor who is not an involved party in the incident, and submitted through the chain of command for review.
- (a) Refer to A&O § 13.04.03 for specific guidelines on conducting investigations into the use of force.
  - (b) Serious physical injury, life threatening injuries, or fatal injuries sustained by anyone involved in the application of force shall be further guided by the required investigative procedures outlined in A&O Chapter 5, ensuring that form DPS-449-C is also completed.
- (5) **Notification to the Commissioner** CALEA 11.3.3  
 A timely notification shall be made to the DESPP Commissioner through the chain of command by the trooper's immediate supervisor whenever:
- (a) **A trooper or police officer operating under the authority of DESPP (e.g. constables, task force officers) is shot;**
  - (b) **Shots are fired by a trooper or police officer operating under the authority of the Division of State Police** while effecting an arrest, engaging in vehicle pursuit, or in defense of himself/herself or others; or
  - (c) **A department firearm or approved personal firearm is accidentally discharged;** or

- (d) The death of any person in the care, custody or control of any person or entity under the jurisdiction of DESPP occurs.

Refer to A&O Chapter 5 and A&O § 13.4.3 for internal investigation requirements pertaining to these instances.

**O. NON-DISCIPLINARY RELIEF OF DUTY CALEA 4.2.3**

Any trooper, sworn officer, auxiliary trooper, town police officer serving under state police jurisdiction in the Resident Trooper Program, task force officer operating under DESPP authority, or civilian acting in an official capacity (“employee”), whose action(s) or use of force in an official capacity results in death or serious physical injury to another person shall be assigned to administrative duties pending the outcome of a DESPP administrative review of his/her action(s).

**(1) Removal from operational duty assignment for troopers CALEA 26.3.7**

Pending the outcome of an administrative review and any pertinent investigation, any trooper whose official actions results in death or serious injury to another person shall be removed from operational duty and placed in a meaningful administrative assignment. Each such incident will be reviewed as promptly as possible to minimize the impact on the trooper.

- (a) The administrative assignment will be determined after consultation with the trooper’s commanding officer, the STOPS Unit, union representatives, or other counselors involved, if any.
- (b) Such administrative assignment may include overtime opportunities within the administrative position (i.e., Background Investigation Unit, Special Licensing and Firearms Unit, Offender Registry, etc.).
- (c) Such administrative assignment shall not include work in a patrol capacity.

**(2) Return to active duty assignment**

The involved trooper will ordinarily be returned to active duty after a DESPP inquiry if the inquiry finds that the incident did not involve a violation of A&O Manual policy. The DESPP inquiry will ordinarily be concluded within two (2) months.

- (a) Other than those cases where DESPP’s inquiry has led to a conclusion of misconduct or potential employee misconduct, if the trooper remains in the administrative assignment for an extended period, in excess of two (2) months, the trooper will be eligible for special duty opportunities consistent with Special Duty guidelines.
- (b) DESPP reserves the right to keep the involved trooper in the administrative assignment beyond the two-month period if investigations are still pending and/or the facts and issues in the particular case so warrant.
- (c) There will be no negative impact on transfers, selection to specialized units and/or promotion to any trooper solely by virtue of the trooper’s placement on such an administrative assignment.
- (d) The trooper shall submit to a fitness for duty examination prior to returning to full duty.

**P. TRAINING**

**(1) Prerequisites to Carrying Weapons and Using Force**

- (a) A trooper may use various weapons / less than lethal weapons within the scope of his or her Connecticut State Police duties only after receiving all the requisite training to include:

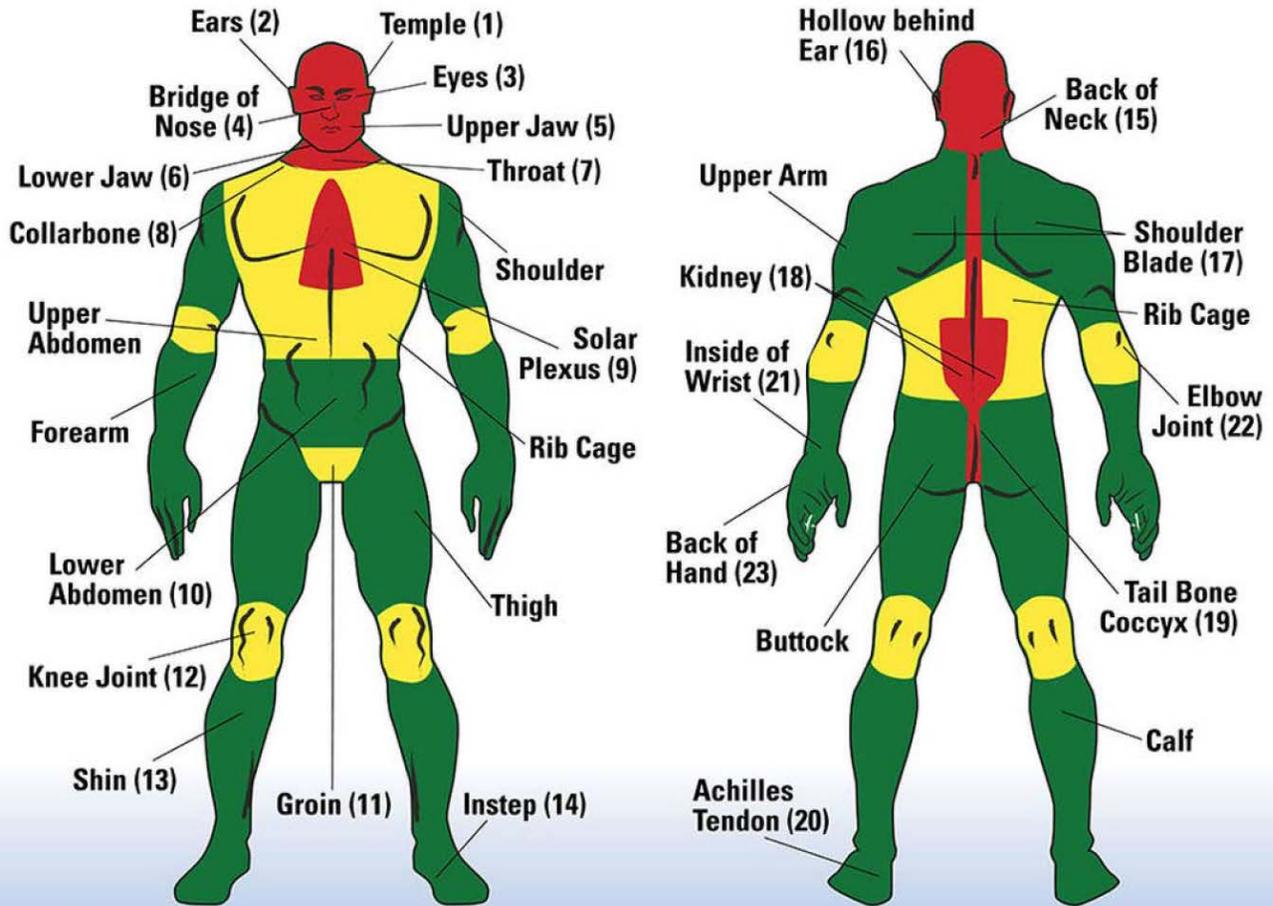
1. Initial training and demonstrated proficiency with the weapon or technique. CALEA 4.3.2
  2. A copy of the policy that addresses the use of the weapon or technique.
  3. Training on the policy that addresses the use of the weapon or technique.
- (b) Any other Use of Force policies shall also be provided to troopers prior to initial authorization to carry weapons or use force. Such policy receipts and curriculum delivery shall be documented utilizing form DESPP-5500-C, Use of Force Policy and Procedures Acknowledgement form, and/or by any available electronic method as determined by the Commander of the State Police Training Academy. CALEA 4.3.4
- (2) **In-Service training requirements** CALEA 4.3.3
- (a) At least annually, all troopers authorized to carry weapons shall receive in-service training on the department's use of force policies, along with any relevant statutory changes and significant court rulings.
    1. Annual in-service shall also include a review of definitions/explanations of any conditional terms used in qualifying policies on use of lethal force.
  - (b) At least annually, all troopers authorized to carry weapons shall demonstrate proficiency with all approved lethal weapons and conducted electrical weapons that the trooper is authorized to use.
  - (c) In-service training of troopers in regards to other less-lethal weapons and weaponless control techniques shall occur at least every two (2) years.
  - (d) Periodic training that reinforces the importance of and provides techniques for de-escalation shall occur at least every two (2) years.
  - (e) Training that enhances troopers' discretion and judgment in utilizing less-lethal and deadly force in accordance with this policy should also be considered.
- (3) **Additional considerations**
- (a) Proficiency training must be monitored by a certified weapons or tactics instructor; CALEA 4.3.3a
  - (b) Training and proficiency must be documented; and CALEA 4.3.3b
  - (c) Any trooper failing to demonstrate proficiency with a weapon shall not be returned to duty with that weapon until such time as proficiency is demonstrated and documented. CALEA 4.3.3c

**Q. APPENDIX – MONADNOCK BATON CHART**

On the following page is a color-coded diagram that displays the potential level of risk of physical trauma to a human body that is subjected to the application of baton techniques, depending upon the area of the body to which the technique is applied.

# BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



## STRIKING AREAS

GREEN	YELLOW	RED
<p><b>REASONING</b> Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p><b>REASONING</b> Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p><b>REASONING</b> Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.