



# City of Groton POLICE DEPARTMENT OPERATIONS DIRECTIVE



LOG: 13-08

ISSUE DATE: 27 December 2023  
EFFECTIVE DATE: 10 January 2024

INDEX: J-3 Rev. 15

---

## USE OF FORCE POLICY

### 1) Purpose

The law enforcement profession recognizes and values the sanctity of human life and respect for every person's rights and dignity. As guardian of a lawful and ordered society, police officers are vested with significant authority, the judicious use of which serves to protect public safety while fortifying public confidence in the legitimacy of the police. A peaceful resolution is the best, most desired outcome in all situations. To that end, police officers must use only the level of force necessary to achieve legitimate, lawful purposes and resolve each situation they face fairly and safely. Acknowledging that circumstances may compel the use of physical force upon a person, up to and including deadly force, police officers must view the use of force as a last resort. This policy shall establish the guidelines that govern the use of force by authorized personnel of the City of Groton Police Department.

### 2) Policy

Police officers must use only the minimum level of force necessary to achieve a lawful purpose. Any use of force must be reasonable, proportionate and necessary to the threat, and employed in a manner consistent with this policy. While not an actual use of force, the mere presence of a police officer can be intimidating to some. Therefore, officers should be mindful of their body language and tone of voice upon arrival at a scene and throughout their interaction with subjects, complainants, and witnesses.

ISSR 1.1.7

### 3) Definitions

- A. **"Acting in a Law Enforcement Capacity"** means any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority
- B. **"Active Resistance"** means any physical act undertaken by a subject against an officer that could reasonably impede or defeat the officer's lawful attempt to gain control of the subject
- C. **"Chokehold/Neck Restraint"** means a physical maneuver or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain
- D. **"Deadly Force"** means any force that is likely to cause serious injury or death.
- E. **"Deadly weapon"** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
- F. **"De-escalation"** means the use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.
- G. **"Imminent"** means likely to occur at any moment; impending.
- H. **"Last resort"** means a final course of action, used only when other reasonable options are unavailable or have failed.
- I. **"Less Lethal Force"** means any force that is not likely to cause serious physical injury or death. Less lethal force includes weaponless defensive and control techniques (such as open hand strikes, elbow or closed fist strikes, leg sweeps, kicks, and forcible restraint), weapons and munitions (such as OC spray or chemical agents such as tear gas, CEW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and K9.
- J. **"Mitigation"** means the action of reducing the danger, severity, seriousness or potential harmfulness of a condition or circumstance.
- K. **"Necessary"** means an action chosen when, in an officer's judgment, no effective alternative exists.

ISSR 1.1.2

## Use Of Force

- L. **“The objectively reasonable standard”** is the legal standard used to determine the lawfulness of a use of force under the Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court established this standard in its ruling in **Graham v. Connor** (490-U.S. 386, 1989).
- M. **“Officer created jeopardy”** means situations where officers needlessly put themselves in position where they must use deadly force to protect themselves
- N. **“Passive Resistance”** means an unarmed, non-violent person’s failure or refusal to cooperate with a police officer’s lawful directions, such as an act of civil disobedience or by a non-violent handcuffed person. Passive resistance generally involves lack of voluntary movement by the resister.
- O. **“Police Officer”** as used in this policy, means any Connecticut “peace officer,” as defined in CGS 53a-3
- P. **“Physical Force”** means any intentional contact used upon or directed toward the body of another person, including restraint and confinement.
- Q. **“Positional Asphyxia”** is a condition where the supply of oxygen to a person’s body is deficient because their body position prevents them from breathing adequately, usually as a result of an airway obstruction or limitation in chest wall expansion.
- R. **“Proportional Force”** means force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.
- S. **“Reasonable”** means sound, fair, sensible, and not excessive under the circumstances.
- T. **“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. If the facts or circumstances would not legally constitute an offense, an incorrect belief that they do, even if reasonable, does not justify the use of physical force
- U. **“Serious Physical Injury”** means physical injury that creates a substantial risk of death, serious protracted and obvious disfigurement, a serious health impairment, or an extended loss or impairment of any body part or bodily organ.
- V. **“Unreasonable Force”** means any force applied in a manner inconsistent with this policy or applicable law.
- W. **“Unreasonable Risk”** means an unwarranted exposure to the possibility of a negative consequence.

#### 4) **Moral and Ethical Obligations Regarding Use of Force**

All police officers must comply with this policy and uphold the legal, moral and ethical obligations of their sworn service to the public including:

##### **A. Duty to Render Aid**

An officer shall render aid and request an emergency medical service (EMS) response as soon as possible to any person who sustains an injury, complains of injury, or otherwise exhibits signs of medical distress including shortness of breath, altered mental status, or loss of consciousness.

An EMS response shall be called for any person subjected to the use of a firearm, impact weapon, impact projectile, conducted energy weapon (CEW), oleoresin capicum (OC) spray, or K-9 apprehension. A supervisor shall be immediately notified of any EMS response initiated under these conditions, and injuries shall be documented and photographed whenever possible.

- 1) All injury and medical information will be clearly documented in an incident report.
- 2) Medical aid for uses of less lethal force may be provided through, but not limited to, the following:
  - a. Self-Initiated
  - b. EMT’s, Paramedics, and/or
  - c. Hospital

##### **B. Duty to Intervene**

Any police officer acting in a law enforcement capacity who witnesses the use of force by any other officer, regardless of rank or department, that the witnessing officer know to be unreasonable, must intervene to attempt to stop such use of force. The witnessing officer shall intervene in any manner necessary to stop any unreasonable, excessive or illegal use of force, including by verbal or physical means or both. Unreasonable force is any force applied in a manner inconsistent with this policy or applicable law.

These requirements do not apply to officers acting in an undercover capacity if intervening will significantly compromise their safety or the safety of another.

In rare cases, exigent circumstances may prevent an officer from complying with these requirements. For example:

- 1) An officer may be engaged in a simultaneous attempt to apprehend another person.
- 2) An officer may be actively engaged in rendering aid to a seriously injured person.
- 3) An officer may be separated by space, elevation, physical barriers, terrain, or other hazards or impediments that prevent access necessary to intervene.

If circumstances prevent or impede effective intervention, these circumstances shall be promptly reported and documented.

Any officer who fails to intervene in an incident involving unreasonable use of force that they witness may be subject to disciplinary action and criminal prosecution for the actions the offending officer took.

#### **C. Duty to Report**

Any police officer acting in a law enforcement capacity who witnesses or otherwise becomes aware of the use of force by any other officer, regardless of rank or department, that the witnessing officer knows to be unreasonable shall notify a supervisor as soon as practicable. The witnessing officer shall also prepare a written report that thoroughly explains how force was used and submit that report as prescribed by Department procedures.

Any officer who fails to report any unreasonable use of force as required by this policy may be subject to disciplinary action or criminal prosecution.

#### **D. Prohibition Against Retaliation**

The Department and its employees are strictly prohibited from taking any retaliatory, discriminatory, or punitive action against any officer who acts in good faith in accordance with this policy or cooperates in any internal or criminal investigation related thereto.

#### **E. De-escalation and Mitigation**

Officers should use force as a last resort and employ de-escalation and mitigation techniques to the greatest extent practicable. Officers are not required to delay taking protective measures that are immediately necessary or to place themselves or others at imminent risk of harm in order to attempt de-escalation, but they should consider the following options that might minimize or avoid the use of force:

- 1) Using a non-threatening, non-confrontational tone of voice
- 2) Listening carefully and expressing empathy
- 3) Slowing down the pace of an incident
- 4) Waiting to take action until the threat subsides

- 5) Placing additional space or barriers between the officer and a person
- 6) Permitting a person to move about
- 7) Permitting a person to ask questions or engage in conversation
- 8) Tactical repositioning or seeking cover
- 9) Requesting additional resource

De-escalation is most effective when done purposefully, with patience and flexibility. These techniques should only be employed when circumstances permit, and it is safe to do so.

## 5) **Procedures**

### A. **Use of Physical Force**

The use of force by an officer shall be necessary, reasonable, proportionate and necessary to the threat encountered. Physical force may only be used to achieve a lawful purpose. Before resorting to physical force and whenever safe and feasible, officers should first make reasonable attempts to gain compliance through verbal commands and allowing appropriate time under the circumstances for voluntary compliance.

#### 1) **Considerations**

Before deciding to use physical force, an officer should consider the following:

- a. The immediacy of the threat
- b. The nature and severity of the crime or circumstances
- c. The nature and duration of actions taken by subject
- d. Whether the subject is actively resisting custody
- e. Whether the subject is attempting to evade arrest by flight
- f. The number of subjects in comparison to the number of officers
- g. The size and condition of the subject in comparison to the officer
- h. The age, health, and condition of the subject
- i. The subject's violent history, if known
- j. The presence of a hostile crowd or agitators
- k. Whether the subject is under the influence of drugs or alcohol to the extent it would affect their tolerance towards pain

#### 2) **Permissible Purposes for the Use of Physical Force**

When necessary and reasonable, an officer may use proportionate physical force to:

- a. Gain control of a subject who poses as imminent risk to the officer, themselves, or a third person.
- b. Effect an arrest of a person whom the officer reasonably believes to have committed an offense unless the officer knows the arrest is not authorized.
- c. Effect an arrest pursuant to a warrant unless the officer knows the arrest warrant is invalid.
- d. Prevent the escape from custody of a person unless the officer knows the custody is authorized.
- e. Gain compliance to a lawful order.

#### 3) **Prohibitions on the Use of Physical Force**

The following actions are prohibited:

- a. Using physical force against any handcuffed or restrained person except to the extent necessary to counter active resistance, prevent escape, prevent the person sustaining injury, or prevent the person from injuring another.

- b. Using physical force for the purpose of retaliation.
- c. Using physical force against a person whose health, age, physical condition, or circumstances make it likely that serious physical injury will result.
- d. Standing on kneeling on the neck of another person.

#### 4) **Restrictions on the Use of Physical Force**

The following are prohibited except under circumstances where deadly force is deemed reasonable, proportionate and necessary, consistent with this policy:

- a. The intentional use of a chokehold or neck restraint. 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 is prohibited. The use of a choke hold or neck restraint may only be used when the use of deadly physical force is necessary.
- b. Intentional strikes to the head, neck, spine, or sternum with an impact weapon, improvised impact weapon, knee, kick or hard object, or striking the head against a hard surface.
- c. The intentional discharge of a less-lethal launcher projectile at a close range to the head, neck or chest.

#### 5) **Positioning of Persons Under Officer's Control**

Restrained persons shall be positioned so that breathing is not obstructed. Restrained persons should be maintained in a seated position or placed on their side. Restrained persons should not be placed in a prone or other position that increases the risk of positional asphyxia.

### B. **Less Lethal Force**

ISSR 1.1.3b

An officer may use less lethal force when reasonable, proportionate and necessary to overcome the use or imminent use of force against an officer or a third person. The level of less lethal force used must be proportionate to the threat, perceived or existing. Less lethal force may not be used against any person engaged in passive resistance.

An officer may use less lethal force upon another person when and to the extent that he/she reasonably believes it is reasonable, necessary and proportionate to:

- 1) Effect an arrest or prevent the escape from custody a person whom he/she reasonably believes to have committed an offense.
- 2) Defend him/herself or a third person from imminent use of less lethal force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape,
- 3) Maintain order or prisoners, or
- 4) Restrain persons who are mentally ill and dangerous to themselves or others, or are gravely disable and in need of immediate care and treatment.

Less lethal force may include:

- 5) Less lethal weapons such as Kinetic Impact Projectiles, CEW, OC spray or baton,
- 6) Hard strikes delivered by hand, arm, leg or foot, and/or
- 7) Any other means at the officer's disposal based upon the officer's training and experience.

a. Kinetic Energy Projectiles

Kinetic Energy Impact Projectiles are flexible or non-flexible projectiles, which are intended to incapacitate a subject with less potential for causing death or serious physical injury when compared to conventional projectiles.

i. Deployment Considerations

- a. The use of kinetic energy impact projectiles is to be considered a level of DEADLY FORCE when intentionally deployed to strike a location recognize as like to cause death or serious physical injury, e.g. the head, neck/throat, and to a lesser degree, the chest or solar plexus.
- b. The only kinetic energy impact projectile authorized for use by the City of Groton Police Department is the 12 gauge “Super Sock Bean Bag” round.
- c. The supervising officer at the incident scene shall authorize the deployment of a less-lethal impact projectile, unless exigent circumstances direct otherwise.
- d. Less-lethal projectiles will be delivered to a subject target based on the circumstances, established safety priorities, and the level of force authorized.
- e. The impact weapon training chart (Exhibit “A”) is the recognized model for determining contact areas for kinetic energy impact weapons based on potential for injury.
  1. Green – these areas will be considered when incapacitation is necessary and the minimal potential for injury is the appropriate response.
  2. Yellow/Red – these areas will be considered when an escalation of force above green (areas) is necessary and appropriate, acknowledging an increase in potential for death or serious physical injury.
  3. Head/Neck/Groin – intentional impacts to these areas will be avoided unless the use of deadly force is necessary.

b. Deployment Techniques

- i. The approved less-lethal shotgun is a Remington Model 870 twelve gauge shotgun with an orange stock and fore grip. It will be carried, unloaded, with less-lethal kinetic projectile “Super Sock Bean Bag” ammunition in a sidesaddle ammunition holder approved by the department. No lethal ammunition shall be carried in or on the shotgun designated for the delivery of less-lethal projectiles, or in its storage case.
- ii. Less-lethal kinetic energy impact weapons should not be used without consideration of a cover officer being present.
- iii. Officers shall announce the intended use of less-lethal impact weapons to officers at the incident scene to prevent the accidental discharge of lethal ammunition, i.e. reactive firing.

c. Handling of Injured Subjects

- i. Subjects struck by a less-lethal projectile shall be attended to by the involved officer(s) following their medical training/certifications for which they have received. Appropriate transport to a medical facility for

examination will also be assured by the involved officer(s) and/or supervisor.

- ii. An investigation will be conducted into any situation involving the firing of a less-lethal projectile at a subject.
- iii. Photographs of the injuries will be taken whenever feasible.

ISSR 1.1.3d ISSR 1.1.1
---------------------------

d. Notification and Review

- i. The Chief of Police will be immediately notified whenever the less-lethal kinetic impact projectile weapon is deployed. The depth of the investigation will be decided by the Chief of Police or his designee and will be based on the totality of the circumstances and applicable laws.
- ii. The operational use of a kinetic energy impact projectile will be documented in a written report by the deploying officer to include a Use of Force Report. Both reports will be submitted through the chain of command for proper review and filing.

e. Training

- i. Training in the use of extended range kinetic energy impact projectiles weapon will consist of the approved department end-use program and bi-annual re-certification. Officers must demonstrate proficiency with the weapon in compliance with POSTC requirements. Failure to obtain recertification will result in the officer being denied permission to carry the kinetic energy impact projectile until such time as remedial training has been provided and demonstration of proficiency has been documented.

**C. Conducted Electrical Weapon**

Officers will be trained in and authorized to carry and deploy the Department issued Electronic Defense Weapon (Model X26P Taser®) after demonstrating proficiency with the weapon in compliance with POSTC requirements.

- 1) The use of the CEW will be limited to the degree and reasonable, necessary and proportionate to accomplish lawful objectives, in compliance with this police, i.e. provide protection for the officer, the subject, third parties and/or to effect an arrest.
- 2) Only officers who have successfully completed annual departmental CEW training shall be permitted to carry/utilize a CEW. Officers must demonstrate proficiency with the weapon in compliance with POSTC requirements. Failure to obtain recertification will result in the officer being denied permission to carry the CEW until such time as remedial training has been provided and demonstration of proficiency has been documented.
- 3) The device shall be carried in accordance with the manufacturer's recommendations and Department training. The device shall be carried in an approved holster on the side of the body opposite the service handgun if it is to be worn in a waist holster or a thigh holster. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training and the requirement as set out in this paragraph.
- 4) The CEW is **not** a replacement for the firearm and **should not be used without firearm backup** in those incidents where there is a potential threat towards the officer(s) or third parties.
  - a. Prior to using the CEW, where practical, a verbal warning of its impending use should be given to warn others officers of its impending discharge.

- b. When applicable, the verbal warning of “TASER – TASER” shall be given in a loud, clear, commanding voice.
- 5) As in all uses of force, certain individuals, may be more susceptible to injury. The CEW is **not to be used** on the following persons:
- a. Women known to be pregnant as muscle contractions and/or a fall may cause medical complications
  - b. The infirm
  - c. The elderly
  - d. Small children
  - e. Persons of small stature irrespective of age
  - f. Persons with a low Body-Mass Index (BMI)
  - g. Persons equipped with a pacemaker
  - h. Persons in obvious ill health
- 6) The CEW is **not to be used** in conjunction with the following:
- a. In a punitive or coercive manner;
  - b. On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with any other less intrusive fashion;
  - c. On any suspect who does not demonstrate an overt intention (1) to use violence or force against themselves, the officer or another person, or (2) to flee in order to resist or avoid detention or arrest, (3) actively resist arrest;
  - d. On any subject demonstrating only passive resistance.
  - e. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane);
  - f. In any environment where it is likely that the subject may drown or fall from an elevated area.
- 7) CEW Assignment and Testing
- a. The number of the CEW corresponding to the number of the officer’s assigned cruiser number will be assigned to each certified officer working a patrol shift. Unassigned CEWs will be maintained in the Patrol Office in the locker corresponding to their numbers.
  - b. Officers shall sign the CEW out at the beginning of every shift and sign it in at the end of every shift. The “Sign Out Log” will be maintained in the Patrol Office. Extra cartridges, if needed, are secured in the shift supervisor’s vehicle and with the CEW Instructor(s).
  - c. Officers authorized to deploy the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge’s leads break during engagement. The spare cartridge shall be stored and carried in a consistent with training and the cartridges replaced consistent with the manufacturer’s expiration.
  - d. Officers shall test the CEW unit at the beginning of their shift to ensure it is operational. The CEW unit must have a charge level above 25% to be used. Officers will:
    - i. Make certain the CEW is off and pointed in a safe direction during loading, unloading or when handled in other than operational deployment.
    - ii. Remove the Probe cartridge.
    - iii. Place the CEW on the Test Board (one of the two expended test cartridges mounted on the wall) in the Patrol Office.
    - iv. Turn the CEW on, depressing the trigger and listening for the rapidity of the electric pulse
      1. Rapid electric pulse = Working condition satisfactory

2. Slow electric pulse = Notify CEW Instructor(s)
  3. Below 24% (1 bar showing in the display is equal to 20%) – Notify the CEW Instructor(s)
    - v. Turn the CEW off
    - vi. Remove the CEW from the Test Board
    - vii. Replace Probe Cartridge
- 8) Aiming and Firing the CEW
- a. The officers should aim at the subject while adhering to the manufacturer's target zones whenever reasonably possible.
  - b. Officers should take into consideration the capabilities and limitations of the CEW whenever employing it at close quarters.
  - c. The CEW should be aimed by use of the aiming laser(s) whenever possible. Fixed sights shall be used when the laser sight(s) are, ineffective or as a secondary aiming tool.
  - d. The officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
  - e. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the CEW should be reasonable, necessary, and proportionate. Officers should only deploy the CEW to the extent necessary to gain control of the subject.
  - f. After using the CEW the deploying officer shall, whenever possible, request the duty-supervisor to respond to the scene and collect the following as evidence:
    - i. The expended cartridge probes labeling them as biohazards. Inverting the probes in a vial or envelope and taping them in place should safely contain them.
  - g. Drive stuns (touch stuns), while authorized, shall be used sparingly, consistent with training.
    - i. From a policy perspective, drive stuns are no different than a cartridge deployment.
    - ii. It is important to note that when the CEW is used in this manner, it is primarily a pain compliance tool, is minimally effective compared to a conventional cartridge deployment, and is more likely to leave marks on the subject's skin.
  - h. Officers should not intentionally activate more than one CEW at a time against a subject.
- 9) Following the Deployment of the CEW
- a. Whenever the CEW is used on a person and, after being restrained, the subject will be transported to a Hospital Emergency Room to receive a medical evaluation and treatment by qualified medical personnel regardless of any obvious health issue.
  - b. Police officer shall not remove probes which have implanted anywhere on a subject's body. Probes that have entered the skin shall only be removed by competent medical authority.
  - c. Officers should obtain a copy of the medical release or waiver of treatment from attending emergency room personnel.
  - d. The deploying officer or his/her supervisor shall photograph all injuries (or lack of) resulting from the use of the CEW and download the photographs into the Arrest Report and Offense Report, when applicable, to include:
    - i. Injuries resulting from the CEW's probes

- ii. Injuries sustained in a fall resulting from the use of an CEW.
  - e. The Patrol Supervisor shall notify the Patrol Commander whenever an injury, other than an imbedded probe, occurs as the result of the use of a CEW.
  - f. The deploying officer shall complete and submit any CTPOSTC Use of Force Form to the Patrol Commander via the chain of command whenever the CEW is used on a subject. The Patrol Commander will obtain the data download and attach it to the report form. The form and attached data download shall be filed with the Records Clerk's office and forwarded, no later than thirty (30) days after the incident to the State of CT Office of Policy Management. A written case report and CTPOSTC Use of Force Form shall also be completed by the deploying officer and submitted to the supervisor. This report will specifically describe the justification for the use of force, including the events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event. Both report forms will be completed no later than the next shift by the officer and supervisor.
  - g. The supervisor shall notify the Patrol Commander of each CEW use.
  - h. A copy of the "Electronic Defense Weapon Annual Report" will be forwarded to the Department's CEW Instructor(s).
  - i. A copy of the Use of Force report with attachments shall be forwarded to the Patrol Commander for review and determination that the deployment of the CEW was appropriate. The supervisor's findings regarding the deployment of the CEW shall be documented in the CTPOSTC Use of Force Form.
  - j. Should a determination be made by a supervisor that the use of the CEW was questionable or inappropriate; the matter shall be immediately referred to the Chief or his designee for further review and action.
- 10) Safety Procedures for Handling a CEW Exposed to Water or Moisture
- a. The following procedures shall apply whenever a CEW has been completely submerged in water or exposed to a significant amount of moisture.
  - b. Secure the CEW in a holster and place it in its' designated locker.
  - c. The immediate supervisor will include an initial email notification to the CEW Instructor(s).
  - d. Prepare a Report of Equipment Loss or Damage (GCPD-28).
  - e. The CEW Instructor(s) will assure that the affected CEW's battery is removed in order to contain the probes in the event of a discharge. The cartridge will then be unloaded once the power source is removed.
  - f. The CEW Instructor(s) will then wipe down the CEW, to include the inside cartridge bays and the holster, before air-drying the CEW for 24 hours.
  - g. If the CEW has been submerged in water, it shall be returned to the manufacturer for replacement.
  - h. The CEW Instructor(s) will then assure the affected cartridge(s) are disposed of in an electrostatic discharge (ESD) safe.

#### 11) Inventory

The Chief's designee will conduct a monthly inventory of all Tasers in the possession of GCPD.

#### D. **OC Spray**

- 1) OC Spray is an organically based aerosol device designed to incapacitate an attacker without harmful side effects. OC Spray should be deployed in accordance with department use of force training, department policies and state and federal law.

## Use Of Force

- 2) OC Spray is intended to allow an officer to gain tactical advantage and aid in controlling a hostile subject by causing the subject's eyes to close, his/her breathing to become inhibited and by creating a distraction.
- 3) All officers of the City of Groton Police Department shall be trained in the use of OC Spray before it is issued to them and before they are permitted to carry it on duty. Failure to obtain recertification will result in the officer being denied permission to carry the OC Spray until such time as remedial training has been provided and demonstration of proficiency has been documented.
- 4) OC Spray care and maintenance:
  - a. Uniformed officers who are authorized to carry OC Spray shall wear it on the gun belt or duty vest carrier where it can be easily accessed.
  - b. OC Spray should be shaken vigorously when first acquired and at least once a month thereafter. A one-second test spray is recommended when issued a new canister.
  - c. During annual recertification training the expiration dates of each canister shall be examined. Expired canisters shall be turned over to the Support Services Commander for disposal.
  - d. The Support Services Commander shall issue replacement canisters as needed.
  - e. OC Spray shall be stored at normal room temperature and shall not be placed near excessive heat or open flames.
  - f. Prolonged exposure to sunlight or temperatures more than 120 degrees have been known to rupture canisters.
  - g. Prolonged exposure to temperatures below freezing may result in slower discharge and/or shorter range.
- 5) OC Spray deployment
  - a. OC Spray may not be effective against some subjects. Officers should be prepared to use other means to control a subject in these situations.
  - b. Care should be taken to avoid spraying near an open flame.
  - c. Under normal circumstances a one second spray to the face is sufficient to control a subject.
  - d. Whenever possible, a safe distance should be maintained from the subject to allow the OC Spray to take effect.
  - e. The subject should be handcuffed as soon as it is possible to do so.
  - f. Once subject is under control, place subject into a position of recovery, by either rolling subject on his/her side, in a seated position or standing upright.
  - g. Do not spray any subject after resistance has ceased.
- 6) After-use procedures
  - a. Remove the subject from the area where the spray was administered.
  - b. Assure the subject that the effects of the spray are temporary and should disappear within 15 – 45 minutes.
  - c. Allow the OC Spray to dry before transporting.
  - d. Determine if the subject has any respiratory conditions, such as asthma, bronchitis or emphysema, if possible. If so, or if symptoms continue, provide medical assistance and have EMR respond.
  - e. Compliant subjects may be allowed to clean the OC Spray from their person after transportation to police headquarters. Apply water to the eyes for relief and the use of soap and water to remove residual spray from the subject.
  - f. Noncompliant subjects should have the OC Spray washed off as soon as it is safe to do so.
  - g. In compliance with this policy, an EMS response shall be called for any person subjected to OC Spray.

- 7) All uses of OC Spray shall be reported in a written case report and CTPOSTC Use of Force Form will be submitted through the chain of command for review and filing.

#### **E. ASP Expandable Baton**

- 1) As an impact weapon, the ASP Expandable Baton can constitute lethal force if blows are delivered to vital area such as the head, face or heart. Blows to such areas may only be used when deadly physical force is justified and the use of a firearm is either impractical or unavailable.
- 2) Personnel shall not be issued and shall not carry or use an ASP Expandable Baton unless certified by an instructor approved by the State of Connecticut Police Officer Standards and Training (POST) Council. Recertification shall be conducted on at least a bi-annual basis during annual spring firearms training. Failure to obtain recertification will result in the officer being denied permission to carry the ASP until such remedial training has been provided and demonstration of proficiency has been documented.
- 3) Each officer issued an ASP Expandable Baton shall be responsible for its loss or damage. Loss or damage shall be immediately reported verbally and in writing to the officer's immediate supervisor.
- 4) The ASP Expandable Baton shall be used in accordance with prescribed training techniques and methods. Prior to using the ASP Expandable Baton, officer must evaluate the situation to determine whether or not its use is reasonable, necessary and proportionate.
  - a. The following shall be considered in reaching a decision:
    - i. The age of the offender
    - ii. The physical condition of the offender
    - iii. The level of force being used by the offender.
- 5) The ASP Expandable Baton shall be carried in its issued holster or duty vest carrier whenever on duty in uniform including private duty assignments. Plainclothes officers, when certified with the ASP Expandable Baton, may carry a shorter model, approved by the Chief of Police to facilitate concealment.
- 6) Exceptions to the above section are:
  - a. A plainclothes assignment where the carrying of the ASP Expandable Baton would compromise officer safety.
  - b. Rescue operation or any assignment whereby the ASP Expandable Baton would interfere with the officer's activities.
- 7) The ASP Expandable Baton should be carried away from public view when un-holstered. The ASP Expandable Baton should not be extended and openly displayed unless its use is imminent, during periods of unrest or so ordered by the Chief of Police or his/her designee.
- 8) Officers shall not carry the ASP Expandable Baton when off-duty unless specifically authorized by the Chief of Police or his/her designee.
- 9) Officers will report and document the use of the ASP Expandable Baton in their case reports and in a Department Use of Force Report.
- 10) Officers shall call for EMS to respond to any person who is subjected to the use of the ASP Expandable Baton.
- 11) All uses of ASP Baton shall be reported in a written case report and CTPOSTC Use of Force Form will be submitted through the chain of command for review and filing.

#### **F. Use of Deadly Physical Force**

Deadly force must be used as a last resort. Any use of deadly force must be reasonable, proportionate and necessary. When feasible and consistent with personal safety, an officer shall give warning of his or her intent to use deadly physical force.

## 1) Permissible Purposes for Deadly Force

A police officer is justified in using deadly force upon another person only when his or her actions are objectively reasonable under the given circumstances at that time and the officer reasonably believes the use of deadly force is necessary to:

- a. Defend himself or herself or another person from the use or imminent use of deadly physical force, or
- b. Effect an arrest of a person if the following circumstances exist:
  - i. The officer reasonably believes the person has committed or attempted to commit a felony that involved the infliction of serious physical injury and
  - ii. The officer has determined there are no available reasonable alternatives to the use of deadly force and
  - iii. The officer believes the use of deadly force creates no unreasonable risk of injury to any other person.
- c. Prevent the escape of a person if the following circumstances exist:
  - i. The officer reasonably believes the person has committed a felony that involved the infliction of serious physical injury and poses a significant threat of death or serious physical injury to others.
  - ii. The officer has determined there are no available reasonable alternatives to the use of deadly force.
  - iii. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.

## 2) Use of Firearms

The discharge of a firearm by an officer in any setting other than a training or testing exercise, or to dispatch an animal, shall be considered a use of deadly force. The discharge of a firearm against another person should be considered a last resort.

The discharge of a firearm is **prohibited**:

- a. Deadly force may not be used against any person for the purpose of protecting property.
- b. Deadly force may not be used against any person who poses a threat only to themselves.
- c. When, in the professional judgment of the officer, doing so will unnecessarily endanger an innocent person.
- d. To summon assistance, except in an emergency and no other reasonable means is available.
- e. When fired as a warning shot.
- f. When fired at or into a moving or fleeing vehicle, except:
  - i. To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.
  - ii. When a driver is intentionally placing others in the vehicle's path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons, or into an occupied area not intended for vehicular traffic.
  - iii. When an officer is **unavoidably** in the path of a vehicle and cannot move to safety. Officers are strongly discouraged from positioning themselves in the actual or potential path of travel of any vehicle.

## G. Post Use of Deadly Force Investigation

## Use Of Force

- 1) Officer-involved deadly force investigations shall include, but not be limited to, the following deadly force incidents:
  - a. The use of deadly force by an officer upon another person, whether or not force results in death or injury, and/or
  - b. The unintentional discharge of a firearm by an officer
- 2) Investigative Roles and Responsibilities
  - a. Render medical aid to the injured,
  - b. Secure, control and preserve the scene without the removal or relocation of evidentiary material including motor vehicles. Once the scene is "secure", the following procedures shall be carried out.
    - i. Establish an inner and outer perimeter to protect the incident scene from unauthorized entry and contamination,
    - ii. Implement a written log to keep track of all authorized persons entering or leaving the inner perimeter. The log shall also document the dates and times authorized persons entered and left the inner perimeter.
    - iii. Locate and take the names of witnesses and potential witnesses as well as note registration numbers of involved motor vehicles.
    - iv. Conduct interviews
    - v. Perform or assist with other appropriate investigating activities to the extent that the passage of time would inhibit such activities, and
    - vi. Complete a comprehensive report on all activities performed in relation to the post use of deadly for investigation.

### 3) First Uninvolved Supervisor on the Scene

As soon as possible after the deadly force incident, the Patrol Commander or the Support Services Commander, if not directly associated with the incident shall make a preliminary inquiry to determine the scope and seriousness of the incident. Based on the results of this inquiry, the supervisor will provide notification to the persons listed below. Dispatch will be advised to make an entry in IMC indicating the time of each notification. The supervisor will notify the:

- a. Chief of Police. **In the absence of the Chief of Police, the *Deputy Chief/Captain* or other designee will be responsible for notifying the Mayor of the City of Groton, or designee, as soon as practical (but before news of the incident is released or reported by the media).**
- b. State's Attorney Office (Superior Court, Part A, New London, Connecticut). **T The State's Attorney's Office shall be notified immediately when an officer has used lethal force upon another person and such person dies or is likely to die,**
- c. Detective Division Supervisor or his/her designee.
- d. Support Services Commander,
- e. City of Groton Police Department EAP contact person.
- f. Police Union Representative,
- g. Chief State's Attorney who in turn will notify the Inspector General's Office.
- h. Other police agencies having direct interest in the subject officer(s) involved in deadly force incident (when applicable), and/or
- i. Police Chaplain (when applicable).

In addition, the first Uninvolved Supervisor shall:

- a. Assume command of the incident scene, ensuring scene security, control and preservation. **The incident scene must be preserved without the removal or**

**relation of evidence, including motor vehicles, unless failure to do so would detract from the evidentiary value.**

- b. Safely remove the officer(s) from the incident scene as soon as possible.
- c. Ensure that the City of Groton Police Department member **remains with the officer at all times.**
- d. Secure the officer's implement of deadly force and all other equipment and clothing worn at the time of the incident as evidence as soon as practical. These items shall not be altered unless such is required for the safety of the officer securing said equipment. However, it is imperative that if a duty weapon is used, that the weapon is not altered in any way (i.e. bullet(s), casing, ammo magazine not be removed from the weapon).
- e. Issue a replacement weapon to the officer as soon as practical, when an officer uses deadly force upon another person.
- f. Unless otherwise stipulated in the officer's emergency contact information sheet, a ranking member of the City of Groton Police Department and the City of Groton Police Chaplain (or member of the clergy) shall be assigned the task of notifying the officer's and/or other person's next of kin. **Next of kin shall be informed about the availability of resources and services to assist them,**
- g. Interview involved personnel separately and as soon as possible. **When an officer has used deadly force upon another person and such person dies or is likely to die, the State's Attorney Office shall be in charge of the officer interview process,** and
- h. Complete a comprehensive report on all activities performed in relation to the post lethal force investigation.

#### 4) Uninvolved Detective Division Personnel on the Scene

- a. Unless directed otherwise by the Chief or State's Attorney the uninvolved Detective Division Supervisor will assume command of the use of force investigation when the deadly force incident does not involve the death or likely death of another person.
- b. Uninvolved City of Groton Police Department Detectives shall be available to conduct or assist with officer-involved deadly force incident investigative tasks. This includes, but is not limited to, the following:
  - i. Interviewing witnesses,
  - ii. Processing the incident scene:
    1. Collecting and securing evidence
    2. Photographing and diagramming the scene.
  - iii. Identifying and locating the suspects,
  - iv. Conducting follow-up interviews,
  - v. Preparing and serving search and seizure warrants,
  - vi. Preparing and serving arrest warrants,
  - vii. Notifying the State's Attorney Office (when applicable)
  - viii. Notifying the Connecticut State Police Major Crime Squad (when applicable).
  - ix. Performing any other tasks necessary to complete the investigation.
  - x. Completing a comprehensive report on all activities performed in relation to the post-deadly force investigation.

#### 5) State's Attorney Office

Once notification has been made, a representative of the State's Attorney Office shall respond to the incident scene within a timely fashion. **The Office of the Chief State's Attorney Inspector/General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force.**

- a. Upon the arrival of a representative from the State's Attorney Office, the representative shall discuss the incident with the supervisor who is in charge of the incident scene.
- b. The State's Attorney Office shall be responsible for requesting appropriate law enforcement agency assistance (i.e., CSP Major Crime Squad). This assistance shall be used in determining the circumstances of the deadly force incident. The State's Attorney Office shall:
  - i. Determine what agency or agencies shall be responsible for processing the incident scene,
  - ii. Determine what agency or agencies shall be responsible for analyzing the evidence, and, if necessary,
  - iii. Determine what agency or agencies shall be responsible for reconstructing the event and scene.

#### **6) Deadly Force Incidents Without Death or Serious Injury**

- a. In the event a deadly force incident does not involve death or serious injury, the first uninvolved Supervisor shall notify the:
  - i. Chief of Police
  - ii. *Deputy Chief/Captain*
  - iii. Patrol Commander
  - iv. Support Services Division Commander
  - v. Detective Division Supervisor
  - vi. Police Union Representative, and
  - vii. City of Groton Police Department EAP contact person.
- b. The responsibility for the investigation shall rest with a supervisor higher in rank than that of the subject employee. The Chief of Police or his/her designee shall designate the investigating supervisor. If applicable, the supervisor may employ the services of Detective Division personnel to assist with the investigation.

#### **7) Advisements**

Any employee of the City of Groton whose actions or use of deadly force results in death or serious injury shall be advised of the following:

- a. The employee shall be advised of his/her rights with regards to both a criminal and internal investigation.
- b. The employee shall be advised that a criminal investigation shall be conducted.
- c. The employee shall be advised that there shall be a separate Administrative Review investigation.
- d. The employee shall be advised about the role the State's Attorney Office and Inspector General shall play with regards to an employee's actions and/or use of deadly force,
- e. The employee shall be advised that he/she shall be temporarily reassigned to perform administrative duties or work in another police related capacity throughout the duration of the investigation. The length of the reassignment will be determined by facts of the investigation and the employee's desire to return to duty.
- f. The employee shall be advised that he/she shall be the subject of a supervisory referral to the department's Employee Assistance Program.

#### **8) Reports and Reviews**

- a. **The Chief of Police or his/her designee must be immediately notified of any incidents involving use of Deadly Physical Force.**

- b. The use of force report will be completely documented as to necessity, instrumentalities, and related circumstances in an incident report written by all authorized personnel utilizing such level of force to include accidental discharges.
- c. Supervisors will review all use of force incidents and they will:
- i. Determine whether the use of force conforms to current City of Groton Police Department policy and procedures.
  - ii. Document their findings in writing concerning policy compliance and their review of the use of force incident on the CTPOSTC Use of Force Form
  - iii. The on-scene supervisor will prepare or ensure preparation of the following additional documentation when any use of force is used by members of this department. Such documentation can be inclusive within the officer's report or as an addendum by the supervisor.
    1. As soon as practical, **(but no later than the end of shift)** notify the Patrol Commander who will in turn immediately notify the Chief or Deputy Chief/Captain.
    2. Assure medical aid is/was rendered (if applicable)
    3. Assure Photos are taken of any injuries (obvious or claimed) to include those of the officer(s).
    4. Create a sketch map to include measurements or reference to measurements or reference to measurements (if applicable)
    5. Obtain statements of witnesses and accused persons. Document if they refuse.
    6. Obtain a Medical Release. Document if refused.
    7. Obtain reports by all involved officers to include witness officers.
    8. Prepare a supervisor narrative outlining the level of force used and referencing the use of force policy and whether or not it was in compliance with the policy. Utilize the Use of Force Form (GCPD-45).
    9. Notify Travelers Injury Report Hotline and complete Travelers form entitled "Workers' Comp 1<sup>st</sup> Report of injury" Form as required by Log 04-05 Reporting On-duty Injuries & Exposures, if employee is injured or has a complaint of pain.
  - iv. A CTPOSTC Use of Force Form, with the corresponding copy of the incident report, supplemental reports and applicable photos, sketch maps, statements, and medical release **shall be submitted by the supervisor to the Patrol Commander no later than seventy-two (72) hours after the use of force incident.** Exceptions to this timeframe may be authorized by the Chief, at the request of the Patrol Commander.
  - v. The Patrol Commander will review all documentation provided by the supervisor for completeness and justification to ensure compliance with the use of force review process. **The Patrol Commander will forward to the Chief and/or his/her designee of the findings within forty-eighty (48) hours of receipt of the documentation from the supervisor.** Exception to this timeframe may be authorized by the Chief, at the request of the Patrol Commander.
  - vi. In December of each year, the Chief of Police, Deputy Chief/Captain, Patrol Commander and Support Services Commander will meet to review all Use of Force Reports for the preceding year. This review will be used to assist in determining the department's training needs for the upcoming year.

**9) Use of Force Incident Press Release**

- a. Only the Chief of Police or designee may speak for the department regarding officer-involved use of force incidents.
- b. When an officer has used deadly force upon another person and such person has died or is likely to die, the State's Attorney Office will approve all City of Groton Police Department press releases.

**10) Required Reporting and Review**

A reportable use of force is any use of force described in this policy, including:

- a. Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person
- b. Using OC spray, CEW, ASP Expandable Baton or less lethal projectile
- c. Using a chokehold or neck restraint
- d. Pointing a firearm, less lethal launcher, or CEW laser sight at a person at a person
- e. The discharge of a firearm, for other than training, testing, or to dispatch an animal
- f. Any action that results in, or is alleged to have resulted in, injury or death of another person
- g. The forcible manipulation of an individual while taking them into custody; **not needed when someone submits willing to handcuffing.**

The electronic State of Connecticut Police Officer Standards and Training Council *Use of Force* form shall be completed for any incident that involves a reportable use of force. A separate form shall be completed for each person subjected to a reportable use of force. Except as provided below, the officers involved shall complete the form as soon as practical. The required supervisory review of any use of force shall be completed in a timely manner.

The Office of the Chief State's Attorney Inspector General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of reports as deemed necessary.

The department shall document and maintain a record of any incident in which an officer reports or is aware of an unreasonable, excessive or *illegal* use of force as specified in this policy. This record shall include, at minimum, the name of the officer(s) involved; the date, time and location of the incident; a description of the circumstances; and the names of any victims and witness present, if know.

When an officer has used deadly force upon another person and said person dies or is likely to die, in addition to the reporting requirements detailed in this policy, the Chief State's Attorney Inspector General shall investigate the incident and file a report with the Chief State's Attorney Office. The Chief State Attorney shall forward a copy of the State Attorney's report to the Chief of Police. A copy of this report shall be maintained with all other reports related to the deadly force incident.

- a. City of Groton Police Department personnel involved in an officer-involved deadly force incident shall complete comprehensive reports on all their activities in relation to the investigation. Upon request, all City of Groton Police Department reports related to the deadly force incident shall be made available to the Chief State's Attorney Office and to the Chief State's Attorney Inspector General.
- b. An Administrative investigation shall be launched whenever an officer uses deadly force upon another person.

**11) Annual Use of Force Reporting**

Each year, but not later than February 1st of the following year, the department shall ensure that a copy of each completed *State of Connecticut – Police Officer and Standards Training Council – Use of Force Report* and any other required documents are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management. Prior to submission of these reports, the department shall redact any information that may identify a minor, victim, or witness.

Use of Force Reports that do not meet the State reporting requirements by statute, but required by this policy, shall be stored in-house.

**12) Use of Force Analysis**

- a. On an annual basis, the Support Services Commander will conduct a use of force analysis for use of force incidents by personnel of the City of Groton Police Department.
- b. The use of force analysis shall be used to identify patterns or trends that may indicate training needs and/or policy modifications.
- c. A copy of the use of force analysis will be forwarded to the Chief of Police and the Patrol Commander.

**13) Training**

Use of Force training will be conducted annually for all sworn officers by an instructor certified in the current POSTC curriculum. In addition, range instructors will cover the use of force policy during each firearms training session. See each section regarding training related to other uses of force (i.e. Taser CEW, OC, ASP Baton and Kinetic impact weapon).

**14) Administration of Weapons**

- a. The assigned use of force instructors and Support Services Commander are responsible to ensure that all sworn department personnel are trained and certified in the department issued Springfield Armory 9mm caliber pistol and 9mm hollow point ammo and all less lethal weapons, they are assigned to carry.
  - i. The training will consist of at least the minimum required initial POST training and subsequent yearly qualification.
  - ii. Any personnel not found to be proficient in the use of any weapon will be brought to the attention of the Chief and the individual will not be allowed to carry such weapon until he/she proves proficiency according to POSTC standards.
  - iii. Training and certification rules also apply to off-duty pistols and ammo.
    1. Weapons must be semi-automatic and calibers of .380, 9 mil, .40 or .45. Corresponding ammo (.380, 9 mil, .40 or .45) can be either hollow point or copper jacket ball. However, if allowed to carry on duty, hollow point ammo must be used. Reloads are never to be used.
    2. The armorer will inspect and approve all off-duty weapons.
  - iv. After the initial training of the employee to include the inspection and approval of all weapons to be carried conducted by the armorer and/or instructor, a supervisor shall, on a monthly basis, physically inspect the issued pistols, approved off duty firearms and less lethal weapons of all officers. The weapons will be inspected for cleanliness, mechanism function, and the condition of ammunition. The supervisor shall also inspect the issued magazines carried by subordinate officers for the same conditions. Sworn members of the department shall carry their issued pistols and Taser devices in an appropriate holster while on duty. Unless specifically authorized by the Chief of Police, no officer shall carry

their pistol or Taser device without a holster, or in a holster that is not consistent with the officer's training and departmental directives.

- v. Any weapon found to be non-functioning and/or damaged will be removed from service and another weapon will be issued to the officer. The armorer will be advised and will ensure the weapon is repaired (if applicable).
- b. The Patrol Commander and his/her designee(s) are responsible:
  - i. To maintain a proper inventory of all issued and stored weapons (lethal and non-lethal) indicating the assigned officers and expiration dates if applicable.
  - ii. To conduct quarterly inspections (January, April, July, October) of the GCDP armory utilizing form GCPD-59.
  - iii. To conduct monthly inspections of each weapon assigned to officers (GCPD-63).
  - iv. To conduct monthly inspections of each weapon assigned to the vehicles (GCPD-97)
- c. After demonstrating proficiency, Department personnel may only use the assigned weapons described in this directive and that of LOG 11-01 (Issued Handgun), LOG 03-06 (Patrol Rifle) and LOG 06-06 (Shotgun).

H. **Related Policies**

Other policies related to this and department use of force policies include but may not be limited to:

- a. LOG 03-05 Vehicle Pursuit
- b. LOG 20-01 Use of Body Worn Cameras

*David Burton*

*January 10, 2024*

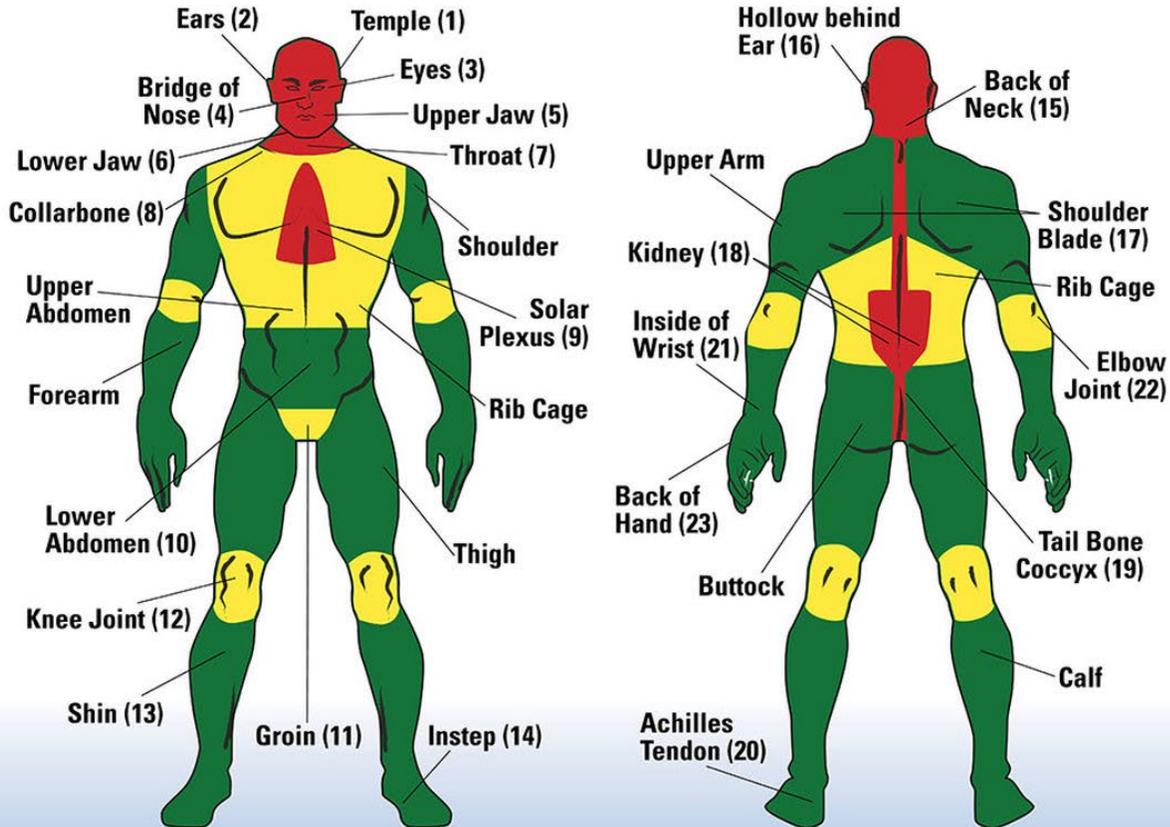
\_\_\_\_\_  
David Burton

\_\_\_\_\_  
Date

Exhibit A

# BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



## STRIKING AREAS

GREEN	YELLOW	RED
<p><b>REASONING</b> Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p>Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p><b>REASONING</b> Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p><b>REASONING</b> Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.