

CHAPTER 10.0

ARRESTS, DETENTION, PRISONER PROCESSING AND TRANSPORTATION

10.1 USE OF FORCE AND POLICE RESPONSE TO AGGRESSION/RESISTANCE

10.1.1 Policy

The Coventry Police Department recognizes the value of human life and is committed to respecting human rights and the dignity of every individual and the Constitutional right to be free from excessive force, whether deadly or not, by a law enforcement officer. The use of force, especially force likely to result in serious bodily injury or death is a serious action. When deciding whether to use force, officers shall act within the boundaries of the United States and Connecticut Constitutions and laws, ethics, good judgment, this use of force policy, and all other relevant department policies, practices, and training.

Officers should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy. The value of all human life should be appropriately weighed in the decision process. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

With these values in mind, officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another, as per Connecticut General Statute 53a-22 to include subsequent changes and revisions. The use of force under certain circumstances is permitted by law (Connecticut General Statutes) and a police officer is authorized to exercise force in those circumstances. Therefore, the department will support the lawful use of reasonable and appropriate force by officers in the performance of their duties.

The unnecessary use of force is contrary to law and places the department in a position of civil liability and places the officer in a position of civil and criminal liability. Therefore the unnecessary use of force is prohibited.

Members of the Coventry Police Department are strictly prohibited from the use of excessive physical force against any individuals engaged in non-violent civil rights demonstrations. Peaceful demonstrations will be closely monitored and, in the event that arrests are necessary, they will be carried out in a calm and quiet manner using only such force sufficient to secure the arrestee. There will be no use of pain compliance holds on non-violent persons involved in a demonstration. Individual rights shall be respected as guaranteed in the Constitution of the United States and the Constitution of the State of Connecticut.

Connecticut General Statutes 29-35(a), 53-205, 53-206, and 53a-18 through 53a-22 provide the legal authority for sworn personnel to carry and use department-issued lethal and less lethal weapons.

In addition, a Community Service Officer whose duties include animal control shall be authorized to carry a department-issued baton and pepper spray which shall be used only as defensive tools against animal attacks during the course of the Community Service Officer's duties. All agency personnel authorized to carry lethal and/or less lethal weapons shall be issued a copy of, and receive instruction on this policy prior to being authorized to carry weapons. The receipt of the policy and training shall be documented in the employee's training file.

10.1.2 Definitions

Active Resistance: Any physical act or failure to act undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain control of the subject.

Authorized Weapon: A weapon with which the officer has received agency sponsored training and has qualified through a proficiency examination in proper and safe usage. In addition, the weapon must be issued by the agency and comply with agency specifications.

Chokehold: A method of holding someone by putting your arm or other part of the officer's body around or against the person's neck with enough pressure to reduce or prevent either air or blood from passing through the neck of such person. The restriction of one or both may lead to unconsciousness or even death if the hold is maintained.

Deadly Physical Force: Physical force which can be reasonably expected to cause death or serious physical injury. (CGS 53a-3(5)).

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.

De-escalation also means the decrease in severity of force used in an incident in direct response to a decrease in the level of resistance.

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.

Immediate: Occurring or accomplished without delay; instant.

Imminent: Likely to occur at any moment; impending, at the point of happening.

Less-lethal force: Any force used other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another. The mere act of handcuffing a person is not considered less-lethal force.

Non-Deadly Force: Any use of force other than that which is considered deadly force.

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

Physical Force: Any physical force or instrumental contact with a person; any intentional attempt at a physical strike or instrumental contact, or any significant physical contact that restricts the movement of a person. Officers shall allow individuals time to submit to arrest before physical force is used whenever possible.

The term includes the discharge of a firearm, pointing a firearm at a human being, use of chemical spray, pointing a conducted energy weapon (CEW) laser dot at or projected onto a person and/or spark display used to gain compliance; using hands; taking a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person with no resistance.

Probable Cause: Where facts and circumstances known to the officer, or those circumstances on which the officer has reasonable reliable information, are sufficient to lead a reasonable person to believe that the person to be arrested has committed, or is committing a crime.

Reasonable Belief: A reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true, would in law, constitute an offense. (CGS 53a-22)

Reasonable Force: The level of force that is objectively reasonable and necessary to accomplish a lawful purpose.

Officers are permitted to use force to affect an arrest only to the extent that it is 'objectively reasonable' under the circumstances (Graham v Connor, 490 U.S. 386, 397, 109 S. Ct. 1865, 104 L.Ed.2d 443). The reasonableness of an officer's use of force under the Fourth Amendment requires careful attention to the totality of the facts and circumstances known by the officer prior to using force, including:

- The severity of the crime at issue and
- Whether the suspect poses an immediate threat to the safety of the officer(s) or others and
- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes serious disfigurement of health or loss or impairment of the function of any bodily organ. (CGS 53a-3(4)).

Substantial Risk: A realistic danger or probability of an event occurring. Not just a mere possibility of something happening, but a practical certainty it will happen.

10.1.3 **General Provisions**

1. The use of physical force must be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. The use of chokeholds is prohibited unless deadly physical force is justified.
4. It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive to commands by officers. The person in question may not be capable of understanding the gravity of the situation. The person's reasoning ability may be dramatically affected by a number of factors, including but not limited to:
 - A medical condition

- Mental impairment
- Developmental disability
- Physical limitation
- Language
- Drug interaction
- Emotional crisis

Therefore, it is possible that a person's mental state may prevent a proper understanding of an officer's commands or actions. In such circumstances, the person's lack of compliance may not be a deliberate attempt to resist the officer. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

5. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
6. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so. In addition, if an officer observes inappropriate, unnecessary, unreasonable or excessive use of force by another officer, they shall report it as soon as practical thereafter to their supervisor or to the chief of police. Officers witnessing excessive or unreasonable force shall also complete a written report detailing the circumstances of such force.
7. Agency employees are strictly prohibited from taking any retaliatory, discriminatory or punitive action against an employee who acts in accordance with section or cooperates in any internal or criminal investigation related thereto.
8. Officers who are off-duty and become involved in any use of force situation must report the circumstances to an on-duty supervisor or the chief of police as soon as the situation is stabilized.
9. All uses of force shall be documented and investigated pursuant to agency policies.

10.1.4 De-escalation

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with the officer's training whenever possible and appropriate before resorting to force and to the need for force.

De-escalation includes using distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisory and other resources, consistent with the officer's training.

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

10.1.5 Use of Force Continuum

The determinant regarding the acceptable level of force (Lethal/less lethal/non-lethal) that may be used in any given set of circumstances is that level that the police officer reasonably believes is necessary to accomplish his/her lawful purpose. The various levels of force, or control techniques/tactics, are referred to as "The Use of Force Continuum". These levels may be set forth as follows:

- officer's presence in uniform
- verbal and non-verbal communications and commands
- passive control
 - * pain compliance holds
 - * pressure point control tactics
 - * escort techniques
 - * light subject control
 - * above could be with or without an ASP Expandable Baton
- oleoresin capsicum (pepper spray)--electronic control device (Taser)
- decentralization
 - * heavy techniques of subject control
 - * defensive tactics
 - * above could be with or without an ASP Expandable Baton
- impact implements (ASP Expandable Baton)
- lethal force

Police officers are entitled to enter the continuum at that level they reasonably believe is necessary to control the situation and accomplish their lawful purpose. Police officers are required to de-escalate within the continuum when they reasonably believe control may be maintained and their lawful purpose accomplished by such lesser degree of force. However, police officers are never required to place themselves, or third persons, in a situation that exposes them to an unreasonable risk of danger or injury.

Policing requires that at times an officer must exercise control of a violent, assaultive or resisting individual to make an arrest or protect the officer, other officers, or members of the general public from the risk of imminent harm. Officers may escalate or de-escalate the use of force as the situation progresses or circumstances change. Officers should recognize that their conduct immediately connected to the use of force may be a factor which can influence the level of force necessary in a given situation. When reasonable under the totality of circumstances, officers should use advisements, warnings, verbal persuasion and other tactics and recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider or deploy a greater variety of force options. When a subject is under control, either through the application of physical restraint or the subject's compliance, the degree of force should be de-escalated accordingly.

Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based upon the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer should, as soon as practicable, secure or holster the firearm.

10.1.6 Reasonable non-deadly force

An officer is justified in using reasonable non-deadly force on another person only to accomplish lawful objectives and to the extent that the officer reasonably believes it necessary to:

- Affect an arrest or prevent an escape from custody of a person whom he reasonably believes to have committed an offense, unless the officer knows that the arrest or custody is unauthorized. (CGS 53a-22)
- Defend themselves, or a third person from the use or imminent use of physical force while affecting or attempting to affect an arrest or while preventing or attempting to prevent an escape. (CGS 53a-22)
- To thwart the acts of another the officer reasonably believes is about to commit suicide or to inflict serious physical injury upon him or herself. (CGS 53a-22)

10.1.7 Deadly physical force

Agency personnel may use deadly force only when it is objectively reasonable and when they reasonably believe that the action is in defense of any human life in imminent danger of death or serious bodily injury.

10.1.8 Discharging firearms toward or from moving vehicles

Firearms shall not be discharged at a moving vehicle unless

1. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle
2. The vehicle is being operated in a manner deliberately intended to strike an officer or another person, and all other means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

Officers shall exercise good judgment and not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, shall not be justification for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle shall first attempt to move to a position of safety, if possible, rather than discharging a firearm at the vehicle or any of the occupants.

It is understood that the policy in regards to discharging a firearm at a moving vehicle may not cover every situation. Any deviations shall be rigorously examined on a case by case basis.

Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

10.1.9 Issuance of directive

Every sworn member of the department, as well as the Community Service officer(s) shall be provided with a copy of this policy, and will be instructed on the policies, procedures and restrictions contained herein, prior to being issued and authorized to carry any lethal or less lethal weapon, and at each retraining session thereafter. The Community Service Officer shall receive training on the authorization and limitations of use of the baton and pepper spray.

10.1.10 Warning shots

The use of warning shots is prohibited.

10.1.11 Police involved shootings

All discharges of firearms by police personnel without death or injury not covered by other written policies (including accidental discharges)

Officer's Responsibilities

If a member of the department discharges a weapon while on or off duty, whether in or outside the town of Coventry, (other than while participating in firearms training on an authorized range), the officer shall:

- immediately notify a supervisor
- submit a written report, if able, immediately or not more than sixteen (16) hours after the discharge.

This shall not be deemed to include shooting for recreational purposes or to shoot an animal pursuant to section 10.1.12.

Supervisor of Officer in Charge Responsibilities

The supervisor or senior officer on duty shall respond to the scene as soon as possible and without undue delay, notify the chief of police. If the discharge occurred in another jurisdiction, the supervisor shall also contact the local police jurisdiction.

The supervisor or OIC shall file a detailed written report as soon as possible.

Investigative Responsibilities

If the discharge occurred while on-duty or while off-duty within the town of Coventry, the supervisor shall ensure that an investigation is conducted regarding the circumstances that led up to the shooting. Depending upon the circumstances, this investigation may be conducted by a supervisory member of the Coventry Police Department, or by the Connecticut State Police Major Crime unit. The chief of police in consultation with the State's Attorney shall determine the appropriate authority to conduct such investigation.

Police involved shootings where death or injury occurs:

The on-duty supervisor or officer in charge responsibilities

The senior on-duty supervisor or the officer-in-charge shall:

- report to the scene as soon as possible and assure it is secured
- assume the responsibility of notifying the State's Attorney of the Rockville Court pursuant to 51-277a of the Connecticut General Statutes.
- assume the responsibility of notifying the chief of police.
- ensure that the officer(s) involved in the shooting is removed from the scene as soon as possible.
- ensure that the involved officer's firearm, ammunition sources, and other potential evidentiary items are secured as evidence.
- ensure that the crime scene is protected or that the local jurisdiction has been contacted to send officers to investigate.

Duties of other officers at the incident scene

To the extent possible, officers at the scene of a shooting that causes death or injury shall:

- render first aid to the victim(s).
- secure and preserve the crime scene.
- ensure that the officer is removed from the scene as soon as practicable.
- ensure that someone is with the officer at all times.
- complete comprehensive reports as described below.

Investigative Responsibilities

If the discharge occurred while on-duty or while off-duty but within the town of Coventry, the chief of police, or in his absence, the ranking patrol supervisor on duty, shall notify the Judicial District of Tolland State's Attorney so they may conduct an investigation pursuant to CGS 51-277a. The State's Attorney may request assistance from the Connecticut State Police Major Crime Squad, or other investigative body to assist in the investigation of the shooting incident. The Rockville State's Attorney's office may coordinate their investigation with the Connecticut State Police.

Reports

Reports shall be completed and evidence submitted by all officer(s) involved in the shooting incident prior to securing from duty. This shall include, but is not limited to:

- officers who discharged their weapon
- officers present at the scene
- any officer with information pertinent to the investigation

Psychological support

While waiting to be interviewed, by the Connecticut State Police, or the State's Attorney's Office, an officer may have another officer of their choice, not involved in the shooting, present.

The chief of police shall assign another member of the department to make contact with the officer(s) as soon as practicable to see if the officer or his immediate family is in need of assistance. At the direction of the chief of police, this officer shall insure that the officer(s) involved in the shooting seeks psychological review within a three (3) week period from the date of the shooting. This officer shall maintain liaison with the chief of police and the officer(s) involved concerning the need and coordination of any psychological counseling that may be necessary.

10.1.12 Release of Information relating to deadly use of force

Certain information relating to an investigation of deadly use of force by a police officer can be released before the final report is released. The chief of police will consult with the State's Attorney handling the investigation to determine what information can be released. Details that may be released before the final report, include, but are not limited to:

- A basic synopsis of the incident
- The identity of the deceased
- The cause/manner of death (after receiving this information from the Office of the Chief Medical Examiner)
- The number and identity of the officers involved

- The specific Judicial District and Major Crime Squad that will investigate
- Additional pertinent details may be released at the discretion of the State's Attorney
- Preliminary report – In compliance with Public Act 19-90, within (5) business days after the cause of death is available, a preliminary status report will be released by the Division of Criminal Justice. This preliminary report will include: 1) The name of the deceased person, 2) the gender, race, ethnicity and age of the deceased person, 3) the date, time and location of the injury causing such death, 4) the law enforcement agency involved, 5) the status of the toxicology report, if available, and 6) the death certificate if available.

10.1.13 Use of Firearms to Shoot Animals

Officers or the Community Service Officer are authorized to use their issued or department firearms to shoot an animal under the following conditions:

- to prevent death or physical injury to the officer or another person caused by the animal
- when the animal is so badly injured that humanity requires its relief from further suffering (except for dogs pursuant to CGS 22-332).

Officers or the Community Service Officer are not required to submit Response to Aggression reports if acting under this section, however must document the circumstances in their reports.

Appendix A of this chapter addresses handling complaints or sightings of possibly rabid, sick, injured or nuisance wildlife.

10.1.14 Written reports

An employee shall submit a complete written report whenever that employee:

- Takes an action that results in, or is alleged to have resulted in, injury or death of another person (this shall include incidents other than the intentional use of force such as but not limited to motor vehicle accidents)
- Applies force through the use of lethal or less lethal weapons.
- Applies weaponless force by any other means. It shall also include the pointing of a Taser at a person or conducting a spark test in an attempt to gain compliance with officer commands.
- Uses force by means of pain compliance measures, come-along holds, pressure point application, physically struggling or grappling with a subject or decentralization techniques. The mere handcuffing a person without physical control techniques is not considered a use of force for the purpose of this section.
- For the purposes of this section, application of force shall include the pointing of a firearm at any person but shall not include the mere removal of a firearm from a holster or the removal of a patrol rifle from a vehicle.

An officer utilizing any level of force shall complete a Response to Aggression/Resistance Report. Officers should ensure that photographs are taken of any injuries or alleged injuries to persons who have been the subject of force used against them. The report shall be reviewed by a sergeant who shall thereafter send the report to the chief of police for further review. The review will include an assessment at each level whether the use of force was appropriate and consistent with state statutes and agency directives. After it is reviewed at each level, the chief will maintain a copy in a file to be used for a yearly review and analysis of all use of force incidents during the previous calendar year.

In addition, members of the department who have force used against them shall have photographs taken of any injury sustained or any damage to clothing or equipment. All reports submitted pursuant to this directive shall detail the circumstances of the incident leading to said action and shall be promptly filed. Photographs of the injured or allegedly injured area shall be taken when any use of force is applied to any person.

In the event the Community Service officer uses a baton or pepper spray against a domestic or wild animal, the Community Service officer shall submit a complete report which shall be reviewed by his or her supervisor. However, the Community Service officer is not required to submit a Use of Force form CPD 001.

10.1.15 Analysis of Reports

During January of each year, the chief of police shall conduct an analysis of all use of force incidents that occurred during the previous calendar year. This analysis shall include:

- date and time of incidents
- types of encounters resulting in the use of force
- the officer(s) who used the force
- the race and gender of the person upon whom force was used (the identification of such characteristics shall be based on the observation and perception of the police officer)
- the type of force used (weapon, weaponless, etc.)
- the number of times force was used on such person
- extent of injury to officer or person against whom force was used, if any
- the general circumstance of the use of force incident
- trends or patterns resulting in injury to any person including employees
- trends or patterns related to race, age and gender of the subject(s) involved
- impact of finding on policies, practices, equipment and training

The analysis shall include a review of agency use of force activities, policies and practice, training, complaints, community concerns and any other information pertinent to the agency's use of force activities. A copy of this analysis shall be provided to agency personnel and the town manager.

Pursuant to Public Act 19-90, a copy of this report shall be submitted to the State of Connecticut Criminal Justice Policy and Planning Division with the Office of Policy and Management (OPM). Prior to submission of such report to OPM, information that may identify a minor, witness or victim shall be redacted.

This analysis shall be used as a basis to determine if any patterns, trends or concerns exist that may suggest training needs, equipment upgrades, and/or policy modifications.

In January of each year, the chief of police shall also conduct a review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues.

The agency shall participate in the National Use of Force Data Collection effort and report monthly data using the CJIS portal.

10.1.16 Reassignment

If any employee's action(s) or use of force in an official capacity results in death or serious physical injury of another, the chief of police shall immediately remove that employee from

an operational assignment pending administrative review of the incident. The duration of the temporary reassignment shall be for a period of time as determined by the chief of police, depending in part upon the nature and circumstances of the incident and the ensuing investigation. During this period of reassignment, the chief of police shall direct the involved employee(s) to participate in post-incident debriefing or counseling.

10.1.17 Rendering medical aid after injury resulting from the use of force including lethal or less than lethal weapons

Officers shall ensure that appropriate medical attention is afforded to all persons who have been affected by the use of lethal or less than lethal weapons. In addition, any person who has been injured as a result of the application of physical force or any injury incurred during apprehension shall be afforded prompt medical treatment. If the person refuses the attention, note the refusal in the written report.

Officers shall provide and/or summon medical assistance as necessary and appropriate for a given situation. Medical assistance shall be summoned for any person taken into custody who has been injured as a result of the application of physical force or during the course of being apprehended. Refer to section 10.3.4 regarding medical treatment after deployment of a TASER. If treatment is refused, include the name of the medical personnel who accepted the refusal in the written report.

10.1.18 Annual review of assaults on officers

The chief of police shall conduct an annual review of all assaults on officers during the previous calendar year in order to determine trends or patterns, with recommendations to enhance officer safer, revise policy or address training issues. This will assist the agency in maintaining training curriculums that are predicated on real data from field-based events.