

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 404.2
	Subject/Title: Use of Force	Issue Date: July 29, 2014	
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: September 1, 2014	
References/Attachments: Policies & Procedures #'s: 302, 405, 406, 407, 408		Review Date: Annually	
		Rescinds: 404.1	
		Amends: N/A	

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the use of force and the protocols that must be followed whenever an officer exerts any degree of force in the performance of his or her duties.
1. This policy details the guidelines the officer is to follow when exerting any degree of force in the performance of his or her duties. The nature of officers' work requires them to make fine judgments, often in dangerous and confusing circumstances, usually by relying on their internalized values, knowledge, and skills rather than on direct oversight.
 2. The use of force has a profound impact on the persons who are subject to it, on the officers who deploy such force and on the families and communities of all. How the Department uses force affects how the community views the police and impacts the legitimacy of the Department in the eyes of the community.

II. POLICY

- A. It is the policy of the East Haven Police Department to value and protect human life as our highest priority. The public authorizes the police to use that force which is objectively reasonable for the protection of human life. As such, it is the policy of the Department that officers shall use only the minimum amount of force necessary to bring a person or incident under control, in pursuit of this mission.
- B. The Department shall maintain use of force policies and procedures, training, and review mechanisms that ensure that force by EHPD officers is used in accordance with the

rights, privileges, and immunities secured or protected by the Constitution or laws of the United States and that any unreasonable uses of force are identified and responded to appropriately. These policies and procedures shall ensure that officers use non-force techniques to effect compliance with police orders whenever feasible; use physical force only when strictly necessary; use physical force in a manner that avoids unnecessary injury to officers and civilians; and de-escalate the physical use of force at the earliest possible moment.

- C. Force shall never be used as punishment, regardless of the alleged offense.
- D. Officers who use more force than objectively reasonable to gain control of a subject or to prevent harm to another person shall be subject to severe discipline or discharge from the Department.

III. DEFINITIONS

The directives governing use of force use certain major terms or phrases to describe and/or define various aspects of less lethal force and lethal force. For purposes of clarifying these terms, a glossary of major terms has been established as follows.

- A. Act Aggressively: The subject displays the intent to harm the officer, himself or herself or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.
- B. Critical Firearms Discharge: A discharge of a firearm by an EHPD officer, including accidental discharges, discharges at animals, and discharges at persons where no one is struck, with the exception of range and training discharges.
- C. Lethal Force: Refers to any use of force likely to cause death or serious physical injury, including, the use of a firearm, neck hold, or strike to the head, neck or throat with a hard object, including a fist.
- D. De-Escalation: The use of verbal and physical cues, such as words and gestures, by a responding officer to reduce the potential for a subject to resist police authority.
- E. Whenever an officer believes that de-escalation is feasible, based on his or her training and judgment, such techniques shall be the first deployed by the officer to gain compliance.
- F. Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.
- G. Hands-On Defense: The use of hard hands such as the physical pressure necessary to force a person against an object or the ground; use of physical strength or skill that causes pain or leaves a mark; leverage displacement; joint manipulation; pain compliance; and pressure point control tactics. This includes those types of manual holds for which a

police officer has been specifically trained in gaining control or maintaining control of a detainee.

- H. Less Lethal Force: A force application not intended or expected to cause death or serious injury and which is commonly understood to have less potential for causing death or serious injury than conventional, more lethal police tactics. Nonetheless, use of less-lethal force can result in death or serious injury.
- I. Less Lethal Weapon: Any apprehension or restraint tool that, when used as designed and intended, is less likely to cause death or serious injury than a conventional lethal weapon (e.g., firearm). Nonetheless, use of a less-lethal weapon may result in death or serious injury.
- J. Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the US Constitution. The US Supreme Court established this standard in its ruling in *Graham v. Connor* (1989).
 - 1. The Court held, "...that all claims that law enforcement officers have used excessive force – lethal or not – in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and its objective reasonableness standard...The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation."
 - 2. The force must be reasonable under the circumstances known to the officer at the time the force was used.
- K. Physical Injury: Refers to any impairment of physical condition or pain.
- L. Probable Cause: Probable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to cause a reasonable person to believe that the person being arrested has committed or is committing the crime for which the arrest is being made.
- M. Resisting Arrest/Interfering with Police: Refers to the act of a person who knowingly prevents or attempts to prevent a police officer, acting under the color of his or her official authority, from effectuating an arrest. To resist arrest includes such things as using or threatening to use physical force or violence against a law enforcement officer, or the use of any other means to create a substantial risk of physical injury to a police officer.

- N. Active Resistance: Refers to the subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance. Examples include: fighting and breaking the officer's grip.
- O. Passive Resistance: Refers to circumstances in which the subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.
- P. Serious Physical Injury: Refers to physical injury that creates substantial risk of death, or causes serious disfigurement or serious impairment of health, or loss or impairment of the function of any bodily organ.

IV. PROCEDURES

- A. Members of this Department are expected to use only that degree of force that is objectively reasonable in making a lawful arrest, placing a person into protective custody, effectively bringing an incident under control, or preventing harm to or death(s) of others or themselves.
 - 1. Control is reached when a person either complies with an officer's directions, or the suspect is restrained or apprehended and no longer presents a threat to the officer or others. Since officers will encounter a wide range of behaviors, they must be prepared to utilize a range of force options to maintain and/or reestablish control by overcoming resistance to the officers' lawful authority while minimizing injuries, bearing in mind that the use of force must be reasonably necessary under the circumstances.
- B. The lawful and proper use of force is limited to only that which is necessary to control and terminate resistance and/or to prevent any further physical attack against the officer or any other person. This includes lethal and/or less lethal force, with lethal or less lethal weapons.
- C. The Department issues lethal and less lethal weapons to its officers to provide them the optimum ability to protect others and themselves. The use of any of the weapons authorized and issued to East Haven Police Department personnel could result in serious harm or death. Personnel are to be especially aware of this when deploying Department authorized and issued less lethal weapons.
- D. Members of this Department are expected to justify any use of force in any criminal, civil or administrative proceedings that arise. Members who cannot or will not comply with this policy will subject themselves to disciplinary action, as well as the possibility of criminal and civil liability.
- E. It is incumbent upon all personnel involved in a post-shooting incident situation to be cognizant of the implications whenever a member of this Department uses lethal force that results in the death or serious physical injury of another. Personnel who are engaged

in the supervision and/or the investigation of a post-shooting incident are expected to take immediate action after incidents where shooting causes death or serious physical injury to an officer or another person to safeguard the continued good mental health of all involved personnel.