

GENERAL ORDER

G.O. 1-012

SUBJECT: USE OF FORCE



DATE EFFECTIVE: January 1, 2002
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INDEX: DEFINITIONS, VERBAL PERSUASION, PHYSICAL STRENGTH, PEPPER SPRAY (OLEORESIN CAPSICUM), EXPANDABLE STRAIGHT BATON, CONDUCTED ELECTRICAL WEAPON (CEW), DEPLOYMENT OF CEW, MEDICAL ASSISTANCE, DOCUMENTATION, SUPERVISOR REVIEW, ADMINISTRATIVE ANNUAL REVIEW, USE OF WEAPONS, LESS- THAN-LETHAL FORCE, FORCE, NON- DEADLY FORCE, USE OF LESS-THAN- LETHAL FORCE

I. PURPOSE AND RESPONSIBILITY:

- A. Purpose: To set the policy, to establish the procedures, and to make the rules and regulations that govern the use of force by the sworn officers at the Monroe Police Department.

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- B. Responsibility: It will be the responsibility of all officers at this Police Department to follow the procedures and to study, understand, and adhere to the rules and regulations addressed in this general order and Connecticut General Statute 53a-22, which justifies Police Officers' use of physical force when there is a reasonable belief that facts or circumstances would constitute an offense and such force is necessary to: (1) effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

II. DISCUSSION:

- A. This general order deals with the use of force. Police officers must frequently use force to ensure public safety and to effect an arrest. It is not intended that any arrestee should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand to hand combat, with all its risks, before resorting to the use of force that will more quickly, humanely, and safely bring an arrestee under physical control.

III. DEFINITIONS:

- A. **OBJECTIVELY REASONABLE**: It is described as follows: An officers use of force is judged based on the *totality of the circumstances, from the perspective of the officer, on the scene, at the moment force was used, without 20/20 hindsight, in circumstances that are tense, uncertain and rapidly evolving* (Graham v. Conner, 490 U.S. 386, 1989). The *Graham factors* used to determine reasonableness are set forth as:
1. The severity of the crime.
 2. Whether the subject was an immediate threat to the officers or others.
 3. How the subject was actively resisting arrest (seizure); and how the subject was attempting to evade arrest by flight.
- B. **USE OF FORCE**: Physical effort to compel compliance by an unwilling subject above escorting or un-resisted handcuffing, including pointing a firearm at a person or illuminating the laser light of a CEW on a person.

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- C. REASONABLE FORCE: The force that is objectively reasonable under the circumstances and the minimum amount of force necessary to effect an arrest (seizure) or to protect the officer or other person.
- D. UNREASONABLE FORCE: Any force applied in a manner inconsistent with policy or applicable law.
- E. ACTIVE RESISTANCE: A subject's physical actions to defeat an officer's attempt at control and to avoid being taken into custody. Verbal statements alone do not constitute active resistance.
- F. PASSIVE RESISTANCE: Non-compliance with an officer's commands, that is non-violent and does not pose an immediate threat to the officer or the public, such as the case of an act of civil disobedience or a non-violent handcuffed prisoner.
- G. CONDUCTED ELECTRICAL WEAPON (CEW): The CEW is a less than lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.
- H. DEPLOYMENT OF CEW: Does not include the mere removal of the CEW from the holster but does include any use of CEW against any person. The illumination of the laser sight onto an individual, a contact deployment ("drive stun") or an activation ("sparking") where the subject is subdued or controlled without actually receiving an electrical charge are all considered a deployment of a CEW.
- I. LESS-THAN-LETHAL FORCE: A force application not intended or expected to cause death or serious physical injury and which is commonly understood to have less potential for causing death or serious injury than conventional, more lethal police tactics. Use of less-than-lethal force can nevertheless result in death or serious physical injury.
- J. USE OF FORCE REPORT FORM (DPS-499c): A written report documenting all force above un-resisted handcuffing or escort techniques that are not pressure point based and do not cause injury or the complaint of injury.

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IV. POLICY:

- A. It will be the policy of the Monroe Police Department that all officers will use only the force necessary to effect lawful objectives.
- B. It will be the policy of the Monroe Police Department that when the use of force becomes necessary, officers use an objectively reasonable amount of force to quickly, humanely and safely bring the arrestee under physical control.
- C. It will be the policy of the Monroe Police Department that when a subject is visibly injured by an officer, complains of injury, or exhibits signs of medical distress including shortness of breath, altered mental status, or loss of consciousness, it is the officer's responsibility to render first aid and/or obtain medical assistance as soon as it is reasonably safe to do so.
- D. It will be the policy of the Monroe Police Department that all officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force.
- E. It will be the policy of the Monroe Police Department that force shall be de-escalated immediately as resistance decreases.
- F. It will be the policy of the Monroe Police Department that officers, whenever possible, shall allow individuals time to submit to arrest before force is used.
- G. It will be the policy of the Monroe Police Department that pointing a firearm at a person shall be reported in the same manner as a use of force, and shall be done only as objectively reasonable to accomplish a lawful police objective. Unholstering a firearm and keeping it at a low ready position is not considered a use of force.
- H. It will be the policy of the Monroe Police Department that pointing and illuminating the laser light of a CEW onto an individual shall be reported in the same manner as a use of force, and shall be done only as objectively reasonable to accomplish a lawful police objective. Unholstering a CEW and keeping it at a low ready position is not considered a use of force.
- I. It will be the policy of the Monroe Police Department that following any use of force, a written Use of Force Report Form (DPS-499c) be prepared to document the

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events leading to the use of force and the justification for each separate use of force.

- J. It will be the policy of Monroe Police Department that any officer who witnesses a use of force by another officer, regardless of rank, which the witnessing officer knows to be unreasonable, shall intervene and attempt to stop such use of force.

V. RULES AND REGULATIONS:

- A. LESS-THAN-LETHAL FORCE: Less-than-lethal force may be used by a police officer in the performance of the officer's duty under the following circumstances:
 - a. When it is objectively reasonable to preserve the peace, prevent the commission of crime, prevent a self-inflicted injury or prevent suicide;
 - b. When it is objectively reasonable to overcome resistance to a lawful arrest or a lawful search and seizure, and to prevent the escape from custody;
 - c. When objectively reasonable in defense of violent acts against the officer or a third person.
- B. FORCE: An officer must evaluate each incident separately. The force used by an officer must be objectively reasonable based on the totality of the circumstances. The need to achieve control over another person in a law enforcement setting is often characterized by rapid and unpredictable changes requiring an officer to continually reassess a subject's actions as well as his or her own response to those actions. The amount of force which may be used will be determined by the circumstances including, but not limited to:
 - a. The nature of the offense;
 - b. The behavior of the arrestee against whom the force is to be used;
 - c. Actions by third parties who may be present;
 - d. Physical odds against the officer (outnumbered, outweighed, etc);

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e. The feasibility or availability of alternative actions.

C. WEAPONS: No weapon should be brandished as a threat unless its actual use in the situation would be objectively reasonable. This does not prohibit an officer from having a weapon readied when it is anticipated that a weapon may be required. The following are Department issued weapons:

a. Firearm;

b. Expandable Straight Baton;

c. Conducted Electrical Weapon;

d. Pepper Spray (Oleoresin Capsicum);

e. Chemical Weapons: see G.O. 5-462, Special Operations

f. Canine Use of Force: see G.O. 5-411, Canine Units.

1. FIREARM:

a. Officers shall carry or use only department-approved firearms and ammunition while on duty.

b. Officers shall carry a department-issued handgun while on duty, unless granted permission by the Chief of Police under special circumstances.

c. All officers' firearms shall be loaded to capacity while on duty.

2. EXPANDABLE STRAIGHT BATON:

a. The Expandable Straight Baton may be used when physical force is objectively reasonable:

1. To subdue, secure, or control a person when effecting an

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arrest;

2. In self defense, or in defense of another;
3. To deter persons engaged in riotous conduct;

b. When the officer perceives that level of threat and the use of an Expandable Straight Baton is objectively reasonable, these guidelines will be followed:

1. Blows from the Expandable Straight Baton should primarily be directed to the arms and legs. This action should not cause serious physical injury. Should the perception of threat escalate, the target area may escalate. An escalation of trauma should relate to the escalation of resistance or aggression.

3. CONDUCTED ELECTRICAL WEAPON:

- a. CEW shall not be used solely as a compliance technique or to overcome passive resistance.
- b. Officers may use CEWs only when such force is objectively reasonable to protect the officer, the subject, or another person from physical harm and after considering less intrusive means based on the threat or resistance encountered. Officers are authorized to use CEWs to control an actively resistant person when attempts to subdue the person by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the person within contact range.
- c. After one standard CEW cycle (five seconds), the officer shall reevaluate the situation to determine if subsequent cycles are necessary.
- d. Officers shall independently justify each cycle of the CEW used

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against the subject in a Use of Force Report Form (DPS-499c).

4. PEPPER SPRAY (Oleoresin Capsicum):

- a. Pepper Spray may be used when physical force is objectively reasonable:
 1. To protect an officer from assault;
 2. To subdue a person who resists arrest;
 3. To deter persons engaged in riotous conduct;
 4. To prevent actions potentially harmful to the officer or others.
- b. Pepper Spray should not be used when in close proximity to innocent bystanders or uninvolved citizens;
- c. Pepper Spray should not be used when the officer is in close proximity to the target or in a confined area. This is due to the fact that the officer or officers could become overcome by the irritants.

VI. PROCEDURES:

A. VERBAL PERSUASION:

1. Courtesy and respect in all public encounters encourages understanding and cooperation. Conversely, the lack of courtesy and respect arouses resentment, and often leads to physical resistance;
2. In an arrest situation, it is most desirable, while accompanying an arrestee, to give the arrestee simple directions that encourage the arrestee to comply. Control may be achieved through advice, persuasion, and warnings before having to resort to actual physical force;

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3. The suggestion to use verbal persuasion should not be construed to mean that an officer should ever relax his or her guard and lose control of a situation, thus endangering the officer's personal safety or the safety of others.

B. PHYSICAL STRENGTH:

1. Frequently arrestees are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to overcome this resistance is physical strength and skills in arrest and control tactics;
2. Arrest and control tactics are those physical techniques intended for use when weapons are not available or not reasonable, given the circumstances. Good judgment is extremely important in deciding which tactics to use and how much force to apply;
3. When confronted with a situation which may necessitate the use of physical force, consideration must be given for calling for additional officers prior to contact.

C. PEPPER SPRAY: (Oleoresin Capsicum): Pepper spray is an intermediate weapon and is classified as being less-than-lethal but should only be used when an officer is met with a certain degree of resistance or aggression. Pepper spray:

1. May be used at any distance less than ten (10) feet, but is most effective when used at a distance of four (4) to six (6) feet from the subject's face;
2. The primary target area should be the subject's face, especially the eyes, nose, and mouth. Pepper spray can also be used and is effective on animals. The officer should only use the amount necessary to bring the subject under control;
3. Pepper spray causes acute inflammation of the eyes and all other mucous membranes, resulting in immediate blindness, coughing, choking, and nausea with extreme discomfort which can last for thirty minutes or longer;

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4. When the subject has been secured and resistance has ceased, the officer should make every reasonable effort to relieve the discomfort of the subject and any affected bystander. If conditions permit, clear water may be used to flush the eyes and other affected parts. If no water is available, fresh moving air and the body's natural actions will dissipate the discomfort. If medical treatment is required, the officer will notify EMS. If the subject is compliant, utilize the eye wash station in Bay 1 to help dissipate discomfort.
 5. Pepper spray will be carried by all uniformed officers in an approved holster on their equipment belt.
- D. EXPANDABLE STRAIGHT BATON: The Expandable Straight Baton is classified as a "deadly weapon" under Connecticut General Statute 53-206 and must be used when it is objectively reasonable:
1. The Expandable Straight Baton will be carried by all uniformed officers on the officer's weak side (opposite the gun side) of the equipment belt;
 2. The Expandable Straight Baton should be used when a lesser degree of force is impractical in overcoming resistance or in protection from assault;
 3. The Expandable Straight Baton when properly used is capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent;
 4. Officers of this Department will only carry Department issued Expandable Straight Baton and the weapon shall not be altered in any way;
 5. If a subject is injured by an officer, it is that officer's responsibility to render first aid and/or obtain medical assistance once the subject is safely secured and in custody as follows:
 - a. The officer will render first aid, when reasonably safe to do so, within his/her training level as a Emergency Medical Responder (EMR) or Emergency Medical Technician (EMT) with equipment

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and supplies issued by the Monroe Police Department.

- b. The officer will notify or cause to be notified emergency medical personnel for additional treatment and transport to a medical facility as needed.

E. CONDUCTED ELECTRICAL WEAPON (CEW): The CEW is a hand held battery operated unit designed to immobilize a suspect by means of an electrical current. A CEW may be used when a subject is displaying resistance to an officer attempting to make a lawful custodial arrest. Deployment of the CEW will be evaluated using the criteria in this directive. Officers may assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the CEW will be dependent upon the actions of the subject, the threat facing the officer and the totality of circumstances surrounding the incident.

1. PROCEDURE: The following procedures shall be adhered to concerning the issuance, handling and deployment of a Conducted Electrical Weapon (CEW):
 - a. CEW's shall be issued to all officers after completing the Department's CEW Training Program.
 - b. When carried in the field, the CEW shall be carried fully armed with the safety on in preparation for immediate use while in the Department approved holster. The holster will be carried on the duty belt on the side opposite the duty firearm. When carrying a CEW, non-uniformed officers will carry it in a department-approved holster.
2. DEPLOYMENT: The following procedures shall be followed concerning the deployment of the CEW:
 - a. Prior to deployment of a CEW, the deploying officer and/or on

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scene supervisor will, if conditions and time permit, assure that other on-scene officers understand that the CEW, not lethal force, is to be deployed. The warning announcement "CEW and/or Taser" will alert other on-scene officers as well as provide the subject with an additional opportunity to cease the conduct that has caused the deployment of the CEW.

- b. When an officer approaches a subject with the intent to deploy the CEW, an additional officer should also approach whenever possible to provide lethal cover should it become necessary for the protection of life. Verbal commands should be used constantly before (whenever practical), during and after the deployment of the CEW to warn the subject to cease his/her aggressive demeanor or action.
- c. Upon deployment of the CEW, the officer will use the laser or fixed sights to aim for the preferred target of lower center of mass. The CEW can be deployed by either discharging the probes or "drive stun" (contact mode) when and to the extent that it is objectively reasonable. Deployment of the CEW in "drive stun" mode, from a policy perspective, is no different than a cartridge deployment. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool, is minimally effective compared to a conventional cartridge deployment and is more likely to leave marks on the subject's skin.
- d. Officers should be aware of the greater potential for injury when using a CEW against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
- e. Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during

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or immediately following exposure. Personnel should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the CEW should be independently justifiable.

- f. Each deployment of a CEW shall be documented by the deploying officer utilizing the Department's Use of Force form (mpd-120) and investigated by the officer's on-duty immediate supervisor. This documentation and investigation includes a contact deployment ("drive stun") as well as the discharging of an air cartridge or other deployment resulting in a subject or animal receiving an electrical charge from the CEW, or when the CEW is activated ("sparked") and the subject is subdued/controlled without actually receiving an electrical charge from the CEW. Any accidental discharge of a CEW air cartridge shall also be documented on Use Of Force Report Form DPS-499c, even if a suspect is not involved in the accidental discharge.
 - g. The spent air cartridge and probes shall be collected and preserved as evidence. Caution should be exercised in handling probes that have penetrated a subject's skin. Such probes shall be handled with the same care as a hypodermic needle and shall be packaged in a suitable container to prevent accidental infection. The probes shall be labeled as a biohazard when submitted as evidence.
 - h. If a supervisor is not on scene at time of incident, one will be notified as soon as practical after usage of a CEW.
 - i. Officers should not intentionally activate more than one CEW at a time against a subject. The CEW should not be deployed in a punitive or coercive manner, on any subject demonstrating only passive resistance, where it is likely that the subject may drown or fall from an elevated area, or in any environment where the officer knows that a potentially flammable, volatile or explosive material is present.
3. MEDICAL ASSISTANCE: Subjects who have received an electrical charge from the CEW unit or probes shall be treated as follows:

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- a. Once the subject is safely secured and in custody, the arresting officer shall notify EMS that the subject has received an electrical charge from the CEW and relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of medical personnel.
- b. Only medical personnel may remove or direct to remove any CEW probes that are imbedded in soft tissue areas such as the neck, face and groin. Removal from other areas will be at the discretion of the on-scene supervisor in accordance with training or by medical personnel.
- c. The patrol officer or on-scene supervisor shall allow medical personnel to determine if the subject should be transported to the hospital. The following persons shall be transported to a hospital for examination following exposure to a CEW. Any person who:
 1. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medication;
 2. Is hit in a sensitive area such as face, head, female breasts or male groin;
 3. Does not appear to recover properly after being energized;
 4. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
 5. Has had more than one CEW effectively used against him or her or a second deployed cartridge from the same unit in any given incident;

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6. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW deployment;
 7. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
 8. Exhibits bizarre or violent behavior, including self mutilation;
 9. Is naked in a public place or exhibits signs of overheating;
 10. Evidences slurring or slowness of speech;
 11. Subject claims to have been injured or in medical distress.
- d. If the probes are no longer affixed to the subject and medical personnel determine the subject does not need to be transported to the emergency room/hospital, the subject may then be transported to the Department for processing.
 - e. If the subject is transported to the emergency room/hospital, the transporting officer will obtain a medical release from medical personnel before the subject is transported to the Department.
 - f. Officers must be aware that one aspect of possible injury to a subject receiving an electrical charge from a CEW is that of falling from a standing position.
4. **DOCUMENTATION:** The deploying officer is responsible for documenting the deployment of the CEW by performing the following:

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- a. A Use Of Force Form (DPS-499c) will be completed detailing the officer's justification for deploying the CEW each time it is deployed. If the deploying officer is not the primary reporting officer, the deploying officer shall index a detailed supplement to the incident report documenting his/her role in the deployment of the CEW.
 - b. The officer deploying the CEW shall ensure photographs are taken of the subject receiving an electrical charge from the CEW (contact or probes), with special attention to any area injured and where the charge was received. Also include detailed documentation of how the injuries occurred and description of first aid provided.
 - c. If the CEW deployed is the TASER Model X2, it shall be removed from service until such time as the deployment report is downloaded from the TASER data port. A supervisor or CEW instructor trained to recover the deployment data shall perform this function. Once a printed report is obtained, the TASER Model X2 may return to service. A copy of the printed deployment report shall include the date prior to the deployment, the date of deployment on a subject and the day after, if available. The deployment report will be forwarded to the Records Unit for inclusion in the case file.
5. SUPERVISOR REVIEW: Upon the deployment of a CEW, the on-duty supervisor will prepare a written review (memorandum) of the incident. If the on-duty supervisor is the CEW deploying officer, a command level officer will be responsible for preparation of the written review. The review will determine the following:
- a. Whether the use of force was objectively reasonable;
 - b. Whether proper first aid was provided;
 - c. Whether the CEW was used according to policy and training.

F. DEADLY FORCE: See General Order 1-013, Use of Deadly Force.

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G. DUTY TO INTERVENE:

1. An officer who witnesses or otherwise learns of an unreasonable use of force by another officer, regardless of rank, shall intervene and attempt to stop such use of force.
2. The level of intervention should be that level which is necessary to stop the use of unreasonable force, and may involve verbal and/or physical intervention.
3. This intervention does not apply to an officer serving in an undercover capacity if the intervention will significantly compromise the undercover officer's safety or the safety of another.
4. Any officer who witnesses or otherwise has knowledge of a use of unreasonable force shall, as soon as practicable, report such use of force to a supervisor verbally and followed as soon as possible with a written memorandum to the Chief of Police with the details of the use of force event.
5. There shall be no retaliatory, discriminatory, or punitive action against any officer who acts in accordance with this duty or who cooperates in any internal affairs or criminal investigation related to this event.
6. Any officer who fails to abide by any section of this Duty to Intervene Provision as required in this General Order, may be subjected to disciplinary actions and criminal prosecution.
7. Exigent Circumstances may prevent an officer from complying with the intervention requirements, such as :
 - a. The officer is engaged in a simultaneous attempt to apprehend another person;
 - b. The officer is actively engaged in rendering aid to a seriously injured person;
 - c. The officer is separated by space, elevation, physical barriers,

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terrain, or other hazards or impediments which prevent intervention.

- H. **USE OF FORCE REPORTING:** All use of force incidents shall be documented by any officer involved in a use of force event by preparing Use Of Force Report Form DPS-499c. All use of force reports will be reviewed by the officer's supervisor, or a command level officer if the reporting officer is a supervisor. The review will determine whether the use of force was in compliance with police department General Orders and Connecticut General Statutes.
- I. **ADMINISTRATION REPORTING AND ANNUAL REVIEW:** Within 30 days following a use of force incident a copy of the use of force report will be forwarded to IMRP. Additionally, an administrative review and report shall be conducted and prepared annually by a command level officer to review and report all instances of Use of Force in order to evaluate policy compliance. Beginning February 1, 2020, this annual report will be completed using Use of Force Report Form DPS-499c as required by Public Act 19-90. Said report form is to be submitted to Ken Barone, Institute for Municipal and Regional Policy, Central Connecticut State University, 185 Main Street, New Britain, Ct. 06050 or by email to baroneket@ccsu.edu, no later than February 1 of each year covering the preceding calendar year.

HISTORICAL CHANGES TO POLICY

Sept. 22, 2014 – Page 6. Eliminated paragraphs c,d,e and part of f that described the old issuance procedure of the ECD's.

Oct. 6, 2014 – Changed all references from ECD to CEW.

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March 25, 2015 – Due to new Public Act, new reporting system to state was instituted using “Use of ECD” form as described in Section F6 on page 12.

December 22, 2016 – Significant changes to the General Order with the exception of Section I. Purpose and Responsibility and Section II. Discussion.

November 25, 2019 - Section G is new wording to reflect Public Act 19-90.

October 1, 2020 - Significant changes to entire General Order to reflect Public Act 20-01, Section 30