



Professional Reference Directory

Chapter: 7 Use of Force

Section: 7.2

Title: Use of Deadly Force

Date: 3/15/16, 03/31/20, 06/24/20

Purpose: The purpose of this directive is to guide officers in the use of deadly physical force relative to when such force may be used and what procedures are to be followed when such force is applied.

I. POLICY

It is the policy of this Department that police officers shall use only the amount of force reasonably necessary and justified under existing law while discharging their duty. Deadly force will be employed only when an officer reasonably believes such force is necessary to protect himself/herself or others from the risk of serious physical injury or death.

II. DEFINITIONS

Deadly Physical Force - Any use of force that is likely to cause death or serious physical injury. This includes firearms, and may include strikes and holds, batons, and striking projectiles, when such blows or holds are applied to the head and neck areas in order to incapacitate the offender.

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

Duty to Intervene - A department member's obligation to stop any actions by another department member that is in violation of department policy or established state or federal laws.

Duty to Report - A department member's obligation to report to any supervisor, if they personally witness or receive information regarding the mistreatment of any member of the public or any person in police custody.

Imminent - About to happen.

Objectively Reasonable Force - The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. (See, *Graham v. Connor*, 490 US 388 (1989).) In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.

Reasonable Belief – The conclusion arrived at by a reasonable and prudent person when presented with a certain set of circumstances.

Serious Physical Injury - Physical injury that creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.

III. GENERAL GUIDELINES AND CONSIDERATIONS

1. Members of this Department are expected to use only that degree of force that is objectively reasonable in making a lawful arrest, placing a person into protective custody, effectively bringing an incident under control, or preventing harm to or death(s) of others or themselves.
2. Control is reached when a person either complies with an officer's directions, or the suspect is restrained or apprehended and no longer presents a threat to the officer or others. Since officers will encounter a wide range of behaviors, they must be prepared to utilize a range of force options to maintain and/or re-establish control by overcoming resistance to the officers' lawful authority while minimizing injuries, bearing in mind that the use of force must be reasonably necessary under the circumstances. Officers are required to de-escalate the level of force applied in direct relation to the reduction of resistance by aggressors.
3. The lawful and proper use of force, including lethal force, is limited to force that is reasonably necessary to control and terminate resistance and/or to prevent any further physical attack against the officer or any other person.
4. The Department issues lethal and less lethal weapons to its officers to provide them the optimum ability to protect others and themselves.
5. Members of this Department are expected to justify any use of force in any criminal, civil or administrative proceedings that arise. Members who cannot or will not comply with this policy will subject themselves to disciplinary action.
6. Members of this department are required to deploy de-escalation/calming strategies and/or verbal warnings prior to the use of force with such actions subject to concerns of officer and public safety.
7. The department utilizes various methods to regulate the proper and lawful application of force, including but not limited to:
 - a. Duty to Report
 - A requirement that an officer who directly observes a use of force that is unreasonable, excessive or otherwise in violation with the agency's use of force policy and/or a violation of state or federal statute (illegal), shall contact a supervisor as soon as practicable.
 - A requirement that officers who have knowledge of excessive, unreasonable,

or illegal use of force against a person shall notify a supervisor and submit a written incident report to a supervisor in a timely fashion.

b. Duty to Intervene

- A requirement that an officer will act to intervene and stop the unreasonable, excessive, or illegal use of force by another police officer.
- A requirement that a supervising officer that directly observes unreasonable, excessive, or illegal use of force shall issue a direct order to stop the violation.

c. Retaliation

- Retribution against any officer that intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation is strictly prohibited. (CLESP 06/12/20)

IV. PROCEDURES

A. Use of Deadly Physical Force

1. The use of deadly physical force by officers of the West Hartford Police Department is permitted under the following circumstances:
 - a. To defend the officer or another person from what the officer reasonably believes to be the use of or imminent use of deadly physical force.
 - b. To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of deadly physical force;
AND, where feasible, the officer has given warning of his intent to use deadly physical force;
AND the officer reasonably believes that the person still poses an imminent threat of causing serious physical injury or death to the officer or a third party.
 - c. The intentional use of a chokehold or other method of restraint applied to the neck area of another person is prohibited and includes but is 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 while a subject is in the prone position. The use of a choke hold or neck restraint may only be used when the use of deadly physical force is authorized. (CLESP 06/12/20)

2. Firearms shall not be discharged under the following circumstances:
 - a. As a warning shot
 - b. At a moving or fleeing vehicle, unless the circumstances come within section 1(a) or 1(b) of this section.
 - Officers shall not intentionally place themselves in the path of or reach inside a moving vehicle.
 - Officers, where possible, shall attempt to move out of the path of a moving vehicle before discharging their weapon.
 - c. Pursuant to Public Act No.19-90, it is generally prohibited for a police officer engaged in a pursuit from discharging a firearm into or at a fleeing motor vehicle unless their life or another life is in danger.

B. Investigation

(Refer to Order # 7.1, Firearms, for those situations that involve the use of a firearm.)

1. In any use of force incident in which an individual is seriously injured or killed, the department shall conduct a complete investigation of the incident.
2. An outside supervisor will be immediately summoned to the scene when the use of any force results in death or serious physical injury, or when a firearm is discharged. This supervisor will, as soon as practicable, advise the Shift Commander of any obtainable facts and circumstances.
3. The Shift Commander will ensure that the following notifications are made as soon as practicable and that the times of the notifications are recorded:
 - a. Chief of Police;
 - b. Assistant Chief in command of subject employee's division;
 - c. Captain in command of subject employee's division;
 - d. Detective Division;
 - e. Professional Standards Unit.
4. Duties of first non-involved officer at scene:
 - a. First aid;
 - b. Secure and preserve scene.

5. Duties of first non-involved supervisor at scene:
 - a. If applicable, ensure that the involved officers firearm, ammunition sources and whatever other equipment or clothing are needed for the investigation, are properly secured as evidence.
 - b. If applicable, ensure that the involved officer is issued a replacement weapon as soon as practical.
 - c. Ensure that the involved officer is removed from the scene and that someone is with the officer at all times.
 - d. Ensure that the officer's family is notified about the incident in an appropriate manner.
 - e. Ensure that a brief public safety account is collected individually from the involved officer(s), covering only information necessary to focus initial police response and direct the preliminary investigation. This includes information on:
 - type of force used;
 - direction and approximate number of shots fired by officers and suspects;
 - the number of suspects involved;
 - location of injured persons;
 - description of at-large suspects and their direction of travel, time elapsed since the suspects were last seen, and any suspect weapons;
 - description and location of any known victims or witnesses;
 - description and location of any known evidence; and
 - any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.

A West Hartford Police Department Public Safety Information request is attached to this policy as Appendix A.

6. Duties of Detective Division:
 - a. Assume command of the investigation.
 - b. Notify the Chief States Attorney's Office.
 - c. Perform any other tasks necessary to complete the investigation
7. Any officer whose use of force results in death or serious injury should be aware of the following:
 - a. The officer will be advised of his rights with regards to both a criminal and internal investigation.
 - b. There will be a criminal investigation.
 - c. There will be a separate investigation conducted by the Professional Standards Unit.

- d. The State's Attorney's Office will also initiate a separate use of force investigation.
- e. The officer involved will be temporarily reassigned such that his/her duties will be limited to work within the department without contact with the public. The duration of this reassignment will be determined by the chief of police.
- f. The subject officer will be enrolled in a mandatory psychological support program.

C. Reporting

1. The use of deadly force will be completely documented as to necessity, instrumentalities, and related circumstances in a case report written by the officer utilizing such force. The initial report for all involved personnel should be submitted within five (5) days of the incident unless extended by the Chief of Police for good cause.
2. A police officer may review body-worn camera recordings consistent with CT Gen Stat § 29-6d (2015).
3. All investigative reports will be forwarded to the office of the Chief of Police for review.

Additional PRD Guidance can be found in:

- PRD 7.0 Use of Force General
- PRD 7.1 Protocol & Procedure for Investigation of the Use of Deadly Force
- PRD 7.4 Citizen Review Board
- PRD 7.5 Shotgun
- PRD 7.6 Police Rifles

Appendix A

PUBLIC SAFETY INFORMATION

“Officer, I am requiring you to give me basic Public Safety Information. Due to the immediate need to take action, you do not have the right to wait for representation to answer these limited questions.”

- Were you involved in an officer-involved shooting?
- Approximately how many rounds did you fire and in what direction did you fire them?
- Do you know if any other officers fired any rounds?
- Is it possible the suspect fired rounds at you?
- Is anyone injured? If so, where are they located?
- Are you aware of any witnesses? If so, what is their location?
- Approximately where were you when you fired the rounds?
- Are there any outstanding suspects? If so, what is the description, direction, and mode of travel?
- How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?
- Are there any weapons or evidence that need to be secured/protected? Where are they located?

Additionally, supervisors should obtain the public safety accounts of all substantially involved personnel before they are transported from the scene. The supervisor, absent exigent circumstances, shall remain at the scene to provide the Public Safety Information to responding investigators. The information shall be provided, either voluntarily or with representation, to the investigators upon their request.

These basic questions should be followed by a directive, not to discuss the incident with anyone, prior to the arrival of the assigned Investigators, with the exception of legal representatives.