

	<b>Newington Police Department General Order</b>	<b>Number 1.3</b>
<b>Use of Force</b>		
<b>Chapter 1 – Law Enforcement Role and Authority</b>		
<b>Date: January 29, 1993</b>	<b>Revised: June 29, 2020</b>	<b>Page 1 of 7</b>

1. Policy

- A. It is the policy of the Newington Police Department (NPD) to establish and publish rules and clear procedures governing the use of force for all sworn members of the department.
- B. The main responsibility of Newington Police Department officers is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, affect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others. There is a compelling public interest that officers authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law. Officers who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer’s authority, and hinder the Department’s ability to provide effective law enforcement services to the community.
- C. Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. The use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/or investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

2. Purpose

- A. The procedures set forth in this directive are in concert with the present thinking in the police profession as it relates to the use of deadly and non-deadly force. As constructed, this general order is the official policy of the Newington Police Department concerning the appropriate and acceptable use of deadly and non-deadly force.

3. Definitions

- A. Actively Resisting: When a subject makes physically evasive movements to interfere with an officer’s attempt to control that subject; including bracing, tensing, pulling away, actual or attempted flight, or pushing.
- B. Authorized Weapons: Weapons that meet Department specifications and officers are permitted to carry; and for which officers successfully complete proficiency and safety training.
- C. Conducted Electrical Weapon (CEW): The CEW is a less-lethal weapon designed to disrupt a subject’s motor nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
- D. Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that deadly physical force is an extreme measure and should only be used in accordance with the law and as stated in this policy.

	<b>Newington Police Department General Order</b>		<b>Number 1.3</b>
<b>Use of Force</b>			
<b>Chapter 1 – Law Enforcement Role and Authority</b>			
<b>Date: January 29, 1993</b>		<b>Revised: June 29, 2020</b>	
		<b>Page 2 of 7</b>	

- E. De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.
  - F. Serious Physical Injury: 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 (CGS 53a-3{4}).
  - G. Imminent Threat: An officer’s reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending threat even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.
  - H. Impact Weapons: Department-approved tools that provide a method for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control.
  - I. Non-Deadly Force: Any force used by an officer that would not reasonably be expected to cause death or serious physical injury.
  - J. Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain. It is an intermediate range weapon that is classified as being Non-deadly. It should only be used, however, when an officer is met with a certain degree of resistance or aggression through either actions or words.
  - K. Passive Resistance: When a subject does not cooperate with an officer’s commands, but does not take action to prevent being taken into custody or detained. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.
  - L. Reasonable Belief: Facts or circumstances that would cause a reasonable, similarly-trained police officer to act or think in a similar manner, under similar circumstances.
  - M. Verbal Commands: The use of advice, persuasion, warnings, and or clear directions prior to resorting to actual physical force. In an arrest situation, officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.
4. Use of Force – General
- A. When feasible, officers shall use advisements, warnings, verbal persuasion, and verbal instructions when possible before resorting to force.
  - B. Force shall be de-escalated immediately as resistance decreases.
5. Use of Force Authorization and Limitations
- A. It is expected that every Newington Police Officer will conduct themselves in such a manner that the necessity for the use of force will be minimal.
  - B. When the use of force is necessary, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the immediate threat the person poses to the officer or others.
  - C. Officers in the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used:
    - 1. To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense.
    - 2. To defend the officer or others from the use, or imminent use, of physical force.

	<b>Newington Police Department General Order</b>		<b>Number 1.3</b>
<b>Use of Force</b>			
<b>Chapter 1 – Law Enforcement Role and Authority</b>			
<b>Date: January 29, 1993</b>	<b>Revised: June 29, 2020</b>	<b>Page 3 of 7</b>	

3. To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children.
  4. To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
  5. To assist a licensed physician or psychologist in providing necessary medical treatment.
  6. To control a situation, and to overcome passive or active resistance to a lawful order.
  7. To neutralize an unlawful assault and defend themselves or others from harm.
- D. The authorized use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options.
- E. Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.
- F. All sworn personnel shall receive in-service training on all Department use of force policies.
6. Verbal Warnings
- A. When tactically feasible, an officer will identify him/herself as a police officer and issue verbal commands and warnings prior to the use of force. When feasible, an officer will allow the subject an opportunity to comply with the officer's verbal commands. A verbal warning is not required in circumstances where the officer has to make a split second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.
7. Use of Deadly Force to Effect an Arrest or Prevent Escape
- A. An officer is justified in the use of deadly physical force to effect an arrest or prevent the escape from custody of a person who he/she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury AND the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer or other persons. If the situation permits, he/she has given warning of his intent to use deadly physical force.
8. Policy Training / Legal Authority
- A. All sworn personnel shall be issued a copy of General Order 1.3, Use of Force. They will receive classroom instruction on its content prior to being authorized to carry a firearm or other authorized weapon.
  - B. Connecticut General Statute 53-206 exempts officers in the performance of their official duties from the prohibition of carrying dangerous weapons.
  - C. Officers will only be authorized to carry lethal or less-lethal weapons if they have completed the necessary classroom and practical skills training designated for each specific weapon.

	<b>Newington Police Department General Order</b>		<b>Number 1.3</b>
<b>Use of Force</b>			
<b>Chapter 1 – Law Enforcement Role and Authority</b>			
<b>Date: January 29, 1993</b>	<b>Revised: June 29, 2020</b>	<b>Page 4 of 7</b>	

9. Restrictions on the Use of Firearms

A. Restrictions

1. When officers are about to invoke deadly force, they will, when possible or practicable, issue a verbal warning to the suspect of his/her intention to use deadly force.
2. Shoot to stop - officers will fire their weapons to stop the threat as trained.
3. At or from moving vehicles - officers will not discharge a firearm at or from a moving vehicle except when all other reasonable means have been exhausted and it is necessary for the defense of the officer's life or the life of another person, or the officer has reasonable cause to believe that the suspect poses a significant threat of death or serious physical harm to the officer or others.
4. Warning shots - officers may not discharge their firearm for the purpose of a warning shot.
5. Officers may not use or carry any firearm or dangerous weapon while under the influence of alcohol or drugs.
6. To destroy animals:
  - A. The killing of an animal is justified for (1) self defense, (2) to prevent substantial harm to the officer or others, (3) when the animal is so sick or badly injured that humanity requires its relief from further suffering.
  - B. A seriously wounded, sick or injured animal may be destroyed only upon direction of a supervisor. If available, the animal control officer may be notified to determine if the animal can be saved or should be destroyed in a safer manner.

10. Use of Non-deadly Force

- A. Officers shall only use weapons that are issued and/or approved for use by the Department. The use of non-deadly force shall be limited to defensive and control purposes. Officers shall use only the reasonable amount of force necessary to overcome resistance or accomplish the police task. The use of Non-deadly force shall conform to applicable Department Standards of Conduct, policies, procedures, and training. Officers shall not carry any non-deadly weapons until completing the relevant Department-approved training for each weapon.
- B. Authorization to Use Non-deadly Force
  1. Officers are authorized to use Department approved, Non-deadly force techniques and authorized weapons to:
    - a. Prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably believes has committed an offense; or
    - b. Protect or defend the officer or others from what he/she reasonably believes to be active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.

*NOTE: Nothing in this policy is intended to discourage officers from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.*



**Use of Force**

**Chapter 1 – Law Enforcement Role and Authority**

**Date: January 29, 1993**

**Revised: June 29, 2020**

**Page 5 of 7**

- 2. Less lethal weapons authorized by the Newington Police Department are as follows:
  - a. Taser
  - b. Baton
  - c. OC Spray
  - d. Less lethal shotgun
  - e. 40 mm single and multi-launcher (ERT)

- C. Officers shall not use a chokehold or other method of restraint applied to the neck of another person, including but not limited to:
  - 1. Arm bar hold
  - 2. Carotid artery hold
  - 3. Lateral vascular neck restraint
  - 4. Neck restraint or hold with a knee or other object

(The use of a choke hold or neck restraint may only be used when the use of deadly physical force is authorized)

**D. Non-deadly Force Restrictions**

- 1. The following tactics of non-deadly force may be permitted in circumstances only when deadly force is authorized by this policy:
  - a. Any chokeholds or neck restraints, with or without a device, that restricts a person’s airway;
  - b. Any strike with an impact weapon or object to a person’s head or neck; and/or
  - c. Any use of flashlights, radios, or any other items not issued or trained specifically as defensive weapons. \* In limited circumstances when a confrontation escalates suddenly and unpredictably, however, an officer may use any means or device at hand such as a flashlight, radio, and other issued equipment, to defend themselves, another person, or to bring a situation under control. This decision should be based on the circumstances surrounding the officer at the time, if the officer determines it was reasonably necessary to do so, as long as the level of defensive action is objectively reasonable given the existing circumstances.
  - d. Force shall not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, to prevent attempted escape, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.

**11. Use of Force Reporting**

- A. A written report shall be made by an officer when he/she uses force against an individual(s).
- B. The officer shall report such an incident to his/her immediate supervisor as soon as practicable after the incident occurs.

	<b>Newington Police Department General Order</b>		<b>Number 1.3</b>
<b>Use of Force</b>			
<b>Chapter 1 – Law Enforcement Role and Authority</b>			
<b>Date: January 29, 1993</b>		<b>Revised: June 29, 2020</b>	
		<b>Page 6 of 7</b>	

- C. When a use of force incident occurs, the Shift Commander, or designee, has the primary responsibility to make certain that all necessary Use of Force Report Forms are properly completed, reviewed for accuracy, and submitted as required by officers under their command. The Supervisor will sign the report and forward it to appropriate Division Commander.
  - D. When an on-duty or off-duty employee has been involved in a use of force incident, which has resulted in death or serious injury to any person, the Shift Commander will immediately report the incident to the Chief of Police, via the chain of command. This also includes those cases where any firearm is accidentally or purposefully discharged.
  - E. The Division Commander will review the *Use of Force Report Form* to determine:
    - 1. Whether the action was consistent with policy and procedure;
    - 2. Whether the action warrants further administrative review/investigation; and
    - 3. Recommendations on equipment upgrades, training, and/or policy issues, if applicable.
  - F. The Division Commander may confer with Department instructors/trainers who specialize in the field of force used, as needed. The Chief of Police will be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
  - G. In all cases where an officer's action is determined to be a violation of this General Order but *not* a violation of state law, this distinction shall be made clear in all public discussion of such incidents and in any disciplinary action which may result.
  - H. Force Reports will be entered into the in house database by the Patrol Commander.
    - 1. The Patrol Commander will produce a written report of all force usages every six months (1<sup>st</sup> week in January and July) and forward it to the Command Staff Officers and all Line Supervisors.
  - I. Any officer who observes an excessive use of force shall act to intervene and stop the unreasonable, excessive, or illegal use of force by another officer.
  - J. Any officer who directly observes or has knowledge of any use of force that is unreasonable, excessive, or otherwise in violation with the agency's use of force policy and/or a violation of state or federal statute (illegal), shall contact a supervisor as soon as practical as well as submit a written report to a supervisor in a timely fashion.
  - K. There shall not be any retaliation against any officer that intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.
12. Deadly Force Review Board
- A. The Deadly Force Review Board will consist of supervisory personnel as designated by the Chief of Police.
  - B. The board will review the facts and circumstances surrounding each instance of an officer's use of deadly force. This will include incidents on and off duty.
  - C. The board will develop findings and make recommendations to the Chief of Police in the following areas:
    - 1. Tactical considerations.
    - 2. Training considerations.
    - 3. Quality of supervision.

	<b>Newington Police Department General Order</b>		<b>Number 1.3</b>
<b>Use of Force</b>			
<b>Chapter 1 – Law Enforcement Role and Authority</b>			
<b>Date: January 29, 1993</b>	<b>Revised: June 29, 2020</b>	<b>Page 7 of 7</b>	

4. Corrective action.
5. The post use of force investigation process and quality.

13. Deadly Force Review Board Report

- A. Upon completion of the board's review, they will complete a written report on their findings and recommendations. This report will be submitted to the Chief of Police by the board as soon as possible.

14. Relief From Field Duty

- A. Any officer directly involved in a use of deadly force will be released from field duty by the officer's commanding officer, as soon as it is practical to do so. The leave shall be without loss of pay or benefits, pending the results of the investigation.
  1. In cases where a firearm is used, it will be standard procedure for the firearm in question to be taken from the officer. Normally the firearm will be replaced with a spare firearm.
- B. Such relief from duty will not be considered a suspension or disciplinary action against the officer, nor will it be interpreted to imply or indicate that the officer acted improperly.
- C. While on administrative leave, the officer shall remain available at all times for official departmental interviews and statements regarding the use of deadly force incident, and shall be subject to recall to duty at any time. The officer shall not discuss the incident with anyone except the State's Attorney, departmental personnel assigned to the investigation, the officer's private/union attorney, the officer's/departments psychologist, the officer's chosen clergy, and the officer's immediate family.
- D. In all cases where any person has been seriously injured or killed as a result of the use of force by a police officer, the involved officer will be required to undergo an emotional debriefing with the department-furnished police psychologist within five days of the incident. The purpose of this debriefing will be to allow the officer to express his/her feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident. In all cases where any person has been seriously injured or killed as a result of the use of deadly force by a police officer, the involved officer(s) and his/her family will have available to them the services of the department psychologist. The purpose of this offer is to provide the officer(s) and/or his/her family with a source of professional consultation to aid them in dealing with the potential moral and ethical after-effects of a use of deadly force incident. The services shall not be related to any department investigation of the incident and nothing discussed will be divulged to the department. The consultation sessions will remain protected by the privileged relationship. The officer will be afforded the opportunity to continue psychological services. These subsequent visits will be the officer's choosing and shall continue as determined by the psychologist and officer.

By Order of: \_\_\_\_\_

Stephen M. Clark  
Chief of Police

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Date