

CROMWELL POLICE DEPARTMENT STANDARD OPERATING PROCEDURES		NUMBER
		S.O.P. 21-01
SUBJECT	DATE OF ISSUE	EFFECTIVE DATE
RESPONSE TO AGGRESSION/RESISTANCE	March 9, 2021	March 9, 2021

PURPOSE

To establish policy concerning the response to aggression/resistance by sworn members of the Cromwell Police Department.

POLICY

It is the policy of the Cromwell Police Department to provide clear procedures to sworn officers regarding the response to aggression/resistance (R.A.R.) in the performance of their duties. The safety of innocent persons and officers is of paramount importance. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When a R.A.R. is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others. There is a compelling public interest that officers authorized to exercise R.A.R. do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law. Officers who use excessive or unjustified R.A.R. degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the Department's ability to provide effective law enforcement services to the community.

Officers who use excessive or unauthorized R.A.R. shall be subject to discipline, possible criminal prosecution, and/or civil liability. R.A.R. is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/or investigate all R.A.R. by officers to assure compliance with all legal requirements and this policy.

DEFINITIONS

Actively Resisting: When a subject makes physically evasive movements to interfere with an officer's attempt to control that subject; including bracing, tensing, pulling away, or pushing.

Authorized Weapons: Weapons that meet Department specifications and officers are permitted to carry; and for which officers successfully complete proficiency and safety training.

Arm Bar Hold: When an officer is on their back with one leg over the suspects neck and the other leg over the suspects chest. The officer maintains a grip on the suspect's wrist and raises their hips to apply pressure against the suspect's elbow.

Conducted Electrical Weapons (CEW): (also known as an Electronic Defense Weapon or EDW) The CEW is an incapacitating, intermediate weapon used for subduing a person by administering an electric shock for the purpose of disrupting superficial muscle functions. This is an intermediate weapon and is classified as less lethal. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.

Critical Firearm Discharge: A discharge of a firearm by a Cromwell Police Department officer to the extent such discharges are authorized under this policy. Range and training discharges, and discharges to euthanize animals are not included under this section.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that deadly physical force is an extreme measure and should only be used in accordance with the law and as stated in this Policy.

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

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simple grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

Hard Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm).

- Defensive strikes are used by officers to protect themselves from attack and may include strikes to other areas of the body, including the abdomen or head. Techniques in this category include pressure point controls, stunning or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet. These techniques target the major muscle groups and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The uses of intentional neck restraints, chokeholds, or other similar weaponless control techniques are prohibited unless the use of deadly force is authorized. These techniques include but are not limited to; arm bar hold; carotid artery hold; lateral vascular neck restraint; and a neck restraint or hold with a knee or other object.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, use of chemical spray, chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances to effect an arrest, or protect the officer or other person.

Great Bodily Harm/Serious Physical Injury: Serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Imminent Threat: An officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending danger even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.

Impact Weapons: Department approved tools that provide a method for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control.

Less Lethal: Any force used by an officer that would not reasonably be expected to cause death.

Level of Control: The amount of force that an officer uses to gain control over a subject.

Level of Resistance: The amount of force used by a subject to resist compliance with the lawful order or action of an officer.

Non-Verbal and Verbal Non-Compliance: When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

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 R.A.R. 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.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membrane and eyes to cause tears and pain. It is an intermediate weapon that is classified as being less lethal. It should only be used, however, when an officer is met with a certain degree of resistance or aggression through either actions or words.

Passive Resistance: When a subject does not cooperate with an officer's commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Verbal Commands: The use of advice, persuasion, and/or warnings prior to resorting to actual physical force. In an arrest situation officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation

PROCEDURES

General

- a. Officers shall use advisements, warnings, and verbal persuasion, when possible before resorting to force.
- b. Force shall be de-escalated immediately as resistance decreases.
- c. When feasible, officers should seek to utilize de-escalation strategies to prevent situations from deteriorating to the point where they would need to use force. Officers should attempt to gain voluntary compliance and reduce the level of force required in a situation through verbal communication efforts.
- d. When feasible based on the circumstances, officers will use disengagements; area containment; surveillance; waiting on a subject; summoning reinforcements; and/or calling in specialized units, in order to reduce the need for force and increase officer and civilian safety.
- e. Officers shall allow individuals time to submit to arrest before force is used wherever feasible.

Duty to Intervene

- a. Any police Officer acting in a law enforcement capacity who witnesses a use of force by another officer (regardless of rank), that the witnessing officer knows to be unreasonable shall intervene and attempt to stop such use of force. 'Unreasonable force' is any force applied in a manner inconsistent with this policy or applicable law. The level of intervention should be that level necessary to stop said use of unreasonable force and may involve verbal and/or physical intervention.
- b. The provisions of this section do not apply to officers acting in an undercover capacity if the intervention will significantly compromise their safety or the safety of another.

- c. There may be exigent circumstances preventing an officer from complying with these requirements, e.g.,
 - An officer engaged in a simultaneous attempt to apprehend another person;
 - An officer actively engaged in rendering aid to a seriously injured person;
 - An officer separated by space, elevation, physical barriers, terrain or other hazards or impediments preventing intervention.
- d. Circumstances preventing or impeding effective intervention shall be promptly reported and documented.
- e. Any officer who fails to intervene in any such use of force incident may be subjected to disciplinary action and criminal prosecution for the same acts as the offending officer.

Duty to Report

- a. Any police officer acting in a law enforcement capacity that witnesses or otherwise becomes aware of, a use of force by another officer (regardless of rank), that the witnessing officer knows to be unreasonable shall report, as soon as is practicable, such use of force to a supervisor in a manner prescribed by the Department. 'Unreasonable force' is any force applied in a manner inconsistent with this policy or applicable law. The reporting officer shall also complete a written report, in a manner prescribed by the Cromwell Police Department, detailing such use of force.
- b. Any officer failing to report such use of unreasonable force as required by this policy may be subjected to disciplinary action and criminal prosecution.

Retaliation Prohibited

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

R.A.R. Authorization and Limitations

Officers of the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used:

- a. To affect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense.
- b. To defend the officer or others from the use, or imminent use, of physical force.

- c. To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children.
- d. To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
- e. To assist a licensed physician or psychologist in providing necessary medical treatment.
- f. To control a situation, and to overcome passive or active resistance to a lawful order.
- g. To neutralize an unlawful assault and defend themselves or others from harm.

The authorized use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the R.A.R. Justification for R.A.R. is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options. Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.

Verbal Warning

When tactically feasible, an officer will identify him/herself as a police officer and issue verbal commands and warnings prior to the R.A.R. When feasible, an officer will allow the subject an opportunity to comply with the officer's verbal commands. A verbal warning is not required in circumstances where the officer has to make a split-second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.

Response to Aggression / Resistance Matrix

1. The R.A.R. /Levels of Resistance Matrix has been designed to provide officers with guidelines to assist them decision making, about when to engage or disengage a subject, and when to escalate or de-escalate the level of force applied.
2. Understanding the Matrix: Various levels of subject resistance is arranged in a hierarchical manner or a continuum, beginning with the lowest level, progressing to the highest level. The levels of force an officer may employ are arranged in the same manner. These continuums are combined into a matrix that relates a specific level of subject resistance to the appropriate level of force to be employed by officers responding to the subject resistance.

3. The following definitions were developed for each of the levels of resistance and officer response. They begin at the lowest level and progress to the highest level.

RESISTANCE LEVELS:

a. Level 1

Presence: A subject is on the scene in attendance of suspicious activity. (There is typically no physical harm to the officer.)

b. Level 2

Verbal Resistance: The subject verbally refuses to comply with your requests or attempts to control the situation. The subject may threaten the officer with further resistance. Or, the subject may not respond to the officer. (There is typically no physical harm to the officer.)

c. Level 3

Passive Physical Resistance: A subject physically refuses to comply or respond. He does not make any attempt to physically defeat the actions of the officer but forces the officer to employ physical maneuvers to establish control. (The officer could experience slight physical harm.)

d. Level 4

Active Physical Resistance: The subject makes physically evasive movements to defeat an officer's attempt at control. This may be in the form of bracing or tensing, attempting to push/pull away, or not allowing the officer to get close to him or her. (The officer could experience slight to moderate physical harm.)

e. Level 5

Aggressive Physical Resistance: The subject makes overt, hostile, attacking movements that may cause injury, but are not likely to cause death or great bodily harm to the officer or others. (The officer could experience moderate physical harm.)

f. Level 6

Aggravated Physical Resistance: The subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily

harm to the officer or others. (The officer could experience great bodily harm or death.)

OFFICER RESPONSE LEVELS:

- a. Level 1: (No potential for physical harm to the resisting subject.)
 - 1. Arrival (Presence): The officer is present on the scene. This includes proper voice and/or other identification, body language, and awareness by the subject that he is dealing with an officer.
 - 2. Interview Stance: The officer adopts a stance outside his/her danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked.
- b. Level 2: (No potential for physical harm to the resisting subject.)
 - 1. Dialogue: A two way, controlled, non-emotional communication between the officer and the subject, aimed at problem identification and/or resolution.
 - 2. Verbal Direction: The officer tells or commands a subject to engage in, or refrain from, a specific action or non-action.
 - 3. Transporters: Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer to gain and retain control over the subject.
 - 4. Takedown: Techniques that redirect a subject to the ground in a controlled manner to limit physical resistance and to facilitate the application of a restraint device.
 - 5. Pain Compliance: Techniques that force a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.
 - 6. Countermove: Techniques that impede a subject's movement toward an officer or others such as blocking, dodging, weaving, redirecting or avoiding, followed by appropriate controlling techniques.
- c. Level 3: (There is a potential for slight physical harm to the resisting subject.)

Restraint Devices: Mechanical tools used to restrict a subject's movement and facilitate searching such as, handcuffs, flex cuffs, leg irons, belly chains, approved optional nylon restraining devices, etc.

- d. Level 4: (There is a potential for slight to moderate physical harm to the resisting subject.)

Intermediate Weapons/Techniques: Weapons or techniques that are primarily used to temporarily disable a subject to allow the officer to gain control or make an arrest. This does not include an impact weapon which is Level 5.

- e. LEVEL 5 -- (There is a potential for moderate physical harm to the resisting subject.)

- 1. Incapacitation: Techniques that are intended to stun or render a subject unable to continue to resist. These techniques may be delivered with or without an impact weapon.

- 2. Impact Weapon: The use of an expandable baton to strike major muscle areas and muscle structures, such as the forearms, thighs, or calves.

- f. LEVEL 6 -- (There is potential for great bodily harm or death to the resisting subject.)

Deadly Force: Techniques that may result in imminent death or serious injury, unconsciousness, or permanent disfigurement, such as impact weapon strikes to head, neck, throat or spine or the use of firearms. Deadly force techniques are a last resort.

The R.A.R. /Levels of Resistance Matrix is meant to be used as a guideline for an officer to select effective, reasonable, and legal force options in a verbal or physical encounter. As a subject increases his/her resistance level from verbal to physical, an officer may have to increase the level of his/her response until the resistance ceases and the officer can gain control of the subject. As soon as the point of subject compliance is reached, the officer must de-escalate their response level to the minimum force necessary to control the subject.

USE OF DEADLY FORCE IN DEFENSE OF HUMAN LIFE

An officer is justified in using deadly physical force only when he or she reasonably believes such force is necessary to:

- a. Defend the officer, or a third person, from the imminent threat of death or serious bodily injury.
- b. Effect an arrest or prevent the escape from custody of a person whom they reasonably believe has committed, or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury; AND the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer or other persons. Where feasible, the officer should give warning of the intent to use deadly physical force. *See, Tennessee v. Garner*, 471 U.S.1, 85 (1985.): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. Deadly force may not be used against an unarmed, non-violent, property crime offender. The United States Supreme Court decision went on to state that when an officer is justified in the use of deadly force he will, if feasible, first give a verbal warning. (Example: "Police Officer, Halt").

DEADLY FORCE RESTRICTIONS

- a. Warning Shots Prohibited

Officers are prohibited from discharging their firearms as a means of warning or frightening a person.

- b. Shooting at or from Moving Vehicles

- 1) Officers shall not discharge their firearms at a moving vehicle or its occupants unless the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.

- a) This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.

- b) No officer should intentionally position his or her body into the path of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit, that employs such police officer and in accordance with an established written policy. Whenever possible, the involved officer should make an effort to move to an area

of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

c. Risk to Innocent Bystanders

When officers are about to discharge their firearm, they should be aware of their field of fire, including the backstop, so as to not unnecessarily create a substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. *(e.g. discharging a firearm into a crowd, or shooting into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.)*

d. Drawing and Pointing Weapons

Officers are prohibited from drawing and pointing their firearms at or in the direction of a person absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy. When it is determined that the use of deadly force is not necessary, officers shall, as soon as practicable, secure or holster their firearms. It is the rule of this department that drawing a firearm and pointing it at a target is considered a R.A.R.

e. Use of Firearm to Destroy Animals

Officers may use deadly force against an animal that represents a threat to public safety, or as a humanitarian measure where the animal poses a danger to public safety or to the officers' safety, or where the animal is seriously injured after the officers have received authorization from the animal's owner (to the extent practicable) and the officer's supervisor.

f. Use of Department Weapons for Training and Other Purposes

Officers may discharge their firearms for the purpose of practice, firearms training, when on the police range or other established shooting ranges, or when authorized by the Chief of Police to participate in law enforcement competition events.

g. Use of Firearms While Under the Influence of Alcohol and/or Drugs

Officers shall not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency.

h. Security, Storage, and Safe Handling of Firearms

Officers shall be trained in accordance with Department guidelines, and shall obey all safety rules when handling any firearm or any other weapon. No person other than Cromwell Police Department Officers shall be permitted access to any department-owned firearm, with the exception of: police officers from other jurisdictions in the official performance of their duty; for repair or maintenance as approved by the department; or other circumstances with the express permission of the Chief of Police. Officers will secure and store firearms, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm. All Department firearms kept at home must be secured in a safe place inaccessible to family members, especially children. Whenever an officer is in the Department and removes his/her handgun or other weapon, the item must not be left in the open and must be secured so that it is not readily accessible to civilians, suspects, victims, or witnesses.

USE OF LESS LETHAL FORCE

Officers shall only use weapons and control techniques that are issued and/or approved for use by the Department. The use of less lethal force shall be limited to defensive and control purposes. Officers shall use only the reasonable amount of force necessary to overcome resistance or accomplish the police task. The use of less lethal force shall conform to applicable department standards of conduct, policies, procedures, and training. Officers shall not carry any less lethal weapons, or employ any less lethal techniques, prior to successfully completing the relevant Department approved training for each weapon or technique.

a. Authorization to Use Less Lethal Force

Officers are authorized to use Department approved, less lethal force techniques and authorized weapons to:

1. Prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably believes has committed an offense; or
2. Protect or defend the officer or others from what he/she reasonably believes to be active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.

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

b. Less Lethal Force Restrictions

The following tactics of less lethal force may be permitted in circumstances **only when deadly force is authorized** by this policy:

1. Any chokeholds or neck restraints, with or without a device, that restricts a person's airway;
2. Any strike with an impact weapon or object to a person's head or neck; and/or
3. Any use of flashlights, radios, or any other items not issued or trained specifically as defensive weapons. In limited circumstances when a confrontation escalates suddenly, however, an officer may use any means or device at hand including, but not limited to a flashlight, radio, and other issued equipment, to defend him/herself, defend themselves, another person, or to bring a situation under control when in light of the circumstances surrounding the officer, at the time, it was found reasonably necessary to do so as long as the level of defensive action is objectively reasonable given the existing circumstances.
4. Force shall not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.

c. Impact Weapons

Authorized impact weapons may be used only when an officer is confronted with occurring or imminent active aggression against him/herself or another person.

1. The use of a baton or similar instrument to strike a blow to a subject's arms or legs will be considered use of less lethal force. The use of any such items to intentionally strike a subject's head or neck is prohibited except where deadly force is authorized by this policy.

d. Oleoresin Capsicum (OC) Spray

Authorized OC spray is an alternative to physical control techniques and the use of other intermediate weapons. As with any other R.A.R., however, OC spray must not be used indiscriminately or without just cause. Officers must be able to articulate the reason(s) the subject was sprayed with OC spray. OC spray shall be utilized as issued and authorized to prevent injury to the subject(s), officers and others.

e. Conducted Electrical Weapon

A Conductive Electrical Weapon is authorized for use when other less lethal options have been ineffective, or when it reasonably appears that such options will be ineffective in subduing the subject. Conductive Electrical Weapons shall only be used in situations where the subject is actively resisting or attempting to avoid arrest by escape and poses an imminent threat to the safety of him/herself, another person, or the officer.

8. Training and Qualifications

In addition to training required for firearms qualification, officers 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.

- a. All officers shall, at least annually, receive in-service training in the Department's R.A.R. Policy and related case law updates. All training, including remedial training, will be documented.
- b. All officers qualified in the use of impact weapons, OC spray, electronic control weapons, and control techniques shall, at least annually, requalify on such weapons or techniques under the instruction of a certified instructor.
- c. Training and proficiency results for any authorized weapon will be documented in the training files. Officers must demonstrate proficiency with weapons in compliance with POSTC requirements.
- d. All officers who fail to demonstrate the required proficiency with Department issued weapons shall receive remedial training. Remedial instruction for Department issued firearms shall follow the Department's Firearms Policy.
- e. An officer failing to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.
- f. Only officers demonstrating proficiency in the use of Department authorized weapons shall be approved to carry such weapons.

DUTY TO RENDER AID

- a. An officer shall immediately request an EMS response for any person having sustained a visible injury, complaining of injury, or otherwise exhibiting signs of medical distress including shortness of breath, altered mental status or loss of consciousness.
- b. An EMS response shall be requested for any person subjected to an officer's use of force, to include the use of a firearm, an impact weapon or impact projectile, CEW, OC spray, K-9 apprehension, etc., or complaining of any injury resulting from the use of force. A supervisor shall be immediately notified of any EMS response initiated consistent with this standard operating procedure. Whenever possible, injuries shall be documented and photographed.

R.A.R. REPORTING

The Department shall establish a R.A.R. reporting system that allows for the effective review and analysis of all department R.A.R. incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the department. Employees shall complete a departmental R.A.R. Report Form whenever they use force against a suspect above un-resisted handcuffing. This includes the discharge of a firearm or any action that results in or is alleged to have resulted in, injury to or the death of another person. This requirement shall not apply when an officer simply draws (not pointed at/towards a person) or transports any weapon while on scene.

a. Employee's Responsibilities

1. When an employee finds it necessary to use force to affect an arrest, or for any other law enforcement purpose, whether on duty or off-duty, that officer shall:
 - a. Notify a Supervisor of the particulars as soon as circumstances allow in those cases which require a R.A.R. Report Form.
 - b. Complete an incident report and R.A.R. Report Form, which shall include all other employees involved in or witnessing the incident.
 - c. If multiple officers use force during the same incident, each officer using force will complete their own R.A.R. Report Form and incident report.
 - d. Any officers witnessing the R.A.R. by another officer shall complete a supplemental report.

All R.A.R. reports must be completed and forwarded to the Shift Supervisor, or designee, as soon as practical after the incident. Sergeants will be held responsible to see that this form is completed **prior to the officer leaving their tour of duty**. However, when special circumstances exist, such as those incidents resulting in the death or serious injury of a person, the Chief of Police may grant an extension, on a case-by-case basis, and assign an alternate date and time R.A.R. reports to be completed and submitted.

All R.A.R. reporting shall explicitly prohibit the use of "canned" or conclusory language in all reports documenting R.A.R. i.e.: "I took him to the ground," "I removed him from the vehicle," "I removed him from the fight," etc. (without further explanation).

b. Shift Supervisor's Responsibilities

1. When a reportable R.A.R. incident occurs, the Shift Supervisor, or designee, has the primary responsibility to make certain that all necessary R.A.R. Report Forms are properly completed, reviewed for accuracy, and

submitted as required by officers under their command. The Supervisor will sign the report and forward it to the Captain.

2. Supervisors involved in a R.A.R. incident will forward the incident report and R.A.R. Report Form to the next Sergeant on duty not involved in the incident.

3. When an on-duty or off-duty employee has been involved in a R.A.R. incident, which has resulted in death or serious injury to any person, the Shift Supervisor will immediately report the incident to the Captain. This also includes those cases where any firearm is accidentally or purposefully discharged which results in injury or death to any person.

c. R.A.R. Investigation

1. The Shift Supervisor shall respond to the scene of any R.A.R. incident.

2. When there is no injury or alleged injury to the suspect, the Shift Supervisor shall complete the initial R.A.R. investigation and evidence collection/preservation.

3. When there is injury or alleged injury to the suspect, the Captain will determine who will complete the initial investigation. The Shift Supervisor will begin collection/preservation of evidence unless advised otherwise by the Captain, States Attorney's Office, and/or Connecticut State Police that are investigating the incident.

d. R.A.R. Review Team

1. The R.A.R. Review Team will review all R.A.R. reports and forms. The R.A.R. Review Team will consist of the Shift Supervisor (if not involved in the R.A.R.), Captain, and the Chief of Police. The R.A.R. Review Team may confer with Department instructors/trainers who specialize in the field of force used, as needed.

The R.A.R. Review Team will review the R.A.R. reports and forms to determine:

a. Whether the action was consistent with policy and procedure.

b. Whether the action warrants further administrative review/investigation.

c. Recommendations on equipment upgrades, training, and/or policy issues, if applicable.

2. A R.A.R. investigator will be assigned to investigate all incidents where the R.A.R. caused injury to the suspect, alleged injury, was not

within policy and as determined necessary by the R.A.R. Review Team.

3. The Captain will conduct an annual analysis of all R.A.R. incidents and provide a comprehensive report to the Chief of Police.

MAINTENANCE AND ACCOUNTABILITY FOR WEAPONS

- a. The Firearms Instructor(s) and CEW Instructor(s) will maintain a list of all approved weapons and ammunition that will be made available to all employees. The Firearms Instructor(s) and CEW Instructor(s) will also maintain inventory reports for all weapons authorized by the agency.
- b. All weapons will be inspected by a qualified armorer prior to issuance to an officer. Only weapons authorized by the agency may be used by agency personnel in the performance of law enforcement duties.
- c. At each training session for lethal or less lethal weapons the armorer or instructor will conduct an inspection of all weapons assigned to each officer present and confirm that:
 1. The weapons are properly assigned to the officer carrying the weapon;
 2. That the weapons (lethal and less lethal) are in working order;
 3. That inventory records accurately reflect weapons assigned to individual officers.
- d. The procedures listed above will also apply to any weapons authorized by the agency for off-duty carry.
- e. Whenever a weapon is found to be unsafe or not functioning properly the weapon will be turned in by the officer and the officer will request a replacement. The Department armorer will maintain an inventory of replacement weapons and assure such weapons are available for issuance when needed.

This policy replaces 94-32 Use of Non-Deadly Force and 94- 31 Use of Deadly Force.