

	STAMFORD POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
		ALL PERSONNEL	3.05
Order Title: REPORTING AND INVESTIGATING FORCE		Original Issue Date	Reissue Date
		08/17/21	10/25/21
		Accreditation Standard:	Section
		POSTC: 1.14.3	3
		Section Title	
		RULES OF CONDUCT	
Rescinds: 611, 620		Timothy Shaw, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this policy is to provide Stamford Police Department officers and their supervisors with guidelines for reporting and investigating use of force incidents.

II. POLICY

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the Stamford Police Department (“Department”), as well as the jurisdiction that provides this authority. To protect citizens and employees, the Stamford Police Department is committed to documenting and investigating all use of force incidents. As such, it is this Department’s policy that officers report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy. Any supervisor, who uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident, shall not be allowed to conduct the review/investigation.

III. DEFINITIONS

Critical Firearm Discharge: When an officer discharges a firearm. Range and training discharges, and discharges at 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 lethal physical force is an extreme measure and shall only be used in accordance with the law.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance. De-Escalation is also a tactic designed to place officers in a position of advantage when dealing with irrational, unpredictable, or suicidal persons.

De-Escalation helps officers stay focused and calm during crisis situation to bring chaotic moments to as peaceful a resolution as the suspect will afford without risking the safety of the officer or suspect.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

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, or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), 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.

Harm: Injury inflicted upon a person, whether visible or not.

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 nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

Non-Deadly force: Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.

Reportable Use of Force: All force used above non-resistant compliant handcuffing. Handcuffing individuals to objects is a reportable use of force.

Resisted Handcuffing: When a person actively resists being placed in handcuffs and the officers must use “soft hand controls” to gain compliance by forcibly moving the subject’s wrists or arms, or to physically maneuver the subject’s body so the handcuffs can be applied.

Serious bodily Injury: Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility.

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees that 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 simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

Weapon: Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.

IV. PROCEDURE

A. Responsibility for Reporting

1. Officers shall notify their shift supervisor, as soon as possible of any Level 1 Reportable use of force. In all cases, the notification shall be made by the end of the officer's shift.
2. Officers shall immediately notify their shift supervisor following any Level 2 or 3 Reportable use of force.
3. Officers shall complete a Use of Force Report immediately following all reportable uses of force.
4. The completed Use of Force Report form shall be submitted to the shift supervisor prior to the officer's completion of his/her tour of duty. When completing the report, officers are also required to provide a written report explaining the details of the event. The following additional procedures shall apply:
 - a. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.
 - b. If an officer is unable to complete the report due to injury, the officer's immediate supervisor will complete it to the extent possible, by the end of that tour of duty.
 - c. A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer).
5. All use of force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received, or refusal of medical treatment.
6. The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.
7. Shift supervisors shall investigate and report any reportable use of force as directed in Section (D) of this policy.

8. Any officer(s) who engage in or witnesses a reportable use of force but fails to notify a shift supervisor and/or fails to complete a report as outlined by this policy, shall be subject to disciplinary action.
9. Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor. The supervisor shall explain the complaint procedure in accordance with applicable policies.

B. Force Levels

1. Level 1

- a. A firearm is intentionally pointed at a person.
- b. The laser of an ECW is intentionally pointed at a person.
- c. A weaponless defense technique is applied to a vulnerable area, excluding strikes.
- d. A weaponless defense technique control hold is applied to the elbow, arm, or wrist.

NOTE: Un-resisted handcuffing is not considered a reportable use of force.

2. Level 2

- a. Chemical agent is applied to a person.
- b. The use of an ECW involving any of the following circumstances:
 1. When one or more probes impacts or penetrates the subject's clothing or skin;
 2. When the push stun arc touches the subject's clothing or skin;
or
 3. An ECW is fired at a person, but misses.
- c. The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving, or controlling a person).
- d. A weaponless defense technique, other than control holds, excluding strikes to the head. Examples include:
 1. Hand/palm/elbow strikes;

- 2. Kicks;
 - 3. Leg sweeps; and
 - 4. Takedowns.
- e. An on-duty firearm discharge at an animal, other than to dispatch an injured animal.
 - f. Any strike to the head (except for an intentional strike with an impact weapon).
 - g. Use of impact weapons, including specialty impact munitions or any other object, to strike a subject whether contact is made or not, regardless of injury.
 - h. A police canine bites the clothing or the skin of a subject, or otherwise injures a subject.
 - i. Any use of force which results in injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

Note: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency medical treatment.

3. Level 3

- a. Any use of force resulting in death.
- b. Any critical firearm discharge regardless of injury.
- c. Any force which creates a substantial risk of causing death;
- d. Any force which causes serious bodily injuries as identified in this policy.
- e. The intentional use of a chokehold or other method of restraint applied to the neck area of another person.
- f. Any intentional impact weapon strike to the head that causes serious physical injury.
- g. Any use of force investigation that is elevated to Level 3 by a Sergeant or other supervisory personnel.

C. Referral/Transport for Medical Attention

1. Arresting and transporting officers shall ask prisoners, against whom force was used, whether they are injured or ill.
 - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by a physician or qualified health care provider.
2. A suspect shall be examined by a physician or qualified health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
 - a. Is struck on the head or other body parts with an impact weapon or other hard object;
 - b. Is restrained about the neck or throat;
 - c. Is sprayed with a chemical agent;
 - d. Is subject to an ECW application;
 - e. Is struck with any non-lethal weapon projectile such as a bean bags, pepper ball, or stingball; or
 - f. Is bitten by a police canine.
3. An injured prisoner shall not be admitted to, or held in, detention without being examined and released by a physician or qualified health care provider.
 - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by a physician or qualified health care provider.
 - b. Refusal of treatment shall be documented and verified by the officer and attending physician or qualified health care provider.

D. Supervisory Responsibilities

1. General

- a. The Supervisor, after being notified of a Level 2 or 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force.

- b. The supervisor, after being notified of a Level 3 Officer Involved Shooting, shall follow the procedures set forth in General Order 3.10, Officer Involved Shooting.
- c. While at the scene of a Level 2 or 3 use of force, the supervisor shall visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.
- d. While at the scene of a Level 2 or 3 use of force, the Supervisor will photograph or videotape all claimed or visible injuries, and all areas where the officer reports striking the subject. Photographs or BWC footage of the subject shall be taken even when there are no signs of injury.

2. Level 1 Use of Force

- a. When notified of a Level 1 use of force, the shift supervisor shall do the following:
 - 1) Obtain, review, and sign the completed Use of Force Report form prior to the end of the tour of duty;
 - 2) Evaluate the basis for the use of force and determine whether the officer's actions were within Department policies; and
 - 3) Forward a copy of the signed completed Use of Force Report form to his/her commanding officer prior to the end of the tour of duty.
- b. The commanding officer shall review the Use of Force Report and the supervisor's findings and:
 - (1) If necessary, return the report to the shift supervisor to correct any identified deficiencies; or
 - (2) Approve the report and forward to the A/C of Professional Standards for filing.
- c. The Assistant Chief may return the Level 1 use of force investigation to the supervisor for further review and investigation.

3. Level 2 Use of Force

- a. When notified of a Level 2 use of force the supervisor will respond to the scene on a priority basis and shall do the following:
 - 1) Document, as necessary, the scene of the incident;
 - 2) Interview any physician or qualified health care provider concerning the injuries sustained and their consistency with uses of force reported;
 - 3) Collect or cause to be collected all evidence of use of force;
 - 4) Identify and interview witnesses other than officers as appropriate;
 - 5) Obtain, review, and sign the completed Use of Force Report form prior to the end of the tour of duty;
 - 6) Summarize his or her investigation and findings; and
 - 7) Forward a copy of the signed completed Use of Force Report Form to the Commanding Officer prior to the end of the tour of duty.
- b. The Assistant Chief shall review all Level 2 Use of Force Investigations and findings made by the supervisor.

4. Level 3 Use of Force

- a. In cases involving a Level 3 or a serious use of force as defined by this policy, the supervisor shall:
 - 1) Immediately respond to and secure the scene;
 - 2) Ensure that officers and citizens receive appropriate medical attention;
 - 3) Document, as necessary, the scene of the incident;
 - 4) Secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
 - 5) Identify witnesses, both officer and civilian, and ensure that they are segregated for interview by investigative units; and

- 6) As soon as possible, secure the weapon(s) used by the involved officer(s).
- b. Commanding Officer on scene will immediately notify the Assistant Chief of Police. If necessary, the A/C will notify the Chief of Police.
- c. The Chief of Police will initiate an Internal Affairs investigation to determine whether the officer(s) followed Department policy.
- d. The supervisor, after being notified of a Level 3 officer involved shooting, shall follow the procedures set forth in General Order 3.10, Officer Involved Shooting.

E. Patrol Division Lieutenant (Commanding Officer)

- 1. Ensure that the supervisors respond to the scenes of reportable use of force as required.
- 2. Review Use of Force investigations submitted by the immediate supervisor to ensure;
 - a. Whether the officer engaged in reasonable de-escalation measures prior to using deadly force.
 - b. Whether any reasonable conduct of the officer led to an increased risk of an occurrence that precipitated the use of deadly force.
- 3. Print out the Use of Force cover sheet and determine which box is appropriate to be checked off:
 - a. Justified, Within Department Policy – a use of force is determined to be justified, and during the course of the incident the subject officers did not violate a Department policy;
 - b. Justified, Policy Violation – a use of force is determined to be justified, but during the course of the incident the subject officers violated a Department policy;
 - b. Justified, Training Opportunity – a use of force is determined to be justified, no Department policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or
 - c. Not Justified, Not within Department Policy – a use of force is determined to be not justified, and during the course of the incident the subject officer violated Department policy.

The Lieutenant (Commanding Officer) shall sign and submit their recommendations on the Use of Force cover sheet with the packet to the Assistant Chief of Operations and Professional Standards not more than thirty (30) days after receipt of the investigative case if feasible.

G. Training

The Department shall coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and Department policy. The Department shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.

H. Annual Report Review

The Professional Standards Division is responsible for conducting an annual review of all use of force reports and providing the Chief of Police and all operational units with report findings.

3.05 Reporting and Investigating Force

August 31, 2021 (New) - Chief TS
October 25, 2021 (Revision) - TS