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|   | <b>BLOOMFIELD POLICE DEPARTMENT</b><br><b>GENERAL ORDER No. 1-10</b> | EFFECTIVE DATE:<br><b>05/01/2013</b><br>Rev. 05/25/2022                        | EXPIRATION DATE:<br><b>NONE</b> |
|  | <i><b>Use of Force</b></i>   |  |                                 |
| RISK:<br><b>HIGH</b>   | DISTRIBUTION:<br><b>Sworn Personnel</b>                              | RESCINDS:<br><b>G.O. 1.15.1, 2.3.2, 2/070, 2/200-201,<br/> &amp; 3/100-110</b> |                                 |
| CALEA Std.: <b>1.3.1, 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7, 1.3.8,<br/> 1.3.13</b>  |  | BY ORDER OF:<br><b>Paul B. Hammick, Chief of Police</b>                        |                                 |
| This directive is for BPD use only. It is not meant to enlarge the Department's or an employee's criminal or civil liability in any way and should not be construed as creating a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis for departmental administrative sanctions. This order does not create higher or additional legal standards for the purpose of judicial proceedings. |  |  |                                 |

**I. PURPOSE**


To establish a policy concerning the use of force by sworn members of the Bloomfield Police Department.

**II. POLICY**

Sworn personnel of the Bloomfield Police Department shall use 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. . Such use of force will be objectively reasonable and consistent with State of Connecticut and Federal Law. 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.


**III. DEFINITIONS**

- A. **Non-Deadly Physical Force** – Any use of force other than that which is considered deadly physical force. This includes any physical effort or intentional contact used to control or restrain another, or to overcome the resistance of another.
- B. **Deadly Physical Force** - Physical force which can be reasonably expected to cause death or serious physical injury. [CGS §53a-3(5)]
- C. **Physical Injury** – Impairment of physical condition or pain. [CGS §53a-3(3)]
- D. **Serious Physical Injury** - Physical injury which creates a substantial risk of death, or which causes serious disfigurement or serious impairment of health, or loss or impairment of the function of any bodily organ. [CGS 53a-3(4)]
- E. **Objectively Reasonable** – The criterion that must be satisfied when an officer must decide on the necessity and appropriate level of force to be used in a given situation. An objectively reasonable evaluation is based on the facts and circumstances known to and perceived by the officer at the moment force was used in consideration of the severity of the offense, the imminent harm to

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the officer or others, the level of resistance and the potential danger posed by the escape of the subject.

- F. **Imminent** – About to occur; impending.
- G. **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.
- H. **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.
- I. **Chokehold/Neck Restraint** – 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.
- J. **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.
- K. **De-escalation** – The use of strategies and/or techniques to reduce the intensity of or stabilize a conflict or potentially volatile situation.
- L. **Last resort** – A final course of action, used when the officer(s) reasonably believe other options are unavailable or have failed.
- M. **Less-Lethal Force** – Any force that is not likely to cause serious physical injury or death. Less lethal force includes weaponless defensive and control techniques (such as open hand strikes, elbow or closed fist strikes, leg sweeps, kicks, and forcible restraint), weapons and munitions (such as OC spray or chemical agents such as tear gas, CEW, projectiles like rubber bullets and bean-bag rounds, batons and other impact weapons, and flash bang devices), and K9.
- N. **Mitigation** – The action of reducing the danger, severity, seriousness, or potential harmfulness of a condition or circumstance.
- O. **Necessary** – An action chosen when, in an officer’s judgement, no effective alternative exists in order to accomplish a legitimate purpose.
- P. **Officer created jeopardy** – Situations where officers needlessly and without justification put themselves in a position where they must use deadly force to protect themselves.
- Q. **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.
- R. **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.

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- S. **Proportional Force** – Force that is reasonably necessary to overcome the level of resistance, aggression, or threat an officer confronts.
- T. **Reasonable** – Sounds, fair, sensible, and not excessive under the circumstances.
- U. **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.
- V. **Unreasonable Force** – Any force applied in a manner inconsistent with this policy and applicable law.
- W. **Unreasonable Risk** – Unwarranted exposure to the possibility of a negative consequence.

#### IV. PROCEDURE


##### A. Progressive Use of Force.

Officers shall use only a level of force which is 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.

When force is necessary, the degree of force that an officer should employ should be proportional to the amount of resistance offered or the immediate threat to the officer or others.

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

1. Using a non-threatening, non-confrontational tone of voice
2. Listening carefully and expressing empathy
3. Slowing down the pace of an incident
4. Waiting to take action until the threat subsides
5. Placing additional space or barriers between the officer and a person
6. Permitting a person to move about

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7. Permitting a person to ask questions or engage in conversation
8. Tactical repositioning or seeking cover
9. Requesting additional resources

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 conditions 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. Use of Deadly Force.**

1. Deadly force must be used 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. The discharge of a firearm by an officer in any setting other than a training or testing exercise, or to dispatch an animal, shall be considered a use of deadly force. The discharge of a firearm against another person should be considered a last resort. Officers are authorized to use deadly physical force when one or more of the following apply:
  - a. To defend himself/herself or a third person from what the officer reasonably believes to be the use or imminent use of deadly physical force,
  - b. To prevent the escape of a person if the following circumstances exist
    1. 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 other.
    2. The officer has determined there are no available reasonable alternatives to the use of deadly force


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3. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person
  - c. To effect an arrest of a person if the following circumstances exist:
    1. The officer reasonably believes the person has committed or attempted to commit a felony that involved the infliction of serious physical injury and
    2. The officer has determined there are no available reasonable alternatives to the use of deadly force and
    3. The officer believes that the use of deadly force creates no unreasonable risk of injury to any other person.
  - d. To stop an animal that represents a threat to the officer, another person, or public safety.
2. Deadly force restrictions:
  - a. Firearms shall not be discharged from or at a moving vehicle except:
    1. To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.
    2. 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.
    3. 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.
  3. Prohibitions on the use of deadly force
    - a. Deadly force may not be used against a person for the purpose of protecting property.
    - b. Deadly force may not be used against any person who poses a threat only to themselves.
    - b. Warning shots and shots fired as calls for assistance are prohibited.
    - c. Firearms may not be discharged when officers have reason to believe others may be in the line of fire.
- C. Use of Non-Deadly Physical Force.
  1. The legal authority for officers of the Bloomfield Police Department to carry and use weapons is found in CGS Sections 53a-18 through 53a-23.
  2. Officers may use only that level of force that is necessary, reasonable, and proportionate to effect lawful objectives.
  3. Officers are authorized to use department-approved, non-deadly physical force techniques and issued equipment when one (1) or more of the following apply:
    - a. To defend himself/herself or a third person from what the officer reasonably believes to be the use or imminent use of non-deadly physical force while effecting or attempting to

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effect an arrest or while preventing or attempting to prevent an escape, unless the officer knows the custody or arrest is not authorized.

- b. Gain control of a subject who poses an imminent risk to the officer, themselves, or a third person,
  - c. To gain compliance to a lawful order.
4. Prohibited uses of non-deadly physical force:
- a. 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.
  - b. Using physical force for the purpose of retaliation.
  - c. Using physical force against a person whose health, age, physical condition, or circumstances make it likely that serious physical injury will result except when such force is reasonably necessary.
  - d. Standing or kneeling on the neck of another person.
  - e. The following are prohibited except under circumstances where deadly force is deemed reasonable and necessary, consistent with this policy:
    - 1. The use of a chokehold or neck restraint
    - 2. Intentional strikes to the head, neck, spine, or sternum with an impact weapon, improvised impact weapon, knee, kick, or hard object, or striking the head against a hard surface.
    - 3. The intentional discharge of a less-lethal launcher projectile at close range to the head, neck, or chest.
5. Positioning of persons under officer's control
- a. 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. Less lethal force
- a. An 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.

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D. Use of Force Reporting.

1. Officers shall immediately notify their supervisor, or in his/her absence, the On-Duty Shift Supervisor, of any instance involving the use of a weapon, injury to a person or a claim of injury by a person.
2. Officers shall complete an incident report for any use of force incident as described in this policy as well as any action by any officer that results in, or is alleged to have resulted in, the injury or death of another person. Pointing a firearm, less lethal launcher, or Conducted Electrical Weapon (CEW) laser at a person shall be considered a threatened use of force.
3. Officers involved in a use of force incident will also complete the Use of Force Report form BPD-Y36. This reporting requirement will not apply to any discharge of a firearm for training or recreational purposes or when the firearm is used to euthanize a sick or injured animal.
4. Whenever force is used during an incident, any officer that utilized force will document said use of force in both an incident report and in BPD-Y36 as stated previously.
5. Officers who directly observe a use of force that is unreasonable, excessive or otherwise in violation with the Use of Force policy and/or a violation of State or Federal statute, shall contact a supervisor as soon as practicable.
6. . Any police officer acting in a law enforcement capacity who witnesses the use of force by any other officer, regardless of rank or department, that the witnessing officer 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 use of force, including by verbal or physical means or both. Unreasonable force is any force applied in a manner inconsistent with this policy and 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.
  - a. In rare cases, exigent circumstances may prevent an officer from complying with these requirements. If circumstances prevent or impede effective interventions, these circumstances shall be promptly reported and documented. 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.
7. Officers who have knowledge of unreasonable, excessive, 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.
8. It is prohibited to retaliate against any officer that intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.

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

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

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


**E. Supervisory Responsibilities.**

1. Supervisors, upon being notified of a use of force by a BPD Officer, shall, whenever possible, respond to the scene and make contact with the officer(s) reporting the use of force and the affected person(s) to review the circumstances.
2. The supervisor shall ensure that the officers involved in a use of force incident are in compliance with this policy and that the required reports are completed. Exceptions to this requirement may be made by the officer’s Division Commander.
3. The supervisor shall notify his/her Division Commander of all use of force incidents. The Division Commander shall review the incident and related reports to ensure compliance with Department’s policies, practices, and legal requirements.

**F. Administrative Review.**

1. The Professional Standards Division Commander shall conduct and document a monthly review of all use of force incidents/practices and identify any discrepancies, policy concerns, legal issues or training needs.
2. The Operations Commander shall conduct and document an annual review of all use of force incidents/practices and identify any discrepancies, policy concerns, legal issues or training needs.
3. The Chief shall review the annual use of force analysis and take action as necessary.
4. Each year, but not later than February 1st of the following year, the department shall ensure that a copy of each completed State of Connecticut – Police Officer and Standards Training Council - Use of Force Report and any other required documents are submitted in electronic form to the Criminal Justice Policy and Planning Division of the Office of Policy and Management. Prior to the submission of these reports, the department shall redact any information that may identify a minor, victim, or witness.



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**G. Post-Use-of-Deadly-Force Procedures.**


1. Whenever an officer whose action(s) or use of force in the performance of his/her duties results in serious physical injury or death of another, the Chief of Police shall remove that officer from regular duty. The officer involved shall be placed in an administrative assignment or placed on administrative leave with pay at the discretion of the Chief of Police pending an administrative review of the incident. The Department shall provide post-incident debriefing and/or counseling for the involved officer and any other officers involved in the incident as needed. Such removal from duty shall not be considered a suspension or disciplinary in nature. The involved officer may be returned to duty at the discretion of the Chief of Police after the administrative review of the incident is completed.
2. 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. 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:
  - a. Whether the person possessed or appeared to possess a deadly weapon.
  - b. Whether the officer engaged in reasonable de-escalation measures prior to using deadly force.
  - c. 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.

**H. Medical Treatment.**

1. Whenever force is used officers shall evaluate the subject. If the subject requires or requests medical treatment and/or medical attention the officer shall provide it as soon as practicable.
2. Treatment may include increased observation to detect obvious changes in condition, applying first aid, evaluation by ambulance personnel or, in more serious cases, immediate aid by medical personnel.
3. An EMS response shall be requested for any person subjected to the use of a firearm, impact weapon, impact projectile, conducted energy weapon (CEW), oleoresin capsicum (OC) spray, or K-9 apprehension. A supervisor shall be immediately notified of any EMS response initiated under these conditions
4. Injuries shall be documented and photographed whenever possible.

**V. Training**

- A. The Police Officer Standards and Training Council (POSTC) will oversee development and implementation of a single, standardized training curriculum to include lesson plans and presentation material regarding all aspects of this policy for the purposes of in-service or review

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training. To qualify for POSTC credit, Use of Force training must be delivered by a POSTC certified Use of Force instructor. The Department may elect to offer additional training in any area of this policy, but such training may not supplant any portion of the POSTC approved training module. Any additional training offered must be delivered by a POSTC certified Use of Force instructor using a POSTC approved lesson plan.

The Departments shall ensure that every peace officer bound by this policy completes all required POSTC Use of Force training prior to December 31, 2022 unless granted an extension by the DESPP/POSTC Academy Administrator. Thereafter, the Department shall ensure that every officer completes the POSTC recertification training module no less than once annually.

## VI. FORMS/REPORTS

- A. Forms.
  - POST Use of Force (POUF) form
- B. Reports.
  - Annual summary documentation of an analysis of POUF Reports

## VII. REFERENCES

- A. [CGS §53a-3\(3\)](#) and §53a-3(5) Definitions
- B. [CGS §53a-18 through §53a-23](#) Use of Reasonable Force