

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 406.6
	Subject/Title: Use of Less Lethal Force	Issue Date: September 29, 2020	
		Effective Date: October 1, 2020	
Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually		
References/Attachments: Connecticut General Statutes: § 53a-8, 53a-165 to 53a-167 Policies and Procedures #: 302, 404, 405, 407, 408 Appendix A – Critical Decision-Making Matrix		Rescinds: 406.5	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 (EHPD) regarding the use of less lethal force.

II. POLICY

- A. The policy of the East Haven Police Department is to value and protect human life. The public authorizes the police to use that force which is objectively reasonable for the protection of human life. Officers shall use only the minimum amount of force objectively reasonable to bring a person or incident under control, in pursuit of this mission.
1. Officers shall evaluate all situations and the need to use force using the Critical Decision-Making Matrix as outlined in Appendix A of this directive.
- B. Force shall never be used as punishment, regardless of the alleged offense.
- C. Any officer, while acting in a law enforcement capacity, witnesses another officer use what the witnessing officer objectively knows to be unreasonable, excessive or illegal use of force, shall intervene and attempt to stop such other officer from using such force.
1. Any such officer who fails to intervene in such an incident may be prosecuted and punished for the same acts in accordance with the provisions of Connecticut General Statutes Section § 53a-8 as the officer who used unreasonable, excessive, or illegal force.
 - a. The provision of this section does not apply to any witnessing officer who is operating in an undercover capacity at the time he/she witnesses another officer use unreasonable, excessive or illegal force.

- D. Any officer who witnesses another officer use what the witnessing officer objectively knows to be unreasonable, excessive or illegal use of force or is otherwise aware of such use of force by another officer shall report, as soon as is practicable, such use of force to the on-duty supervisor.
 - 1. The reporting of such force shall be done in accordance with Policies and Procedures 407 – Use of Force Review and Investigations, and the on-duty supervisor shall notify the Captain of the Patrol Division.
 - 2. Any officer required to report such an incident who fails to do so may be prosecuted and punished in accordance with the provisions of Connecticut General Statutes Sections § 53a-165 to § 53a-167.
- E. The Department shall not take any retaliatory action or discriminate against an officer who intervenes in an incident or reports an incident because the officer made such report and/or intervened; the reporting officer shall be protected by Connecticut General Statutes.
 - 1. The Department prohibits retaliation and/or discrimination against any member who intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.

III. DEFINITIONS

- 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. 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.
- C. Chief of Police Finding: The Chief's report on his/her findings issued to the officer(s) under investigation and included in the file on the incident maintained by the Internal Affairs Officer (IAO).
- D. Critical Firearms Discharge: A discharge of a firearm by an officer, including accidental discharges, discharges at animals, and discharges at persons where no one is struck, with the exception of range and training discharges.
- E. 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.
- F. De Minimis Force: Physical interaction that does not cause pain or injury and is meant to separate, guide, and/or control a subject including compliant handcuffing.
- G. Firearm: A pistol, revolver, shotgun, carbine or machine gun, as well as any instrument capable of discharging a bullet or shot.

- H. Force Review File: A compilation by the supervisor of the Use of Force Reports, Supervisory Force Review Report and documented evidence for each use of force incident. The Force Review File is reviewed by a Division head and submitted to the Chief of Police and IAO.
- I. Hard-hand Control: Force involving the use of controlled knee strikes, elbow strikes, punches, kicks or other striking techniques; hard takedowns and strikes to pressure point areas to control a subject. Such force is impact oriented and presents a moderate chance of physical injury to the subject.
- J. IAO Use of Force Report: The report submitted to the Chief of Police reporting the IAO's investigation and review of an incident. It shall include the Force Review File.
- K. 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.
- L. 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 (i.e., firearm). Nonetheless, use of a less-lethal weapon may result in death or serious injury.
- M. Lethal Force: Refers to any use of force likely to cause death or serious physical injury, including, the use of a firearm, neck restraint (i.e. choke hold, arm bar hold, carotid artery hold, lateral vascular neck restraint, and neck restraint or hold with a knee or other object), or strike to the head, neck or throat with a hard object, including a fist.
- N. 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.
- O. Officer Involved Shooting Incident: A line-of-duty incident where a shooting causes death or serious bodily injury to an officer or other person.

- P. **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.
- Q. **Physical Injury:** Refers to any impairment of physical condition or pain.
- R. **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.
- S. **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/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.
- T. **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.
- U. **Soft-Hand Control:** Force involving the use of pressure point techniques, grabs, holds, soft takedowns, and joint locks/manipulation to control a subject. Such force is not impact oriented and presents a minimal chance of physical injury to the subject.
- V. **Supervisory Force Review Report:** The immediate supervisor's report on an incident involving use of force.
- W. **Use of Force Report:** To be completed by all officers who used force.
- X. **Use of Force Witness Report:** To be completed by all officers who witnessed the use of force by other officers.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Officers are justified in using less lethal force in the performance of their duties only when they reasonably believe the force employed is necessary to accomplish the following.
 - 1. Protect themselves or others against the use of unlawful force, violence, or an attack by another person.
 - 2. Prevent another from committing suicide or inflicting serious physical injury upon himself or herself.

3. Thwart the commission of a crime involving or threatening the use of physical injury, damage to, or loss of property, or a breach of the peace.
 4. Prevent an escape.
 5. Effectuate a lawful arrest (where resistance is offered) for any offense or crime under the laws that the officer has been empowered to enforce.
- B. When feasible, officers shall utilize de-escalation/calming techniques and/or verbal warnings prior to using force.
- C. The use of less lethal force to effectuate an arrest is justifiable under the following circumstances.
1. Prior to the use of less lethal force in effectuating an arrest, officers must make the purpose of the arrest known to the suspect when feasible unless the officer reasonably believes that the suspect knows his/her identity and purpose, or extenuating and exigent circumstances exist.
 2. When a suspect physically resists the officer's attempt to effectuate an arrest, or attempts to cause injury or harm to an officer, threatens to use any physical force, attempts to escape, or takes any other action intended to prevent an officer from effecting an arrest.
 3. The level of force to be used by an officer effectuating an arrest is limited to only that which is necessary to overcome any resistance or force being used by the perpetrator.
 - a. The use of less lethal weapons such as OC Spray and CEW's is recommended when in the judgment of the officers use of such weapons will prevent injury to suspects, officers, and others.
 - b. This level of force may include the use of hard-hand control techniques.
 4. An officer must immediately cease the use of less lethal force to effectuate an arrest once the suspect's resistance or physical force against the officer has ceased.
 5. Officers may handcuff arrestees with the exception of arrestees who he/she determines are young, old, infirm or have an injury likely to be aggravated by handcuffing.
 6. Police officers while acting in the capacity of their official duties under the color of law are not obliged to desist from making an arrest because resistance may be encountered or threatened. Officers shall consider all the options available to them to counter resistance, including the following.
 - a. Using advisements, warnings, and verbal persuasion, when possible, before resorting to physical force.
 - b. De-escalate immediately as resistance decreases.

- c. Using disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, and/or calling in specialized units, when possible, in order to reduce the need for physical force and increase officer and civilian safety.
 - d. Allowing individuals time whenever possible to submit to arrest before physical force is used.
 - e. Whenever an officer believes that de-escalation is feasible, based on his/her training and judgment, such techniques shall be the first deployed by the officer to gain compliance.
7. Supervisors shall determine whether the action or inaction of officers using physical force, or the actions or inactions of other officers on scene, resulted in the need to use physical force.
- D. Officers are prohibited from using force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures and/or a violation of Federal and/or State laws.
- a. An officer who directly observes a use of force that is unreasonable, excessive or otherwise in violation of the Department's Use of Force Policies and Procedures, and/or in violation of Federal and/or State laws shall contact and notify a supervisor as soon as possible of such force.
 - b. Officers shall act to intervene and stop any unreasonable, excessive or illegal use of force by another officer.
 - c. An officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall notify the on-duty supervisor and submit an incident report and/or Witness Use of Force Report to the on-duty supervisor by the end of his/her tour of duty.
 - d. The Department prohibits retaliation and/or discrimination against any officer who intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.
- E. The intentional use of a chokehold or other method of restraint applied to the neck area of another person that impedes the ability of such person to breathe or restricts blood circulation to the brain is prohibited unless the officer reasonably believes such use to be necessary to defend himself/herself or a third person from the use or imminent use of deadly physical force.
- 1. Prohibited methods of restraint to the neck area include, but is not limited to the following.
 - a. Arm bar hold.
 - b. Carotid artery hold.
 - c. Lateral vascular neck restraint.

- d. Neck restraint or hold with a knee or other object.
- F. Officers shall be issued and be trained in the Department's Use of Force Policies and Procedures prior to being authorized to carry any lethal or less lethal weapons.
 - a. Training on the specific use of a chokehold and the lateral vascular neck restraint shall be initially provided to officers and biennially thereafter by a certified instructor.

V. PROCEDURES

- A. Officers shall use all authorized personal defensive weapons in the manner prescribed during Department training for that particular weapon. Further, no officer will be permitted to employ any Department issued weapon prior to successfully completing Department training courses or other courses of training required by the Connecticut Police Officers Standards and Training Council. Authorized less lethal weapons are:
 - 1. Conducted Electrical Weapons (CEW): Taser X-26 and X-26P
 - a. CEW – Department Issued Only
 - b. CEW equipped with camera – Department Issued Only
 - c. CEW equipped with HD camera – Department Issued Only
 - d. CEW Duty Holster, to be carried on support hand side from the belt area or a drop holster.
 - 2. Collapsible Baton and Holder – Department Issued Only
 - 3. Oleoresin Capsicum (OC) Spray – Department Issued Only
 - 4. Shotgun capable of using Less Lethal Specialty Ammunition – Department Issued Only
- B. Unauthorized Use of Weapons: Under no circumstances shall an officer of this Department carry any weapon on duty that has not been authorized by this Department.
- C. Use of Conducted Electrical Weapon
 - 1. The Taser X-26 and X-26P, hereinafter referred to as “the CEW”: the CEW authorized and issued by the East Haven Police Department. They are less lethal force alternatives used to assist officers in the performance of their duties. The CEW is designed for self-defense and/or to temporarily immobilize a subject who is actively resisting arrest. Any other use of the CEW is prohibited.
 - 2. Officers shall report all CEW discharges, except for training discharges, to their supervisor and the East Haven Public Safety Communications Center (EHPSCC) as soon as possible.
 - 3. A supervisor shall respond to any scene at which an CEW is deployed, absent exceptional circumstances. If a supervisor cannot respond, they shall document the circumstances preventing their response.

4. Operation: When properly used, the CEW generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Subjects become physically incapacitated and unable to control muscle movement, allowing officers to gain control. The CEW may be used in situations where time and conditions permit. It can be an extremely effective control device for close range incapacitation.
 - a. The CEW has a red dot laser and a built-in flashlight that activates as soon as the CEW is turned on. Once un-holstered the CEW camera and/or the officer's body worn camera shall be activated.
 - b. When deploying a cartridge from the CEW, frontal shots are strongly discouraged except in situations of self-defense or defense of another. The CEW should never be aimed at an individual's head, neck, eyes, throat, chest/breast, or genitals. The preferred target area is the back of the individual actively resisting arrest.
 - c. The CEW may be deployed on a suspect actively resisting arrest when there is probable cause to arrest the suspect, or to defend oneself or another from active aggression.
 - d. An individual simply fleeing from an officer, absent additional justification, does not warrant the use of the CEW.
 - e. Each application is a separate use of force.
 - f. After each application an officer must assess the subject's ability to comply. Multiple applications are not justified just because the subject does not respond.
 - g. Officers must allow subjects time to comply between subsequent applications.
 - h. After one standard CEW cycle (5 seconds), the officer shall reevaluate the situation to determine if subsequent cycles are necessary. Officers shall be trained in the risks of prolonged or repeated CEW exposure, including that exposure to the CEW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Officers shall clearly articulate and justify each and every cycle used against a subject in a written Use of Force Report.
 - i. Officers shall consider the following prior to utilization of the CEW as a force option.
 - 1) The severity of the crime at issue.
 - 2) The risk of danger posed to others if the suspect is not promptly apprehended.
 - 3) The potential risk of secondary injury to the suspect due to environmental conditions.
 - 4) Due to the high voltage electronic energy of the CEW, NEVER fire the CEW near flammable materials (such as chemical irritant with an alcohol-based propellant, gasoline, kerosene, or in a natural gas environment).

- j. Use the CEW for self-defense or to control subjects that are actively resisting arrest. When possible, give the subject a verbal warning that the CEW will be deployed unless exigent circumstances exist that would make it imprudent to do so.
- k. An CEW shall never be used as a torture device.
- l. Use of the CEW in “horseplay” or in any manner not prescribed herein is prohibited.
- m. CEWs shall not be used in drive stun mode as a pain compliance technique. CEWs shall be used in drive stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.
- n. Officers should avoid using the CEW on obviously pregnant females, elderly persons, children, visibly frail persons or persons with a slight build and persons in medical or mental crisis except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury and lesser force options are not feasible.
 - 1) Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
- o. Officers shall not use CEWs where such deployment will cause serious physical injury or death from situational hazards; including falling, drowning, losing control of a moving vehicle, or becoming ignited from the presence of a potentially explosive or flammable material or substance, except where lethal force would be permitted.
- p. Officers should, if possible, obtain backup before using the CEW to control the subject.
- q. Additional officers on the scene of an CEW deployment should attempt to restrain and handcuff a subject during an active CEW cycle. They should use other means to subdue the subject if the CEW is ineffective.
- r. Officers will use caution.
- s. Depressing the trigger on the CEW will propel two darts from the attached cartridge. Once the CEW is fired, it will automatically cycle for five seconds if the trigger is released. The CEW will continue to cycle if the trigger remains depressed. The officer can turn it off before the five-second cycle stops. However, it is recommended that officers permit the CEW to cycle for the full five seconds to maximize effectiveness. Officers should give commands to the suspect and attempt to gain compliance.

- t. It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. If only one dart penetrates the subject, the CEW is ineffective. Should this occur and the subject continues to act aggressively, place the CEW against the subject's body to complete the circuit, causing complete incapacitation.
- u. Discharging the CEW at Animals
 - 1) The CEW is an effective tool for stopping the aggressive behavior of wild or potentially dangerous animals. The CEW is especially effective for vicious and/or dangerous dogs.
 - 2) Officers using an CEW on an animal may need to adjust their aim to ensure contact is made with both probes.
- v. Potential Medical Concerns: In rare circumstances, there have been medical concerns raised about CEW barbs deployed to the chest region causing sudden cardiac arrest. According to the manufacturer of the CEW, the aforementioned preferred target areas increase the distance of the dart-to-heart safety margin. Qualified medical personnel, for example, EMTs or hospital staff, must be called upon to remove darts embedded in a subject's skin using the appropriate technique.
 - 1) The following persons shall be transported to a hospital for examination following exposure to an CEW. Any person who:
 - a. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
 - b. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
 - c. Does not appear to recover properly after being energized;
 - d. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
 - e. Has had more than one CEW effectively used against him/her in any given incident;
 - f. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
 - g. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
 - h. Exhibits bizarre or violent behavior, including self-mutilation;
 - i. Is naked in a public place or exhibits signs of overheating;

- j. Evidences slurring or slowness of speech;
- k. Subject claims to have been injured or in medical distress.
 - 1. Ensure an officer accompanies the suspect to the hospital during transportation by ambulance, in the event the suspect becomes combative upon regaining consciousness.
 - 2. Used CEW cartridges and darts are considered a biohazard. Place the used cartridge and darts in a biohazard receptacle at police headquarters, a fire station or hospital.
- w. Activations Requiring Supervisor Documentation: Each CEW has an internal tracking chip. This chip stores the time and date of the last 2,000 times the trigger was engaged on the CEW. Supervisors can retrieve information stored in the data chip by connecting to the data port on the rear of the weapon and downloading the information into the Department's computer system. When necessary, a supervisor will download the CEW information.
 - 1) All activations with the exception of daily spark tests, training applications, or other situations exempt by other sections of this policy require the investigating supervisor to provide a written report in the Department review system reviewing the activation.
 - 2) Following an CEW deployment, supervisors shall complete an Electronic Defense Weapon Report in addition to the Supervisory Force Review Report and attach the downloaded CEW Device Log. The report shall then be submitted to the Records Division.
 - 3) Investigating supervisors will take special note of the following:
 - a) Activations not consistent with daily spark tests or previously documented use of force incidents.
 - b) Multiple activations.
 - c) Three or more consecutive activations with minimal time in between the activations.
- x. Training: All officers shall receive comprehensive training and annual in-service refresher training on the guidelines on when and how to use CEWs.
 - 1) Officers shall be trained in the increased risks CEWs may present to the listed vulnerable populations.
- y. Department Monitoring of CEW Use: The Department will monitor its use of CEWs and will conduct periodic analyses of practices and trends. The Department shall include the number of CEWs in operation and the number of CEW uses as elements of the EIS. Analysis of this data shall include a determination of whether CEWs result in an increase in the use of force and whether officer and subject injuries are affected by the rate of CEW use. CEW data and analysis shall be included in EHPD's Use of Force Annual Report.

- z. Informing the Public: The Department will in its community outreach activities educate the public about its Use of Force policy and the specific role and operations of the CEW.
- aa. All officers certified in its use will be required to carry the CEW while on duty in uniform working patrol or paid security details and overtime assignments. Officers working extra duty traffic details are not required to carry their CEW however, it is highly recommended that they do
- bb. Officers will submit a Use of Force Report before the end of his/her tour of duty explaining the reason for the use of the CEW. This report will be forwarded to his/her supervisor and through the chain of command.
- cc. Officers shall receive annual CEW certifications, which should consist of physical competency, weapon retention; EHPD policy, including any policy changes, technology changes, and scenario-based training.
- dd. Officers authorized to deploy the CEW will be issued one spare cartridge. The spare cartridge shall be stored and carried in a manner consistent with training and the cartridge will be replaced consistent with the manufacturer's expiration requirements. Employees who are issued cartridges must notify the Head of the Administrative and Training Division 90 days prior to the expiration of the cartridges issued to them so they can be replaced.
- ee. At the end of every calendar year, the Internal Affairs Officer will prepare an annual report on all CEW usage and deployments.

D. Use of the Collapsible Baton

1. The Collapsible Baton Control Device (baton) is to be used for defensive and control purposes only. It is to be used by officers to defend themselves or other persons when under attack and/or to control the person who is combative when the officer is trying to arrest him/her. The use of the baton is permitted when used to effect an arrest, to overcome active resistance, to prevent escape, in self-defense, or in the defense of others. Officers should take the following into consideration:
 - a. The severity of the crime involved.
 - b. The actions of the subject.
 - c. Whether the subject poses an immediate threat to the safety of the officers or of others.
2. Three categories of target areas on the body for strikes relative to force exerted by the subject. The officers' use of force should take into consideration escalating and de-escalating options based on the threat assessment, officer/subject factors and the probability of severe injury.
 - a. The primary target areas on the body: when the subject is actively resisting an officer are the shoulder, upper arm, forearm, buttocks, inside of the wrist, thigh,

calf, abdomen, shin, back of the hand, and instep. EXCEPT FOR THE HEAD, NECK AND SPINE, AND SOLAR PLEXUS, the whole body is a primary target area for the application of control device blocking and restraint skills.

- b. The secondary target areas are for confrontations where the subject is assaulting an officer or another person, or when force applied to a primary target area fails to overcome resistance or does not correspond with the threat level. Secondary target areas consist of the collarbone, groin, knee joint, elbow joint, rib cage and upper abdomen.
 - c. The third and last target areas are designed for confrontations where the subject is attempting to cause serious physical injury to an officer or another; or situations where force to lower level areas fail to overcome the resistance and end the confrontation. These target areas are the head, neck, solar plexus, kidney, sternum, spine and tailbone. Physical force directed to these areas pose a greater risk of injury to the subject and in certain cases may result in unconsciousness, serious physical injury, or death.
3. All officers certified in its use will be required to carry the baton while on duty working patrol in uniform or any paid security details and overtime assignments.
 4. Officers shall complete and submit a Use of Force Report before the end of his/her tour of duty, absent exigent circumstances, explaining the reason for any use of the baton. All officers observing the force shall complete and submit a Use of Force Witness Report before the end of their tour of duty absent exigent circumstances. The Use of Force Report shall include:
 - a. A detailed account of the incident from the officer's perspective;
 - b. The reason for the initial police presence;
 - c. A specific description of the acts that led to the use of force;
 - d. The level of resistance encountered;
 - e. A description of every type of force used. The use of force reporting policy shall explicitly prohibit the use of "canned" or conclusory language in all reports documenting use of force.
- E. Use of Oleoresin Capsicum (OC) Spray
1. General Information: OC Spray is cayenne (red) pepper in a mixture of a resin and oil combined with an aerosol propellant. It is classified as an inflammatory agent with low toxicity and minimal acute or chronic health hazards. It is not classified as a hazardous chemical.
 2. Effects: Effects of OC Spray vary in the way the product has been manufactured and delivered. However, as a general rule a one- to two-second burst to the face upon contact will affect three major areas: 1) the eyes, 2) the respiratory system, and 3) the skin and the upper and/or lower body. All effects are temporary and may subside

within 30 minutes to 45 minutes. OC Spray has no history of long-lasting side effects or after effects. In over a decade of field experience, there has never been any substantiated instance of adverse reaction to the spray by any subject with respiratory illnesses, heart problems, or poor reflexes.

3. Use of Aerosol Chemical Devices Containing OC:
 - a. OC Spray is designed for use when persuasion, verbal commands and moderate physical control has been ineffective or would be futile.
 - b. OC Spray is used when it is necessary to defend against an unarmed aggressor or when unarmed physical force is required to apprehend or restrain a subject.
 - c. OC Spray can be used against dangerous animals.
 - d. The standard to consider is for OC Spray to be used to overcome active resistance before resorting to hands on defense.
 - e. An aerosol chemical device is not intended to be a substitute for the use of lethal force when the use of lethal force is justified.
 - f. Use will be in accordance with Department policy after training on its proper use by a certified instructor.
4. The Use of Aerosol Chemical Device is Not Authorized for Use Against an Individual who:
 - a. Exhibits no physical force toward another or is under control.
 - b. Assaults another only verbally and exhibits no intention of carrying out the assault.
 - c. Assumes the posture of a passive resistor in an arrest situation. Note: For purposes of this procedure, a passive resistor is an individual who is uncooperative but does not exhibit any act of physical aggression toward another.
5. Use of OC Spray
 - a. Ready the OC Spray canister for use: unholster and display
 - b. Restate lawful order or notice of arrest
 - c. Warn subject of intent to use OC Spray
 - d. Deploy OC Spray if necessary
 - e. De-escalate to physical control (handcuffing)
6. Tactical Use of OC Spray

- a. The best tactic is to spray from a 4 to 6-foot distance. Spray directly in the center of the face (eyes, nose and mouth) with a one or two second bursts in a circular motion.
 - b. Immediately create a safe distance between yourself and the subject by employing lateral movement, if possible. Spray and evade.
 - c. Avoid spraying other officers.
 - d. One officer should be the handcuffing officer; a second officer should act as the covering officer.
 - e. If resistance is expected, the covering officer should have his/her OC Spray canister in a ready position, and be positioned at an angle from the suspect.
 - f. Whenever possible, if spray is necessary, either officer yells "OC Spray!" or "Spray!" before spraying.
 - g. OC Spray must be sprayed with the canister in an upright position. Be mindful of wind; in a heavy wind try to spray downwind if possible or utilize another less lethal force option if cross contamination is likely to occur.
 - h. OC Spray may not work against every subject.
 - i. OC Spray is never to be used against a restrained person.
7. Officers using the force shall complete and submit a Use of Force Report before the end of his/her tour of duty, absent exigent circumstances, explaining the reason for the use of OC Spray. All officers observing the force shall complete and submit a Use of Force Witness Report before the end their tour of duty absent exigent circumstances. The Use of Force Report shall include:
 - a. A detailed account of the incident from the officer's perspective.
 - b. The reason for the initial police presence.
 - c. A specific description of the acts that led to the use of force.
 - d. The level of resistance encountered.
 - e. A description of every type of force used. The use of force reporting policy explicitly prohibits the use of "canned" or conclusory language in all reports documenting use of force.
 8. Follow-up Medical Treatment and/or Post-Administration Care.
 - a. Decontaminate within 20 minutes when safe and feasible.
 - b. Provide medical care if requested or necessary according to the officer's judgment or the supervisor's judgment if on scene by that time.

- c. Cleaning the affected skin area with cool water will expedite recovery, as the oily OC Spray resin will be easily rinsed off.
- d. The sprayed subject may be treated at the scene by the fire department prior to transportation in a cruiser.
- e. Once the sprayed person is brought to a water source (cell block sink) the treatment is rinse with cool water, air and paper towels to pat dry (do not rub the skin nor allow the subject to rub his/her skin).
- f. A sprayed person should be instructed NOT to rub their eyes, as this will only exacerbate the burning like symptoms.
- g. Each sprayed person should be asked if they are wearing contact lenses. If so the lenses MUST be removed. If the person is unable or willing to remove the lenses, then they should be taken to the hospital. Officers slightly affected by an OC Spray burst should also remove contact lenses.
- h. OC Spray induced symptoms may subside within 15 to 45 minutes with no after effects. If symptoms do persist beyond this 45-minute period, then this person should receive medical attention. If a sprayed person's breathing does not regain a normal rhythm, then they should receive immediate medical attention. Lastly, if a sprayed person so requests, they should be afforded medical attention.
- i. Normal airing out (ventilation) of an area such as a room or vehicle where OC Spray was discharged will result in residual spray being removed from the environment within 45 minutes.
- j. No special equipment or washing is necessary. If an oily resin from a spray is visible on a surface, then simple washing with soap and water will suffice.

F. Less Lethal Specialty Impact Ammunition in a Shotgun

- 1. The primary purpose for less lethal specialty impact munitions is to control dangerous subjects from a distance, maximizing officer safety. The less lethal force philosophy shall not preclude the use of lethal force.
- 2. When an officer responds to a scene where an individual is considered dangerous to himself or others and who may or may not be armed with a weapon, the officer should immediately notify his/her supervisor. Only the Supervisor has the authority to authorize deployment of less lethal specialty impact munitions, i.e. a shotgun using less lethal projectiles.
- 3. Once notified of a situation involving a dangerous person, the patrol supervisor must:
 - a. Immediately respond to the scene.

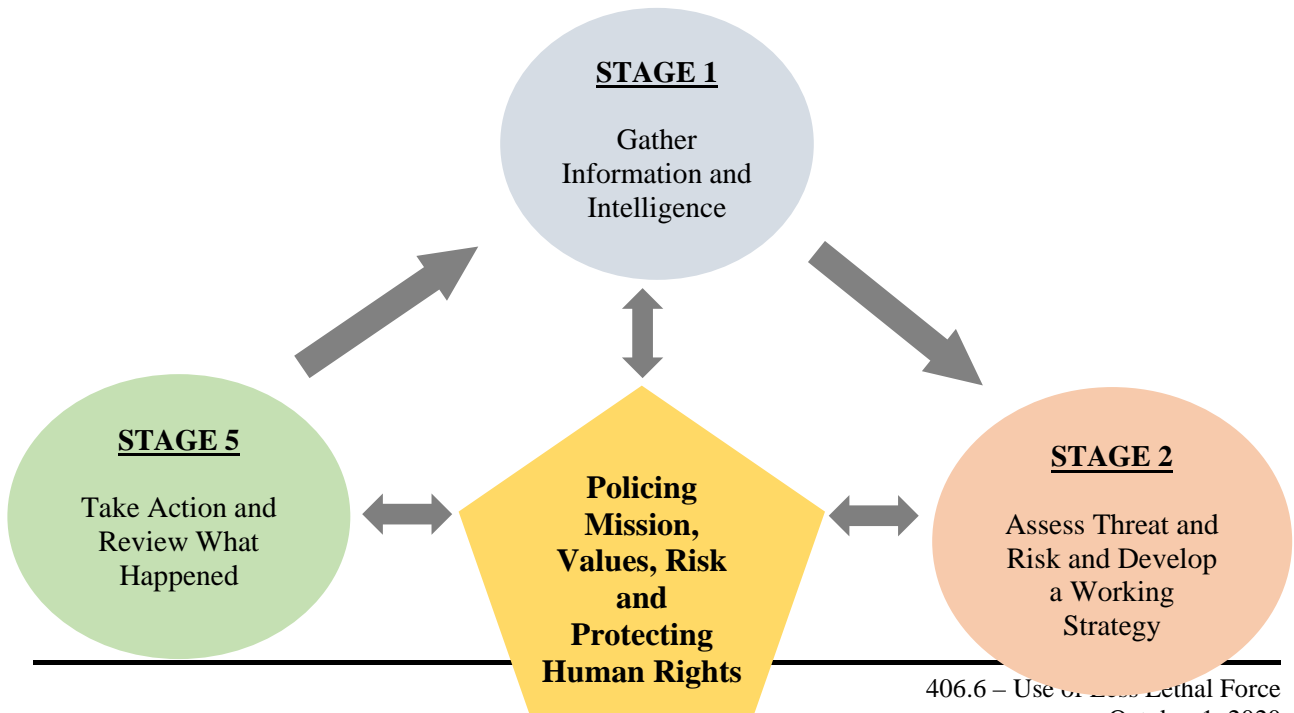
- b. Assume command of the scene.
 - c. Secure the perimeter.
 - d. Decide whether to use specialty impact munitions in the current situation.
4. The supervisor has the authority to determine which special impact munitions are to be utilized. Generally, specialty impact munitions correlate to a force equivalent of hard intermediate weapons (i.e. collapsible baton).
 5. Only those officers who have completed the Department training and qualification program will be authorized to deploy these munitions.
 6. The decision to use less lethal force will be based upon the following considerations.
 - a. Distance, i.e. Extended Range.
 - b. Whether deployment is feasible given the stature, clothing and immediate surroundings of the subject.
 7. Subjects who are struck by Specialty Impact Munitions will be transported to a medical facility to be examined.
 8. Dispatch will maintain an updated list of those officers authorized to deploy less lethal munitions and will be responsible for dispatch or call in of these officers, when requested.
 9. Reporting and Investigating the Use of Less Lethal Force: Any discharge of Specialty Impact Munitions other than during training will be reported and investigated.
 10. Officers will submit a Use of Force Report before the end of his/her tour of duty explaining the reason for any use of specialty impact munitions. This report will be forwarded to his/her supervisor and through the chain of command.

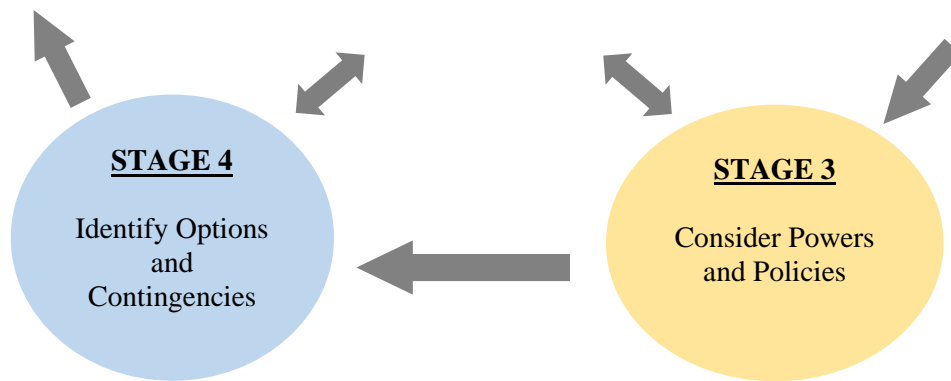
G. Medical Attention/Treatment

1. In all instances where an officer uses less lethal force, an officer on scene shall do the following as soon as practical.
 - a. Ask the subject to whom force was used against if he/she was injured and if medical treatment is needed.
 - b. If it is determined medical treatment is needed, request via the EHPSCC for qualified medical personnel to respond to the scene to provide medical attention/treatment to the subject to whom the force was used against.
 - 1) If possible, officers should make an effort to assist the subject to whom force was used against until qualified medical personnel arrive on scene.

2. In all instances where an officer uses lethal force, an officer on scene shall, as soon as practical, request via the EHPSCC for qualified medical personnel to respond to the scene to provide medical attention/treatment to the subject to whom the force was used against.
 - a. If possible, officers should make an effort to assist the subject to whom force was used against until qualified medical personnel arrive on scene.

APPENDIX A – CRITICAL DECISION-MAKING MATRIX





STAGE DETAILS

STAGE 1: Identify Situation and Gather Information (and Intelligence if appropriate)

Ask yourself:

- What is happening? (or What has happened?)
- What do I know so far?

STAGE 2: Assess Threats and Risks of the Situations

Ask yourself:

- Do I need to take action immediately?
- What do I know so far?
- Do I need to seek more information?
- What could go wrong?
- How probable is the risk of harm?
- How serious would it be?
- Is this a situation for the police alone to deal with?
- Am I trained to deal with this?

Determine a working strategy to mitigate threats and risks and maximize opportunities and benefits.

STAGE 3: Consider Powers, Policies and Other Obligations

Ask yourself:

- What legal powers do I have or need to make this decision?
- Is there a formal force policy to follow in this instance or can I use my discretion?
- What other obligations might be applicable (e.g. multi-agency protocols)?

STAGE 5: Take Action (and Review What Happened)

RESPOND:

- Select and implement the option that appears to have the greatest likelihood of success against the harm.
- Ensure those who need to know the decision (including the public) understand what you have decided and why.

RECORD:

- If appropriate, record the selected response and the reasoning behind it.

Monitor and Review Decision

Ask yourself:

- What happened as a result of my decision?
- Did it achieve the desired outcome?
- Is there anything more I need to consider?
- What lessons can be taken from how things turned out?

If the incident is not over, go through the matrix again as required.

STAGE 4: Identify Options and Consider Possible Contingencies

Ask yourself:

- What options are open to me?
- What am I trying to achieve?

Identify suitable responses, taking into consideration:

- The immediacy of any threat.
- Limits of information to hand.
- Amount of time available.
- Available resources and support.

Use PLANE to evaluate potential options, i.e., is

Source: Police Executive Research Forum. (August 2015). Critical Issues in Policing Series. *Re-Engineering Training on Police Use of Force*. Retrieved from <https://www.policeforum.org/assets/reengineeringtraining1.pdf>