

GENERAL ORDER

G.O. 1-041

SUBJECT: USE OF FORCE

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I. PURPOSE AND RESPONSIBILITY:

- A. Purpose: To set the policy, to establish the procedures, and to make the rules and regulations that govern the use of force by the sworn officers at the Division of Police, Wethersfield, CT.
- B. Responsibility: It will be the responsibility of all sworn personnel at this Police Division to follow the procedures and to study, understand, and adhere to the rules and regulations addressed in this general order.

II. DISCUSSION:

- A. This general order deals with the use of force. Police officers must frequently use

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force to ensure public safety and to affect an arrest. It is not intended that any arrestee should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand to hand combat, with all its risks, before resorting to the use of force that will more quickly, humanely, and safely bring an arrestee under physical control.

III. DEFINITIONS:

- A. **ACTIVELY RESISTING:** A subject makes physically evasive movements to interfere with an officer's attempt to control that subject. Evasive movements include, but are limited to, bracing, tensing, pulling away, or pushing.
- B. **ECW:** The TASER Electronic Control Weapon.
- C. **LESS LETHAL FORCE:** The force that is not likely to cause death or serious physical injury.
- D. **PHYSICAL FORCE:** The type force that could cause injury.
- E. **REASONABLE FORCE:** The force necessary to effect the arrest, prevent the escape of, or overcome the resistance of a person being taken into custody.

IV. POLICY:

- A. It will be the policy of the Division of Police, Wethersfield, CT that all sworn personnel will use only the force necessary to affect lawful objectives.
- B. It will be the policy of the Division of Police, Wethersfield, CT that when the use of force becomes necessary and appropriate, all sworn personnel shall, to the extent possible, use an escalating scale of options and will not employ a more forceful measure unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate.
- C. It will be the policy of the Division of Police, Wethersfield, CT that when an officer injures a subject, it is that officer's primary responsibility to render first aid and/or obtain medical assistance.

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V. PROCEDURES:

A. VERBAL PERSUASION:

1. The practice of courtesy in all public encounters encourages understanding and cooperation. Conversely, the lack of courtesy arouses resentment, and often leads to physical resistance;
2. The most desirable method in an arrest situation is to give the arrestee simple directions with which the arrestee is encourage to comply. Control may be achieved through advice, persuasion, and warnings before having to resort to actual physical force;
3. The suggestion to use verbal persuasion should not be construed to mean that an officer should ever relax his or her guard and lose control of a situation, thus endangering the officer's personal safety or the safety of others.

B. PHYSICAL STRENGTH:

1. Frequently arrestees are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to overcome this resistance is physical strength and skill in defensive tactics;
2. Defensive tactics are those physical techniques intended for use when weapons are not available or not reasonable, given the circumstances. Officers must ensure that they are capable of utilizing physical skills to subdue a person. Good judgement is extremely important in deciding which tactics to use and how much force to apply;
3. When confronted with a situation that may necessitate the use of physical force, consideration must be given to calling for additional officers prior to contact.

C. ORGANIC SUBSTANCE WEAPON, OLEORESIN CAPSICUM (pepper spray-OC): OC is an intermediate weapon and is classified as being less lethal but should only be used when an officer is met with a certain degree of resistance or

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aggression.

- D. CHEMICAL WEAPONS: Chemical weapons are intermediate weapons that could cause serious physical injury or death and should only be used at the officer's perception of that level of threat. Chemical agents utilized by this Division are generally known as tear gas and mace:
1. Chemical agents should only be used as a tactical weapon;
 2. Personnel should not use chemical agents without the approval of a supervisory or command officer;
 3. Consideration should be given to the indiscriminate nature of chemical agents before employing them;
 4. It is the responsibility of the officer using the chemical agents to see that the arrestee receives the proper first aid.
- E. TASER: X26 and X26P Advanced TASERS are hand held battery operated unit designed to immobilize a suspect by means of an electrical current. The TASER should only be used against subjects who are actively resisting in a manner that, in the officer's judgement, is likely to result in injuries to themselves or others. Deployment of the TASER will be evaluated using the criteria in this directive. Officers must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the TASER will be dependent upon the actions of the subject, the threat facing the officer, and the totality of circumstances surrounding the incident.
1. An approved TASER device may only be used by officers that have successfully completed the Division approved training in its use taught by a certified instructor. Officers will be annually recertified in the use of the TASER. Officers failing to demonstrate proficiency will not be recertified to use the TASER until they have demonstrated proficiency.
 2. Uniformed officers will carry the TASER in a Division issued holster. The holster will be carried on the duty belt, on the side opposite the duty firearm. Non-uniformed officers will carry the TASER in an approved

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holster.

3. The Taser should be carried with the safety engaged, and with battery and loaded cartridge installed in preparation for immediate use.
 4. Officers approved to use the TASER, at the discretion of the Chief of Police, shall be issued a minimum of one spare cartridge as a back up in case of cartridge failure, the need for reapplication, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements. Only cartridges distributed by authorized Division personnel will be used.
- F. ASP COLLAPSIBLE BATON: Officers will carry the Division issued impact tool the ASP collapsible baton.
1. The impact tool is generally used against an aggressive, unarmed suspect or when lesser levels of control have failed or have been determined by the officer to be inadequate.
 2. The impact tool, when properly used, is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, and side of the neck, armpit or chest cavity must be avoided, whenever possible.
- G. BEANBAG SHOTGUN: The 12gauge less lethal shotgun is a shoulder-mounted weapon capable of firing a projectile to immobilize a suspect by means of pain compliance. Its use can assist an officer in the protection of life and property and/or the restoration of order. The less lethal shotgun shall be considered whenever the use of non-deadly options would assist in an arrest, restoring order, and/or reducing the risk of a more serious injury.
- H. DEADLY FORCE: See General Order 1-013, Use of Deadly Force.

VI. RULES AND REGULATIONS:

- A. LESS LETHAL FORCE: Less lethal force may be used by a police officer in the

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performance of the officer's duty under the following circumstances:

1. When it is necessary to preserve the peace, prevent the commission of crime, prevent a self-inflicted injury or prevent a suicide;
 2. When it is necessary to overcome resistance to a lawful arrest or a lawful search and seizure, and to prevent the escape from custody;
 3. When in defense of violent acts against the officer or a third person.
- B. FORCE: The force used shall be no greater than is necessary and reasonable in any given situation. Unless immediate action is required, an officer should call for and wait for assistance. All sworn personnel should exhaust reasonable means of employing the least amount of force before escalating to a more severe application of force. The amount and degree of force that may be employed will be determined by the circumstances including, but not limited to:
1. The nature of the offense;
 2. The behavior of the arrestee against whom the force is to be used;
 3. Actions by third parties who may be present;
 4. Physical odds against the officer (outnumbered, outweighed, etc.);
 5. The feasibility or availability of alternative actions.
- C. WEAPONS: No weapon should be brandished as a threat unless its actual use in the situation would be proper. This does not prohibit an officer from having a weapon readied when it is anticipated that a weapon may be required. The following are Division issued weapons:
1. CHEMICAL AGENTS:
 - a. Chemical agents may be used when physical force is necessary:
 1. To protect an officer from assault;

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2. To subdue a person who resists arrest;
 3. To deter persons engaged in riotous conduct;
 4. To prevent actions potentially harmful to the officer or others.
- b. Chemical agents may not be used when in close proximity to innocent bystanders or uninvolved citizens;
 - c. Chemical agents should not be used when the officer is in close proximity to the target or in a confined area. This is due to the fact that the chemical agents could overcome the officer or officers.
2. ORGANIC SUBSTANCE WEAPON, PEPPER SPRAY, OC:
- a. Maybe used at any distance less than ten (10) feet, the closer to the subject's face, the more effective and faster the results;
 - b. Should be used in short bursts rather than a prolonged spray and only the amount necessary to bring the subject under control;
 - c. Should be sprayed directly into the subject's face, especially the eyes, nose, and mouth. OC can also be used and is effective on animals;
 - d. Causes no lasting damage or injury. OC causes acute inflammation of the eyes and all other mucous membranes, resulting in immediate blindness, coughing, choking, and nausea with extreme discomfort for up to thirty minutes;
 - e. When the subject has been secured and resistance has ceased, the officer should make every reasonable effort to relieve the discomfort of the subject and any affected bystander. If conditions permit, clear water may be used to flush the eyes and other affected parts. If no water is available, fresh moving air and the body's natural actions will dissipate the discomfort in less than thirty minutes. No medical treatment should be necessary.

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3. TASER:
 - a. Only Division issued, and manufacturer approved, battery power sources shall be used in the TASER.
 - b. The TASER should be inspected; assuring that the battery is charged and checked prior to each tour of duty. A five second “spark test” shall be conducted as part of the check.
 - c. A use of force report should be completed anytime a TASER is used, except in training.
 - d. The use of force report shall contain at a minimum:
 1. The officer's approximation of the range at which the unit was employed.
 2. The point(s) of impact on the subject;
 3. The number of five-second cycles used;
 4. The type of clothing the probes encountered;
 5. The type of cartridge used;
 6. The type of discharge (probe, drive stun, or both);
 7. Evaluation of the effectiveness of the device;
 8. After-discharge actions taken by the officers;
 9. Any injuries that the officer is aware suffered by the subject as a result of the use of the device;
 10. The justification for the use of force and description of the Subject's actions / resistance;

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11. Photographs of the probe or drive stun site on the subject's body, if feasible.
- e. Any Taser discharge will be reported to a supervisor as soon as practical and any unintentional discharge will be treated the same as the unintentional discharge of a firearm.
- f. The TASER may only be used under the following circumstances:
 1. Subjects who are actively resisting in a manner that, in the officers judgement, is likely to result in injuries to themselves or others.
- g. Use of the TASER under the following circumstances is prohibited, unless exigent circumstances are present:
 1. Against handcuffed subjects;
 2. Against subjects fleeing on foot;
 3. At an individual operating a moving vehicle, or a vehicle which may move uncontrolled;
 4. Against subjects who the officer reasonably believes is pregnant;
 5. Against children weighing less than ninety (90) pounds or other persons of very small stature;
 6. Against subjects who are visibly elderly or physically disabled and/or suffering from a debilitating illness;
 7. Against subjects with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy;
 8. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary.

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No officer shall simultaneously draw / hold a Taser and a firearm due to the possibility of confusion and unintentional discharge of either weapon.

- h. The TASER will not be used under the following circumstances:
 - 1. For coercion or intimidation;
 - 2. To escort or prod subjects;
 - 3. To awaken unconscious or intoxicated subjects;
 - 4. When the officer knows the subject has come in contact with flammable liquids or is in a flammable atmosphere;
 - 5. When the subject is in a position where a fall may cause substantial injury or death;
 - 6. On subjects engaged in mere passive resistance to verbal directives, without showing signs of imminent active physical resistance.
 - 7. When another officer is currently and effectively deploying his / her Taser against the subject.
- i. In preparation of firing, when reasonable, the TASER shall be pointed in a safe direction, taken off safe and then aimed. Center mass of the subject's back is the primary aiming point and splitting of the belt line between the abdomen and thigh are the secondary target zone;
- j. Prior to use, when practical, a warning to the subject and other officers should be given;
- k. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device;
- l. TASER probes may not be intentionally fired at the face, head,

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neck or groin, unless the use of deadly force would be justified.

- m. Use of the "Drive Stun" is discouraged except in situations where the "probe" deployment is not possible. If initial application is ineffective, officer will reassess situation and consider other available options.
- n. Booking personnel shall be notified at the time of processing that the subject has been stunned with TASER probes or received a drive stun.
- o. The TASER shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
- p. Officers shall evaluate all subjects against whom the TASER has been deployed, and shall provide emergency medical treatment if needed or requested. If the TASER probes have penetrated the skin in a sensitive area (head, neck, groin or breast of a female,) or officers have difficulty removing the probes (i.e. probe/barb separation) EMS will be called to the scene to remove the probes or the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them. Unless a competent refusal is obtained, a qualified medical evaluation should be conducted of those persons who fit into the following classification:
 - 1. A child under the age of 10;
 - 2. An adult over the age of 70;
 - 3. A pregnant woman;
 - 4. A person who is medically / physically fragile (disability, disease, medical alert bracelet, etc.);
 - 5. Persons suffering from hyper stimulation, agitated or excited delirium (before or after deployment..

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- q. Medical personnel shall evaluate subjects who do not appear to be fully recovered within ten (10) minutes after TASER deployment.
 - r. After the TASER is used, probes should be removed from the suspect as soon as the suspect is handcuffed. If there is an indication that there is serious injury or any complications EMS should be called to the scene before the probes are removed.
 - s. When the TASER has been used operationally, the officer will collect the air cartridge, wire leads, darts, and AFID Tags as evidence and process it as such. The supervisor shall be notified of the Taser use as soon as practical.
 - t. Authorized supervisors shall:
 - 1. Download the data record of the TASER prior to the end of the shift in which a reported use of TASER incident occurs and save the data to the appropriate file.
 - 2. Download the data record of each TASER under their command annually regardless of reported use.
 - 3. The downloaded data shall be tabulated and a summary prepared for inclusion in the Division's annual use of force report.
 - u. The use of the Taser for the extraction of prisoners from cellblocks shall be done at the direction of the supervisor, whenever feasible.
4. ASP COLLAPSIBLE BATON:
- a. Officers will carry only impact tools authorized by the Division. Only those officers trained and/or certified will be authorized to use impact tools.
 - b. Reporting requirements:

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1. Complete a Use of Force Report anytime the ASP is used, except in training.
 2. Document the circumstances that led to the ASP use, as well as aftercare provided, in the Use of Force Report.
5. BEANBAG SHOTGUN: Deployment:
- a. The less lethal 12-gauge shotgun will be used by Division personnel specifically trained in the deployment of this weapon and must be used in accordance with manufacturers' instructions. The weapon may be used in emergencies that require deployment of personnel in dangerous situations, or as considered alternative to the use of more lethal force.
 - b. Normally used in planned assaults that require the temporary disabling of target individuals, or facilitate maneuver, or capture.
 - c. Only personnel trained in the use of the less lethal 12-gauge shotgun and under direct supervision shall deploy this device.
 - d. Officers assigned to deliver these rounds should be backed up by other officers armed with Division approved firearm(s).
 - e. Officers trained in emergency first aid or emergency medical personnel will assist after the deployment of the weapon to provide emergency first aid if applicable. Subjects who are struck with a beanbag shall be restrained and transported to a medical facility for examination.
 - f. Reporting: After using the less lethal 12-gauge shotgun in tactical incidents, an incident report will be completed that includes:
 1. The supervisor authorizing the use of the weapon;
 2. Identification of officers deploying the weapon;
 3. Number of rounds expended;

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4. Effects on targeted person(s) and injuries;
5. Any collateral or unintended injury or damage;
6. Use of Force report including any medical report.