

NEW HAVEN DEPARTMENT OF POLICE SERVICE

GENERAL ORDERS

**GENERAL ORDER 6.01****EFFECTIVE DATE:**

USE OF FORCE

6.01.01 PURPOSE:

The purpose of this General Order is to establish the guidelines and limitations concerning the appropriate and acceptable use of deadly and non-deadly force for sworn members of the New Haven Department of Police Service. All sworn police officers of the New Haven Department of Police Service (NHPD) recognize and value the sanctity of human life and respect every person's rights and dignity. As guardians 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. Any immediate supervisor who uses force, or who authorizes conduct leading to a reportable use of force, shall not be allowed to conduct that use of force investigation/review. In these circumstances, the next level supervisor who holds the rank of Lieutenant, or the position of Division Commander (OIC) or shift commander, shall be responsible for completing the use of force review.

6.01.02 POLICY:

It is the policy of the New Haven Department of Police Service (NHPD) to provide clear procedures to sworn officers regarding the use of force in the performance of their duties. The safety of innocent persons and officers is of paramount importance. In compliance with applicable law, all sworn police officers employed by the NHPD must use only the minimum level of force necessary to achieve a lawful purpose. Any use of force must be reasonable, proportionate 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.

6.01.03 DEFINITIONS:

ACTING IN A LAW ENFORCEMENT CAPACITY: Any on-duty police officer or any off-duty police officer who identifies themselves as such and asserts their law enforcement authority.

ACTIVE RESISTANCE: 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. Active resistance includes, but is not limited to, bracing, tensing, pulling away or pushing.

CHOKEHOLD/NECK RESTRAINING: 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.

DEADLY FORCE: Any force that is likely to cause serious injury or death.

DEADLY WEAPON: 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.

DE-ESCALATION: The use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.

DISPLAY OF FORCE: The pointing of any firearm, less lethal launcher, or CEW laser sight at or in the direction of another human being.

IMMINENT: Likely to occur at any moment; impending.

IMMEDIATE SUPERVISOR: An immediate supervisor is a frontline supervisor at the rank of Sergeant who is assigned the responsibility of supervising officers of a lower rank, or a Lieutenant serving in the capacity of a Sergeant.

LAST RESORT: A final course of action, used only when other reasonable options are unavailable or have failed.

LESS-LETHAL FORCE: 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 projectiles and bean-bag rounds, batons and other impact weapons, and flash bang devices), and K9 apprehensions.

MITIGATION: The action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.

NECESSARY: An action chosen when, in an officer's judgement, no effective alternative exists.

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).

OFFICER CREATED JEOPARDY: Situations where officers needlessly put themselves in a position where they must use deadly force to protect themselves.

PASSIVE RESISTANCE: An unarmed, non-violent person's failure or refusal to cooperate with a police officer's lawful directions, such as in an act of civil disobedience or by a non-violent handcuffed person. Passive resistance generally involves lack of voluntary movement by the resister.

POLICE OFFICER: As used in this policy, means any Connecticut "peace officer," as defined in CGS 53a-3.

POSITIONAL ASPHYXIA: 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.

PROPORTIONAL FORCE: Force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.

REASONABLE: Sound, fair, sensible, and not excessive under the circumstances.

REASONABLE BELIEF THAT A PERSON HAS COMMITTED AN OFFENSE: 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.

REPORTABLE USE OF FORCE: All force used above non-resistant compliant handcuffing and escorting techniques, with the exception of an incident involving drawing

a firearm at the low-ready position, which in itself is not considered reportable. This term includes any action that results in, or is alleged to have resulted in, the injury or death of another human being and all displays of force such as pointing a firearm, less lethal launcher, or CEW laser sight at or in the direction of another human being. Handcuffing an individual to an object is considered a reportable use of force and should only be used in extenuating circumstances.

SERIOUS PHYSICAL INJURY: 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.

UNREASONABLE FORCE: Any force applied in a manner inconsistent with this policy or applicable law.

UNREASONABLE RISK: Unwarranted exposure to the possibility of a negative consequence.

6.01.04 MORAL AND ETHICAL OBLIGATIONS REGARDING THE USE OF FORCE:

All police officers employed by the New Haven Department of Police Service must comply with this policy and uphold the legal, moral, and ethical obligations of their sworn service to the public, including:

A. THE DUTY TO RENDER AID

- All New Haven police officers shall render aid to the extent that their training allows and request an emergency medical service (EMS) response as soon as possible for 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 requested for any person subjected to the use of any deadly force or less lethal force. A display of force alone does not require an EMS response unless requested by the subject. The immediate supervisor shall be immediately notified of any EMS response initiated under these conditions, and injuries shall be documented and photographed and/or captured by body-worn camera whenever possible.

B. DUTY TO INTERVENE

- Any New Haven police officer acting in a law enforcement capacity who witnesses the use of force by any other New Haven police officer, regardless of rank or department, that the witnessing officer knows 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 person.
- 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 New Haven police 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 New Haven police officer acting in a law enforcement capacity who witnesses or otherwise becomes aware of the use of force by any other New Haven police officer, regardless of rank or department, that the witnessing officer knows to be unreasonable shall notify their immediate supervisor as soon as practicable. The witnessing officer shall also prepare a written report that thoroughly explains how the force was used and submit that report to their immediate supervisor prior to the conclusion of their shift, or as soon as practicable. If their immediate supervisor is the officer involved in the incident, the witnessing officer must submit their report to the next higher level of supervision. (Refer to General Order 1.03 Rules of Conduct).
- The immediate supervisor shall notify the on-duty shift commander or Division Commander (OIC) of the incident as soon as practicable.
- The on-duty shift commander or Division Commander (OIC) is responsible for notifying the (OIC) of the Internal Affairs Division and the Chief of Police and/or his/her designee of the incident prior to the conclusion of his/her shift, or as soon as practicable.

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

D. PROHIBITION AGAINST RETALIAITON

- Police officers employed by the New Haven Department of Police Service 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.

6.01.05 DE-ESCALATION AND MITIGATION:

New Haven Police Officers should use force as a last resort and employ de-escalation and mitigation techniques to the greatest extent practicable. New Haven Police 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: Using a non-threatening, non-confrontational tone of voice

- A.** Listening carefully and expressing empathy
 - B.** Slowing down the pace of an incident
 - C.** Waiting to take action until the threat subsides
 - D.** Placing additional space or barriers between the officer and a person
 - E.** Permitting a person to move about
 - F.** Permitting a person to ask questions or engage in conversation
 - G.** Tactical repositioning or seeking cover
 - H.** Requesting additional resources
- 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.

6.01.06 USE OF PHYSICAL FORCE

Any use of force by a New Haven Police Officer shall be necessary, reasonable and proportionate 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.

A. CONSIDERATIONS:

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

1. The immediacy of the threat
2. The nature and severity of the crime or circumstances
3. The nature and duration of actions taken by the subject
4. Whether the subject is actively resisting custody
5. Whether the subject is attempting to evade arrest by flight
6. The number of subjects in comparison to the number of officers
7. The size and condition of the subject in comparison to the officer
8. The age, health, and condition of the subject
9. The subject's violent history, if known
10. The presence of a hostile crowd or agitators
11. Whether the subject is under the influence of drugs or alcohol to the extent it would affect their tolerance towards pain

B. PERMISSABLE PURPOSES FOR THE USE OF PHYSICAL FORCE

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

1. Gain control of a subject who poses an imminent risk to the officer, themselves, or a third person.
2. 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.
3. Effect an arrest pursuant to an approved arrest warrant unless the officer knows the arrest warrant is invalid for any reason.
4. Prevent the escape from custody of a person unless the officer knows the custody is not authorized.
5. Gain compliance to a lawful order.

C. PROHIBITIONS ON THE USE OF PHYSICAL FORCE

The following actions are prohibited:

1. Using physical force against any handcuffed or restrained person except to the extent necessary to counter active resistance, prevent escape, prevent the person from sustaining injury, or prevent the person from injuring another.
2. Using physical force for the purpose of retaliation.
3. Using physical force against a person whose health, age, physical condition, or circumstances make it likely that serious physical injury will result.
4. Standing on or kneeling on the neck of another person.

D. RESTRICTIONS ON THE USE OF PHYSICAL FORCE

1. 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.
2. Intentional strikes to the head, neck, spine, or sternum with a baton or impact weapon, improvised impact weapon, knee, kick, or hard object, or striking the head against a hard surface.
3. The intentional discharge of a less-lethal launcher projectile at close range to the head, neck, or chest.

6.01.07 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.

6.01.08 LESS LETHAL FORCE

A New Haven police officer may use less lethal force when reasonable 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.

6.01.09 USE OF DEADLY PHYSICAL FORCE

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

A. PERMISSABLE PURPOSES FOR DEADLY FORCE

A New Haven 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:

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

B. PROHIBITIONS ON THE USE OF DEADLY FORCE

1. Deadly force may not be used against any person for the purpose of protecting property.
2. Deadly force may not be used against any person who poses a threat only to themselves.

C. USE OF FIREARMS

The discharge of a firearm by a New Haven police 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:

1. When, in the professional judgment of the officer, doing so will unnecessarily endanger an innocent person.
2. In the defense of property.
3. To summon assistance, except in an emergency and no other reasonable means is available.
4. When fired as a warning shot.
5. When fired at or into a moving or fleeing vehicle, except:
 - a) To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.
 - b) 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.
 - c) 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.

D. POST EVENT REVIEW OF DEADLY PHYSICAL FORCE INCIDENTS

A post event review regarding any use of force shall determine whether any involved officer acted in a manner consistent with or inconsistent with this policy.

New Haven police officers must be aware that they are subject to the standards set forth by State Law. In accordance with State Law, evaluations of an officer's actions related to a use of deadly force will consider, *but are not limited to*, the following factors:

1. Whether the person possessed or appeared to possess a deadly weapon
2. Whether the officer engaged in reasonable de-escalation measures prior to using deadly force

3. Whether any unreasonable conduct of the officer led to an increased risk of an occurrence of the situation that precipitated the use of deadly force.

Officers should be aware that the statutory language “but are not limited to” may mean that factors not specified in law or in this policy are considered in the evaluation of an officer’s actions.

6.01.10 REPORTING USES OF FORCE

A. REQUIRED REPORTING AND REVIEW

A reportable use of force is any use of force or display of force described in this policy above unresisted handcuffing and general escorting techniques, including, but not limited to:

- (1) Striking another person with an open or closed hand, elbow, knee, club or baton, kicking another person, performing a take-down technique or any other control technique which requires force
 - (2) Using OC spray, CEW, or less lethal projectile(s)
 - (3) Using a chokehold or neck restraint
 - (4) All displays of force, which includes the pointing a firearm, less lethal launcher, or CEW laser sight at or in the direction of another human being
 - (5) The discharge of a firearm, or the dispatch of an animal for any reason other than for testing or training purposes
 - (6) Any action that results in, or is alleged to have resulted in, injury or death of another person
 - (7) A use of force form is not required for verbal commands alone. However, use of verbal commands should be thoroughly documented in an incident/supplemental report with a case number generated.
- The electronic State of Connecticut Police Officer Standards and Training Council *Use of Force* form must be completed for any incident that involves a reportable use of force conducted by any sworn New Haven Police Officer. A separate use of force form must be completed for each person/citizen subjected to a reportable use of force by an officer, as well as every officer who engages in a reportable use of force incident. Except as provided below, all officer(s) who participate in a reportable use of force incident must individually complete a use of force form prior to the conclusion of their shift unless there are extraordinary circumstances. They shall submit the use of force form electronically to both their immediate supervisor and the on-duty shift commander or Division Commander

(OIC) utilizing everyone's department issued email addresses for further review and approval.

- The immediate supervisor of the officer(s) involved in a reportable use of force incident must review the use of force form, any related incident/supplemental report(s) and associated body-worn camera footage in order to make a determination on whether the force used was necessary or not. This review must be completed prior to the conclusion of the immediate supervisors' assigned shift, or as soon as practical after the body-worn camera footage of the incident is available for review. Shift Commanders or Division Commanders (OIC) will be responsible to evaluate the use of force reviews completed by their immediate supervisors to ensure they are completed thoroughly, correctly and submitted within the required time frame.
- The Office of the Chief State's Attorney Inspector General shall investigate any incident in which a New Haven police officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of incident reports and use of force forms as deemed necessary.
- The New Haven Department of Police Service 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 witnesses present, if known.

B. USE OF FORCE FORM DISPOSITIONS

When an immediate supervisor completes their review of a reportable use of force incident, they will determine the conclusion of the review by selecting one of the four following disposition selections listed on the use of force form:

1. Justified, Within Department Policy: The officer(s) use of force was determined to be necessary, and during the course of the incident the involved officers did not violate any department general order.
2. Justified, Policy Violation: The officer(s) use of force was determined to be necessary, but during the course of the incident the involved officers violated a department general order.
3. Justified, Training Opportunity: The officer(s) use of force was determined to be necessary, no department general order violations occurred, but the investigation revealed deficiencies that could be addressed through non-disciplinary training administered by the Patrol Division and/or Training Academy.

4. Not Justified, Not Within Department Policy: The officer(s) use of force was determined not to be necessary and during the course of the incident the involved officer(s) violated department general order(s).

C. POLICE OFFICER RESPONSIBILITIES

When a New Haven Police Officer finds it necessary to use force to effect an arrest, or for any other lawful purpose, including the duty to intervene, whether on-duty or off-duty, that officer must do the following:

- Unless already present on scene, shall notify their immediate supervisor via radio transmission of the reportable use of force incident as soon as practicable or, if the incident occurs off-duty, promptly notify the on-duty shift commander via phone call to communications. They must explain the details of the use of force incident to their immediate supervisor as soon as circumstances allow in those cases which require a *Use of Force Form*. If an individual is injured, claims injuries, alleges excessive force or if the duty to intervene is utilized in any scenario, the officer shall notify his/her immediate supervisor while the individual is still on scene.
- Complete a Use of Force form, which must include all other police officers involved in or witnessing the reportable use of force incident. The form must be submitted to the officers' immediate supervisor and the on-duty shift commander or Division Commander (OIC) prior to the conclusion of their shift unless there are extraordinary circumstances. The use of force form must be completed correctly and in its entirety by the police officer submitting it for review and approval.
- A Use of Force form must be completed by each individual police officer who participates or engages in a reportable use of force.
- Every police officer involved in a reportable use of force incident must document their actions and describe why the force was necessary in either an initial or supplemental incident report with an associated case number.
- Every police officer involved in a reportable use of force incident must dock the body-worn camera they utilized during the incident at the conclusion of their shift unless extraordinary circumstances exist according to the procedures outlined in General Order 7.10 Body-Worn Cameras.
- The police officer shall submit the completed use of force form to both their immediate supervisor and the on-duty shift commander or Division Commander (OIC) electronically utilizing everyone's department issued email addresses.
- In the event that the Use of Force form is not available for electronic submission via email, a Use of Force form must be completed and printed by the officer and

submitted by hand directly to their immediate supervisor for review following the above outlined procedures.

D. IMMEDIATE SUPERVISOR RESPONSIBILITIES

WHEN AN IN-PERSON SUPERVISORY RESPONSE IS REQUIRED

The immediate supervisor of any New Haven police officer involved in a reportable use of force incident which requires more than first-aid treatment on-scene, requires hospitalization, involves an allegation of excessive force and/or when the duty to intervene is utilized by an officer under their supervision, that immediate supervisor shall respond to the scene as soon as practicable and conduct a preliminary investigation. This preliminary investigation shall include, but not be limited to, the following:

1. Respond to the scene in person and announce their arrival via radio to dispatch.
2. Ensure that their body-worn camera is activated according to the procedures outlined in General Order 7.10 Body-Worn Cameras.
3. Ensure the shift commander or Division Commander (OIC) is made aware of the incident as soon as practicable.
4. Secure the scene as needed and ensure that medical attention is called for all injured person(s) or those alleging to be injured, including officers.
5. Collect, or cause to be collected, any evidence of the use of force and ensure it is entered into the property room. This includes any video surveillance footage, which also must be logged into the property room or evidence.com when appropriate.
6. Identify and individually interview all witnesses and any police officer(s) who responded to the scene or who were directly involved in the use of force incident to learn details of the incident.
7. Ensure that all police officers that responded or were directly involved in the reportable use of force incident document their actions and/or observations in an incident or supplemental report with an associated case number prior to the termination of their shift, or as soon as practicable.
8. Identify and interview the person(s) subjected to the police officer(s) use of force and determine their account of the incident and how any alleged injuries were sustained.
9. Identify and interview the physician or other qualified health care provider concerning any injuries sustained by the police officer and the person(s)

subjected to the use of force. Inquire if the injuries are consistent with the uses of force reported.

10. When able, photograph and/or capture via body-worn camera all claimed or visible injuries, and all areas where the officer reports making physical contact with the person(s). Photographs and/or body-worn camera footage must be taken of the person(s) subjected to an officer's force whether there are signs of injury or not. Photographs must also be taken of any officer injuries as well. The photographing or recording of injuries must not interfere with the rendering of any medical attention.
11. Review all relevant body-worn camera footage of the incident as soon as practicable.
12. Complete a memorandum to the shift commander or Division Commander (OIC) detailing the preliminary investigation and findings with all relevant documents attached by the conclusion of their shift, or as soon as practicable.
13. In situations where a New Haven police officer uses deadly force, or when a death occurs as a result of an officer using less lethal force as a rare and unexpected outcome, the immediate supervisor shall follow the same procedures outlined in General Order 6.12 Officer-Involved Shootings and await the arrival of the Office of the Chief State's Attorney Inspector General for further direction.

USE OF FORCE REPORTING - IMMEDIATE SUPERVISORS

- When a reportable use of force incident occurs, the immediate supervisor of any police officer using force has the primary responsibility to make certain that all required *Use of Force Forms* and incident/supplemental reports are properly completed, reviewed for accuracy, and submitted as required by officers under their supervision. The immediate supervisor of the police officer(s) involved in a reportable use of force incident is responsible for completing all sections of the use of force form that require supervisory completion.
- The immediate supervisor of the police officer involved in a reportable use of force incident is required to review body-worn camera footage from officers involved in the incident to the extent that they are satisfied in making a decision on whether the force used was within policy or not. This review must be completed prior to the conclusion of their assigned shift or as soon as practical after the body-worn camera footage of the incident is available for review.
- Immediate supervisors will be held responsible to ensure that the use of force form is completed prior to the officer concluding their tour of duty. However, under special circumstances, such as those incidents resulting in death or serious injury of a person, the Use of Force form will be completed when an incident report is written by an involved officer(s).

- The immediate supervisor of the police officer(s) involved in a reportable use of force incident is required to notify the shift commander or the (OIC) of their Division that a reportable use of force incident took place as soon as practicable.
- If the immediate supervisor of any police officer reasonably believes that any use of force is not within policy, they must complete a memorandum detailing their concerns and notify their Shift Commander or the (OIC) of their Division prior to the conclusion of their shift.
- The immediate supervisor is responsible for emailing the completed use of force form, and any relevant documents, to the on-duty shift commander or Division Commander (OIC) as soon as practicable.
- Appropriate non-disciplinary correction action and/or disciplinary action will be taken when an immediate supervisor fails to conduct a timely and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.
- Any immediate supervisor who uses force, or who authorizes conduct leading to a reportable use of force, shall not be allowed to conduct that use of force investigation/review. In these circumstances, the next level supervisor who holds the rank of Lieutenant, or the position of Division Commander (OIC) or shift commander, shall be responsible for completing the use of force review.

E. PATROL SHIFT COMMANDER AND DIVISION (OIC) RESPONSIBILITIES

- Ensure that the immediate supervisors under their supervision respond to the scenes of reportable use of force incidents as required.
- Ensure that immediate supervisors under their supervision conduct a thorough review of reportable use of force incidents prior to the conclusion of their shift or, as soon as practicable.
- Verify that all applicable use of force forms and accompanying paperwork are submitted correctly and as soon as practicable.
- Ensure that the use of force form and accompanying paperwork were reviewed and completed correctly by the immediate supervisor.
- Verify that the use of force is reported accurately and completely, and that all information concerning the incident/arrest is consistent in all reports.
- Immediately notify the Patrol Commander and the (OIC) of the Internal Affairs Division, or his/her designee, of any reportable use of force incident that is deemed excessive, inappropriate or unnecessary.

- When an on-duty or off-duty police officer has engaged in a reportable use of force incident, which has resulted in death or serious injury to any person, the on-duty shift commander will immediately report the incident to the Chief of Police, via the chain of command, and respond to the scene of the incident to take command until the Office of the Chief State's Attorney Inspector General arrives and provides further direction. This also includes those cases where any firearm is accidentally or purposefully discharged which results in injury or death to any person.
- The on-duty shift commander is responsible for retrieving and accounting for all of the body-worn cameras for the officers involved in or who are witnesses to any officer use of force that results in serious injury or death. These body-worn cameras will be docked at the direction of the Office of the Chief State's Attorney Inspector General.
- The on-duty shift commander shall complete their assessment of the immediate supervisors' use of force review and forward all documentation to the Patrol Commander via department email for further review within seven (7) calendar days after receipt of the documents from their immediate supervisor.
- The Patrol Commander or Division Commander (OIC), when appropriate, must forward all use of force forms to the (OIC) of the Internal Affairs Division as soon as practicable or upon receipt via department email.
- The Chief of Police, or his/her designee, shall hold shift commanders or Division Commanders (OIC) accountable for the quality of their assessments into their immediate supervisors use of force reviews.

F. ANNUAL USE OF FORCE REPORTING

Each year, but not later than February 1st of the following year, the New Haven Department of Police Service 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 the submission of these reports, the department shall redact any information that may identify a minor, victim, or witness.

G. USE OF FORCE REVIEW TASK FORCE

The (OIC) of the Internal Affairs Division and/or his/her designee, the Patrol Commander and the Training Academy Commander and/or his/her designee will collaboratively form a "use of force review task force." Each Division head and/or their designee will independently review every reportable use of force incident that includes all uses of deadly force and non-lethal force. At least 25% of reportable display of force incidents must also be reviewed. The review shall include an examination of use of force form(s), incident/supplemental reports,

and any/all associated body-worn camera footage of the reportable use of force incident to:

- Determine if the officers' actions were necessary and consistent with policy and procedure as outlined in this general order.
- Determine if the officers' actions warrant the initiation of an internal investigation into the reportable use of force incident and/or if the officer requires remedial training in any use of force area.
- Recommendations on equipment upgrades, training, and/or policy issues, if applicable.
- The Chief of Police will be informed about any reportable use of force incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
- The (OIC) of the Internal Affairs Division will maintain a yearly log accounting for all reportable use of force incidents organized by force type and amount and with totals per month and year listed. The (OIC) of the Internal Affairs Division will also be responsible for maintaining a log of officers involved in reportable use of force incidents, which includes the force type used, type of incident, date, and associated incident case number.
- Use of Force Reports will be maintained within the Internal Affairs Division. The (OIC) of the Internal Affairs Division will regularly report use of force data to the civilian Board of Police Commissioners and Civilian Review Board.

6.01.11 TRAINNG AND QUALIFICATIONS

- In addition to training required for firearms qualification (Refer to the General Order 7.01), sworn personnel shall receive Department authorized training designed to simulate actual situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and less lethal force in accordance with this policy.
- All sworn personnel shall, at least annually, receive in-service training in the Department's Use of Force Policy and related case law updates. All training, including remedial training, will be documented.
- Training and proficiency results for any authorized weapon will be documented in the training files. Officers must demonstrate proficiency with weapons in compliance with P.O.S.T. requirements.
- Officers who fail to qualify with their duty weapon will be scheduled for one retry opportunity to reach qualification score. Officers who fail to qualify on the

scheduled retry will receive remedial firearms training and given another opportunity to reach qualification score, as mandated by P.O.S.T. Both the retry and remedial training will take place within one month of the initial firearms qualification attempt.

- If, after this third attempt, an officer fails to achieve qualification score, the officer will be placed on firearms probation. During this firearms probation, the officer will be required to receive remedial firearms training with a firearms instructor and be given the opportunity to qualify on a weekly basis until either they qualify or their P.O.S.T. certification expires. Weekly qualifications will be scheduled by the firearms instructor and will only be rescheduled based on extenuating circumstances.
- Officers who are placed on firearms probation for failing to qualify with their service weapon will be restricted to an "in-house assignment," with the exception of the firearms training and will only carry their service weapon during remedial training. Officers whose firearms probation stems from a failure to qualify with a department rifle will not be authorized to carry such weapon until they have qualified.
- Officer(s) who fail to qualify after remedial training may be in danger of losing their State Officer Certification and may be subject to disciplinary action up to and including termination.

6.01.12 RELATED GENERAL ORDERS

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

- A.** General Order 12.03 Vehicle Pursuits
- B.** General Order 10.01 Incident Reports
- C.** General Order 7.10 Body-Worn Cameras
- D.** General Order 7.08 Expandable Baton
- E.** General Order 7.07 Oleoresin Capsicum (OC Spray)
- F.** General Order 7.06 Conducted Electrical Weapons
- G.** General Order 7.05 Patrol Rifles
- H.** General Order 7.01 Firearms
- I.** General Order 6.12 Officer-Involved Shootings
- J.** General Order 6.11 Crowd Control and Management

- K.** General Order 1.03 Rules of Conduct
- L.** General Order 1.01 Department Mission and Values
- M.** General Order 452 Police Service Dog Program

This supersedes General Order 6.01 issued on February 15th, 2018 and Special Order 20-06 issued on October 1st, 2020.

*History: General Order 5.03 - Issued on June 24th, 2016.
General Order 300 - Issued on February 4th, 2013.
General Order 07-01 - Issued on July 5, 2007.*

**This General Order was approved by the Civilian Board of Police Commissioners on

Renee Dominguez
Acting Chief of Police

Date