CONNECTICUT STATE POLICE



2018

Use of Force Report
Response to Resistance and/or Aggression Analysis

Submitted by the Bureau of Professional Standards and Compliance

August 2019

PURPOSE OF THIS REPORT

The purpose of this report is to provide a meaningful statistical analysis of the lethal, less-lethal and non-lethal force used by the Connecticut State Police. The creation of this report is also to allow the Connecticut State Police to recognize any trends developing with the use of force.

MISSION STATEMENT

"The Connecticut Department of Emergency Services and Public Protection is committed to protecting and improving the quality of life for all by providing a broad range of public safety services, training, regulatory guidance, and scientific services utilizing enforcement, prevention, education, and state of the art science and technology."

CORE VALUES

The five Core Values of the Connecticut State Police are intended to guide and inspire us. Making sure that our values become part of our day-to-day work life is our mandate, and they help to ensure that our personal and professional behavior can be a model for all to follow. In striving to accomplish our mission, we embody our core values with great

PRIDE:

PROFESSIONALISM through an elite and diverse team of trained men and women.

RESPECT for ourselves and others through our words and actions.

INTEGRITY through adherence to standards and values that merit public trust.

DEDICATION to our colleagues, our values, and to the service of others.

EQUALITY through fair and unprejudiced application of the law.

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Definitions

Application of Force: The use of any type of force.

Deadly Physical Force: Physical force, which can be reasonably expected to cause death or serious physical injury.

Force Options: All department-approved physical force techniques (i.e. firm grip, punch, takedown, etc.) or devices (i.e. OC spray, baton, Taser) available to a Trooper. Force Options fall into the following three categories: Lethal (Deadly Force), Less-Lethal (Taser, beanbag, etc.) and Non-Lethal (firm grip, takedown, etc.).

Formal Training: Training received by the employee through the department's Training Academy and/or by any other recognized training facility that facilitates that a minimum performance level of satisfactory is demonstrated by the employee on the specific training / topic.

Imminent: Impending; on the point of happening.

Less Lethal Force: Force, which encompasses weapons and other objects not fundamentally designed to cause serious physical injury or death to another person.

Lethal Force: Amount of force that is likely to cause either serious injury or death to another person.

Non-Lethal Force: Amount of force not likely to cause significant or serious injury.

Objective Reasonableness: The legal standard used to determine the lawfulness and appropriateness of a Use of Force is the Fourth Amendment to the United States Constitution. The force must be reasonable under the circumstances known to the Trooper at the time force was used.

Physical Injury: Physical injury means impairment of physical condition or pain.

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





Executive Summary

The Connecticut State Police is completing its Use of Force self-analysis phase as a continuing improvement process through the Commission on Accreditation for Law Enforcement Agencies. Each accredited law enforcement agency must perform an internal Use of Force analysis (CALEA 1.3.13). The analysis is systematically structured to identify any patterns or trends.

Analysis should reveal patterns or trends that could predict or could indicate the need for an increase in Use of Force training, equipment purchases or upgrade and/or the necessity for policy modification. This Use of Force analysis completed by the Internal Affairs Unit provides a critical process in reviewing departmental policies and procedures. This analysis also provides a process for improvement in our policy language, records management system, capturing additional data in offenses and supervisor oversight in Use of Force incidents.

A report for Response to Resistance and/or Aggression is completed when force, as defined by policy and law is used in the performance of a Trooper's job. The statistics in the annual Use of Force Report are collected at the point of entry into the standardized Response to Resistance or Aggression/Injury or Complaint of Injury to Prisoner form created and used by the Connecticut State Police in the NEXGEN computer system. The data is readily available for analysis as these statistics are updated on a 24-hour basis and are accessible by Commanders and Administrators at any time. This process of collecting statistics now allows our agency to monitor our response to resistance and/or aggression at any time. Furthermore, this allows our agency the ability to update policies, procedures and training quickly and efficiently based on true timely statistical information.

Analysis of this data enables the Connecticut State Police to track the number of incidents involving the use of force by a Trooper and/or Officer as well as the control methods utilized. In addition to tracking the number of incidents involving the use of force by a Trooper and/or Officer, the total applications of force utilized over multiple control methods is available for review. This enables the tracking of multiple applications and methods of force utilized during the same incident.

The statistics for 2018 showed that there were 10,377 arrests made and a total of **(88)** reports for Response to Resistance or Aggression completed. In 2018, less than **(1%)** of

all arrests resulted in a Use of Force incident. When compared to the **(109)** reports for Response to Resistance or Aggression in 2017, there was an overall **(19%)** decrease in reports for Response to Resistance and/or Aggression.

It should be further noted that of the (88) incidents involving a Response to Resistance and/or Aggression, in (43) of those incidents (49%) alcohol/drugs were involved. Additionally, (11) of those incidents (12.6%) required that the subject undergo a mental health evaluation via an Emergency Committal. During the (88) incidents involving a Response to Resistance and/or Aggression, a total of (192) applications of force were utilized. The total number of applications of force showed a <u>decrease of</u> (25%) from the total applications of force (257) in 2017.

A review of the 2018 Use of Force data revealed five apparent trends. The data showed a **17% reduction** in the number of incidents involving Troopers and/or Officers that used force, a **25% reduction** in the total applications of force, a **45% increase** in the number of ECW utilizations, a **76% reduction** in the number of OC Spray uses and a **29% reduction** in K-9 use of force applications.

DESPP has a Personnel Early Awareness and Intervention System in place, which has served many purposes, one being a venue for targeting possible Use of Force concerns. By engaging in a systematic review of specific incidents, it will assist in the identification of employees who may exhibit signs of performance and/or stress related issues, and who may benefit from early intervention.

Introduction

The Commission on Accreditation for Law Enforcement Agencies (CALEA) requires a law enforcement agency to conduct a documented annual analysis of the reports required. A written police report is submitted whenever an employee:

- 1. Discharges a firearm for other than training or recreational purposes.
- 2. Takes an action that results in, or is alleged to have resulted in, death or injury of another person.
- 3. Applies force through the use of lethal or less lethal weapons.
- 4. Applies weaponless physical force at a level as defined by this agency.

The Department of Emergency Services and Public Protection, Division of State Police, Administration and Operations Manual Section 13.4: *Use of Force Incidents* provides our personnel with guidelines on the Use of Force. The Division recognizes the value of human life, which is immeasurable in our society.

Our personnel shall meet three general requirements:

Knowledge of the law shall be current

Each employee shall be knowledgeable about current state and federal laws and department policy regarding the use of force.

Shall not exceed legal authority

An employee shall not exceed the scope and authority of applicable laws or policy regarding the use of force.

Obligation to perform duties

Each employee shall properly perform his/her required duties regarding the lawful use of force.





Division Policy and Procedure

General Reporting Regarding Uses of Force:

A written report prepared according to departmental procedures shall be required whenever an employee:

- 1. Discharges a firearm for other than training or recreational purposes or to dispatch an animal;
- Takes action that results in or is alleged to have resulted in the injury or death of another person;
- 3. Applies force through the use of lethal or less than lethal weapons including a department canine.

For department purposes, reportable physical force does not include the:

- 1. Reasonable holding, restraining or positioning of an individual necessary to apply handcuffs or other restraints; or
- Necessary physical touching or guiding of an individual intended to affect compliance with a lawful command, which is applied in such a manner as to be reasonable and which is not intended to cause physical injury; and
- 3. The lawful display of a firearm or other weapon by a Trooper. New reporting requirements for Taser use are also taken into account when reporting incidents involving Taser use by department members.

Use of Force Complaints:

It is the policy of this agency, specific to the Bureau of Professional Standards and Compliance, to accept and investigate all complaints of personnel misconduct or wrongdoing from any citizen or agency employee. Such complaints will be investigated thoroughly, completely and impartially, following policies and procedures as set forth in the Agency's Administrative and Operations Manual.

When a complaint is filed, the assigned investigator will file an appropriate report, which will indicate the appropriate decision and disposition based upon the findings of fact. The decision shall be classified as one of the following:

- 1. <u>Unfounded</u> A determination that there was sufficient evidence to prove the complaint or incident is false or not factual and did not occur,
- 2. Exonerated A determination that there is sufficient evidence which indicates the act or incident did occur, but was justified, lawful and proper;
- Not Sustained A determination that there is insufficient evidence to clearly prove or disprove the complaint or allegation;
- Sustained A determination that the allegations are supported by sufficient evidence to justify a reasonable conclusion of guilt or that sustained acts have been discovered that indicate misconduct not based on the original complaint.

In 2018, there were **10,377** arrests made by the Connecticut State Police with **(5)** complaints from the public **(.0005%)** alleging excessive use of force. As of the writing of this report one **(1)** was unfounded, three **(3)** were not sustained and the remaining one **(1)** is still open and under investigation.

Mandatory Internal Affairs Investigations Involving Firearms:

Per department policy, an Internal Affairs investigation shall be conducted in any shooting incident involving Troopers or Police Officers under DESPP supervision or control whenever:

- 1) A Trooper, a Police Officer serving under State Police jurisdiction in the Resident Trooper program, suspect or another person is shot;
- Shots are fired by a Trooper or a Police Officer serving under State Police jurisdiction in the Resident Trooper program while affecting an arrest, engaging in a vehicle pursuit, or in defense of himself or others;
- 3) A department firearm or approved personal firearm is accidentally discharged.

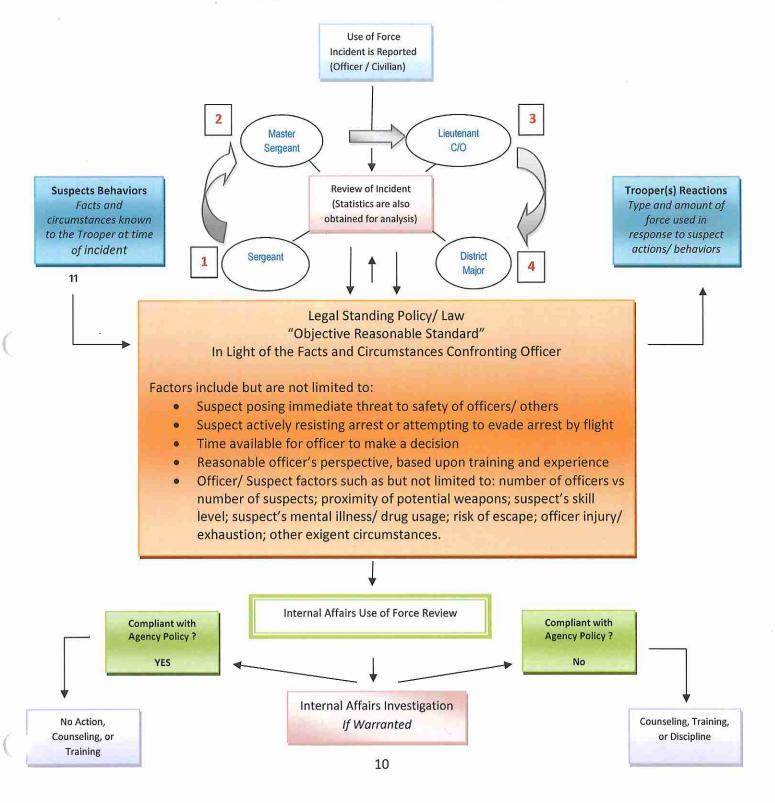
For 2018, there were (2) incidents where a Trooper and/or Officer discharged a Firearm to defend themselves or others in the performance of their official duties.

The first incident involved a Beacon Falls Officer who had discharged her firearm and struck a canine that was viciously attacking another canine. The incident occurred at an elementary school near a playground occupied by children. The canine sustained fatal injuries.

In the second incident, two Troopers were attacked by a canine while investigating a family violence incident at a residence. Both Troopers discharged their firearms and the canine sustained non-life threatening injuries.

Professional Bureau of Professional Standards and Compliance Internal Affairs Unit

Use of Force Analysis Procedure



DESPP Connecticut State Police Policy

Use of Force – General: It is the policy of this department that personnel may only use force which is "objectively reasonable" to: Defend themselves; defend others; affect an arrest of detention; prevent escape; or, overcome resistance.

Use of Deadly Force: A Trooper is justified to use deadly physical force only in the performance of official duties as follows:

A Trooper is authorized in the use of deadly force to: Protect himself/ herself or others from an immediate threat of death or serious bodily injury; or, to prevent a crime where the suspect's actions place persons in jeopardy of death or serious bodily injury; or, to apprehend a dangerous fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed. (A&O 13.4.5)

Warnings Shall Be Given: Whenever it is reasonable and feasible and doing so will not unreasonably increase the risk of injury to the Trooper or any other person, a verbal warning shall be given before a shot is directed towards any person.

Note: Warning shots are a substantial danger to Troopers and citizens alike and are not authorized by this department.

Shooting At or From Moving Vehicles: A Trooper should minimize placing himself/ herself in a position of vulnerability when confronting a suspect or defendant in a vehicle. When confronted by deadly force either emanating from or by a moving vehicle, where possible, as a first course of action, a Trooper should attempt to remove himself/herself from the path of the moving vehicle or deadly force before considering to employ deadly force. (A&O 13.4.5)

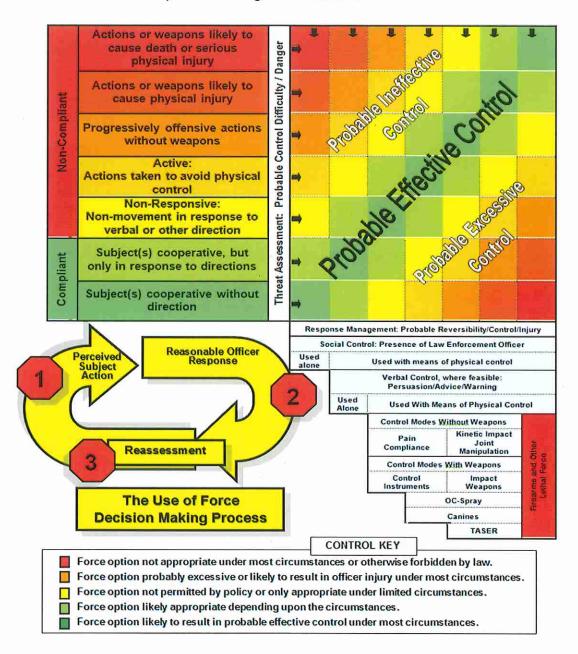
Note: Deadly force shall not be directed at a motor vehicle merely to disable a vehicle. A Trooper may discharge a firearm in the direction of a moving vehicle to counter an imminent threat of serious physical injury or death directed at the Trooper or another person.

Use of Force Standard:

Sworn Personnel have a range of force options available to them. These force options include:

- Social Control: Presence of Law Enforcement
- Verbalization
- Control Modes Without Weapons: Pain compliance / Kinetic impact joint manipulation (i.e. *Take downs, wrist locks, strikes, kicks, punches*)
- Control Modes With Weapons: Control instruments / Impact weapons (i.e. Batons and projectile weapons such as a beanbag or shotgun)
- Chemical Agents: OC Spray
- Canines
- Electrical Control Devices: Taser
- · Firearms and other lethal force

The following figure illustrates the Connecticut State Police Use of Force: Threat Assessment and Response Management Matrix.



Department policy does not require that a Trooper consider or exhaust all available options before contemplating other options when a subject's behavior escalates. Troopers are, however, required to articulate the level of force used, based on an objective reasonableness standard to overcome resistance, affect an arrest, or to prevent an escape.

BASIC CONCEPTS UNDERLYING THE USE OF FORCE MATRIX

- 1. All legitimate uses of force in a law enforcement or custodial setting are ultimately justified by an articulable need to exert some level of *control* over another person.
- 2. It is the *subject's actions* which dictate the quality and quantity of force used by an officer in response thereto in order to exert control.
- 3. The need to exert control over another person in a law enforcement or custodial setting is often characterized by rapid and unpredictable changes requiring the officer to continually reassess a subject's actions as well as his or her response to those actions.
- 4. A proper application of force in any given set of circumstances is as much influenced by the *quality* of the force applied, and by the *timeliness* with which it is applied, as it is by the *quantity* of force applied.
- The decision to use force in a tactical environment is not progressive in nature. Rather, the use of force inquiry focuses on the reasonableness of the force options actually employed.
- 6. The use of force inquiry focuses not on what the most prudent course of action may have been, but instead whether the seizure actually effectuated falls within a range of conduct which is objectively reasonable. There exists no legal requirement to choose the one "correct" means of gaining control over a subject through the use of force.

- 7. The appropriateness of a use of force decision is properly judged on the basis of the reasonableness of an officer's perception of the subject's actions with which he was confronted at the time he made the decision to use force rather than upon absolute fact.
- 8. The appropriateness of a decision to employ a *particular tool* in response to a perceived threat depends on the *degree of control* which is reasonably likely to result based on all of the circumstances known to the officer at the time the tool is employed.
- 9. The degree of force which can be appropriately used to respond to a threat increases proportionally in relation to the degree of threat reasonably perceived by an officer, and to the immediacy of the response required.
- The reversibility of a decision to use force is inversely proportional to the degree of force employed.
- 11. The greater the degree of force employed, the more likely it is that (a) physical injury will result, and (b) the resulting physical injury will be serious in nature.
- 12. The greater the probability of injury to a subject, the greater the potential for *liability* to the officer. The greater the probability that a particular technique will result in officer control, the greater the *advantage* for the officer.

Connecticut State Police Standard of Objective Reasonableness

The U.S. Supreme Court has expressed concern that a police officer should not be unduly constrained from protecting himself/herself or others from the use of deadly force because of fear of the outcome of any administrative or judicial review process and has formulated a standard of "objective reasonableness" to be used when the propriety of an officer's use of deadly force is at issue. (A&O 13.4.5)

(1) Graham v. Connor:

In accordance with *Graham v. Connor*, 490 US 386, 395 (1989) claims against police officers alleging the use of excessive force, deadly or not, during the course of an arrest, investigative stop or other seizure of a person shall be analyzed under a Fourth Amendment standard of "objective reasonableness."

(2) Standard of objective reasonableness:

The US Supreme Court observed that "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application." **Bell v. Wolfish**, 441 US 520, 559 (1979), in **Graham v. Connor**, 490 US 386, 396 (1989).

(a) The U.S. Supreme Court has further observed that the "proper application [of the reasonable standard] requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest or attempting to evade arrest by flight." Id. at 490 US 386, 396 (1986).

- (b) The U.S. Supreme Court explained the application of objective reasonableness in these terms:
 - 1. "The question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them...The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the reasonableness' inquiry...is an objective one..." Id. at 396-399.
 - 2. The Supreme Court further stated that the Fourth Amendment is "not violated by an arrest based on probable cause, even though the wrong person is arrested...nor by the mistaken execution of a valid search warrant on the wrong premises...With respect to a claim of excessive force, the same standard of reasonableness at the moment applies...." Id, at 396 (1989)

Analysis: Various Types of Force/ Control Methods used by Personnel

FIREARMS:

A Trooper is allowed to use deadly physical force only in the performance of official duties, as follows:

- 1. To defend against the threat of deadly force.
- 2. To arrest a dangerous fleeing felon.
- 3. To appropriately dispatch, destroy or disable. (This references animals and inanimate objects.)

There were a total of (2) documented Use of Force incidents in the "Firearms" category for the year 2018, which accounted for approximately (2.3%) of the documented use of force incidents and (1.6%) of the total applications of force utilized. The number has decreased by (3) from 2017, where there was a reported number of (5) Use of Force incidents in the "Firearms" category. With that being said, it should be noted that this year's numbers include (1) incident which resulted in the death of canine and (1) which resulted in injury, but not death of a canine. There were no Use of Force incidents in the "Firearms" category that involved a person as the intended target.

Annual qualification with the department firearm is required. All Troopers, including Auxiliary Troopers, shall fire a qualification course as required and shall demonstrate acceptable proficiency in the use of any firearm to be used.

OC SPRAY (from "Oleoresin Capsicum"):

Sabre Red is the department issued OC spray as the Agency has completed the transition away from the Capstun brand.

Sabre Red, a non-flammable OC, replaced Capstun upon expiration of the canister. Sabre Red is delivered by a water-based propellant, which enables it to be used in conjunction with the Taser.

Capstun is oleoresin capsicum ("OC") which is delivered via an alcohol-based propellant. While an effective force option, it is forbidden by policy to be used in conjunction with the Taser, due to the flammability of the alcohol propellant.

Prior to the transition to the non-flammable OC spray, the State Police Administration and Operations Manual prohibited the use of the Taser in conjunction with any OC spray. On April 8, 2019 the State Police Administration and Operations Manual was updated to reflect the policy change, which will allows Sabre Red to be used in conjunction with the Taser.

OC Spray is intended to allow a Trooper/Officer to gain a tactical advantage and aid in controlling a hostile subject by causing the subject's eyes to close, their breathing to become inhibited and creating a distraction associated with the discomfort from the OC spray.

- (a) The effectiveness of the OC Spray may reduce the need for an escalation to other force options.
- (b) Incidents, which formerly may have led to assault or to the use of physical force to affect an arrest may be avoided, thereby decreasing subsequent injuries to all involved persons and future litigation.

There were a total of **(4)** documented uses of force in the "OC Spray" category for the year 2018, which accounted for approximately **(2%)** of the documented applications of force. The number has <u>decreased by 13</u> from 2017, where there were a reported number of **(17)** documented uses of force in the "OC Spray" category.

CONDUCTED ELECTRICAL WEAPON (CEW):

The Taser X-26 and Taser X2 models are the issued approved department CEW devices. The Taser X-26 is no longer produced and we will be transitioning to the Taser X2 over time.

The use of the CEW is authorized in situations where the subject is actively resisting a Trooper's/Police Officer's efforts to gain control of the incident, or imminently likely to do so, and where deployment of the CEW is reasonably likely to minimize the possibility of injury to the subject, all Troopers and Police Officers involved, and/or other members of the public. The Threat Assessment and Response Management Matrix should be the guide by which Troopers and Police Officers respond to the resistance and/or aggression of all subjects. The concept of "objective reasonableness" applies in all instances where the subject's behavior requires Troopers and Police Officers to use force to gain control of the individual.

In instances when a CEW is deployed only to the extent that it is utilized in the arc mode as a warning and/or the illumination of the laser sight onto the subject, **and no physical force was used** in accordance with DESPP Policy, the incident shall still be reported on the Response to Resistance or Aggression/Injury or Complaint of Injury to Prisoner form.

Not every State Trooper is issued a CEW as part of their assigned equipment. Starting in 2008, recruits began training with the CEW, but they were not issued one at graduation. Effective in 2010, with the graduation of the 121st Training Troop, recruits were issued the device prior to graduation. Currently, and throughout the history of issuing CEWs, the Office of Field Operations allocated CEWs to Troops and Units when they were available for purchase. The Connecticut State Police Training Academy has record of approximately 661 Troopers having an assigned Taser unit in 2018.

There were a total of **(42)** documented uses of force in the "Taser" category for the year 2018, which accounted for approximately **(21%)** of the documented applications of force. The number of CEW uses has <u>increased by (13)</u> from 2017, where there were a reported number of **(29)** applications of force in the "Taser" category. Additionally, there were a total of **(6)** documented uses of force in the "Taser – Warning Only" category for the year 2018, which accounted for approximately **(3%)** of the documented applications of force. The number has <u>increased by **(2)**</u> from 2017, where there were a reported number of **(4)** documented applications of force in the "Taser – Warning Only" category.

PATROL CANINE (K-9):

Each handler is responsible for the proper use and control of his/her assigned canine. Under the direction of its handler, force may be applied through a canine in any situation in which the use of non-deadly physical force is justified to accomplish the following objectives:

- 1. To arrest or prevent the escape from custody of any person the Trooper reasonably believes to have committed an offense; or
- 2. To defend the canine-handler or other person from the use or imminent use of physical force.

There were a total of **(12)** documented uses of force in the "K-9" category for the year 2018, which accounted for approximately **(6%)** of the documented applications of force. The number of documented uses of force in the "K-9" category has <u>decreased by **(5)**</u> from 2017, where there were a reported number of **(17)** applications of force in the "K-9" category.

OTHER:

The "other" category consists of uses of force by Troopers without weapons, such as, but not limited to pressure points/control holds, takedowns, hand strikes, fist strikes, elbow strikes, knee strikes, hand-to-hand techniques and control modes with the use of the Kubaton and Expandable Police Baton. Baton and Kubaton were counted in the other category due to the infrequency of the use of the two control modes in years past.

There were a total of **(125)** documented uses of force in the "other" category for the year 2018, which accounted for approximately **(65%)** of the documented applications of force. This number has <u>decreased by **(60)**</u> from 2017, where there were a reported number of **(185)** documented applications of force in the "other" category.

Chart 1: Response to Resistance or Aggression - Total Incidents

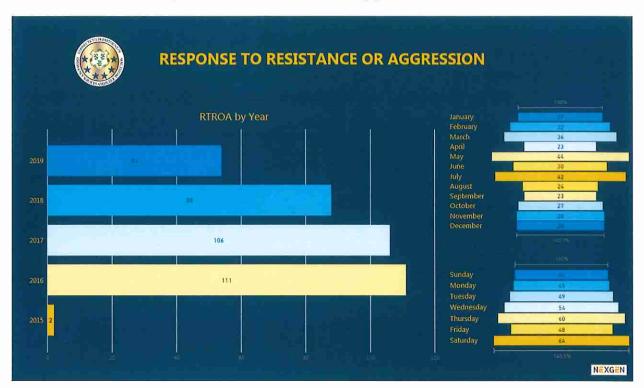


Chart 2: Response to Resistance or Aggression – Total Incidents - Focused

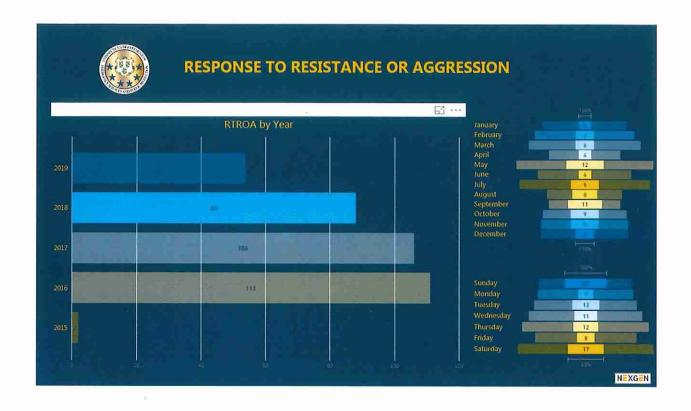


Chart 3: Response to Resistance or Aggression by month

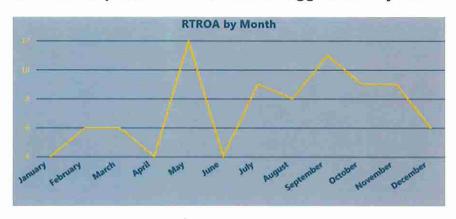


Chart 4: Response to Resistance or Aggression by day of the week

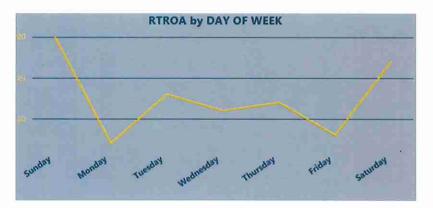


Chart 5: Response to Resistance or Aggression by time of day

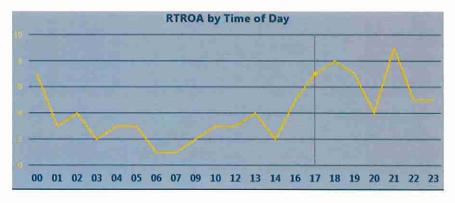


Chart 6: Response to Resistance or Aggression by District

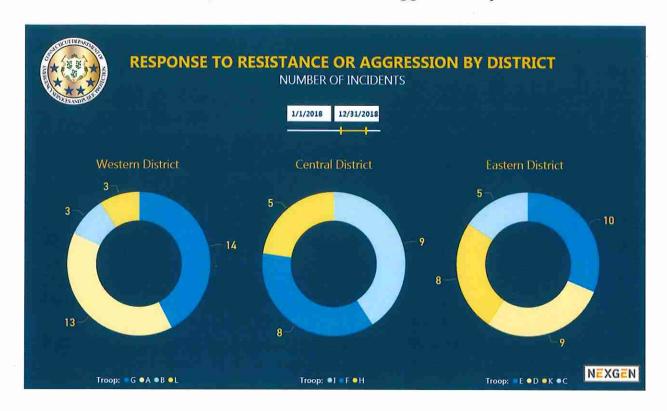


Chart 7: Response to Resistance or Aggression by District

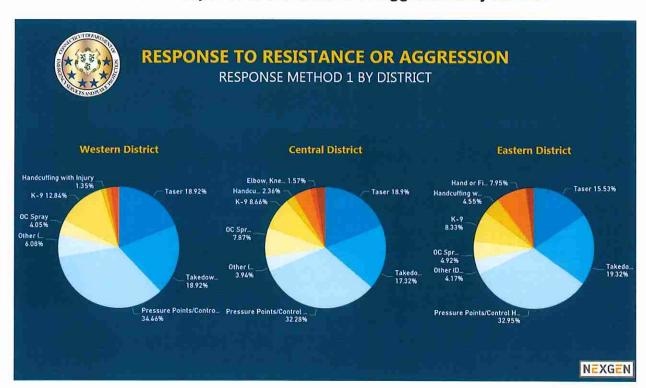


Chart 8: Response to Resistance or Aggression by Gender and Race

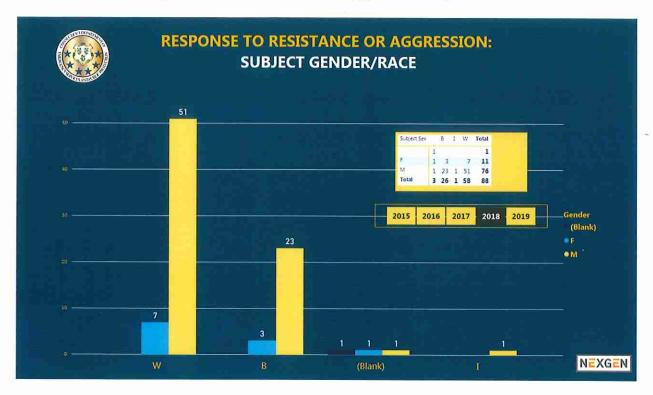


Chart 9: Response to Resistance or Aggression by Control Method

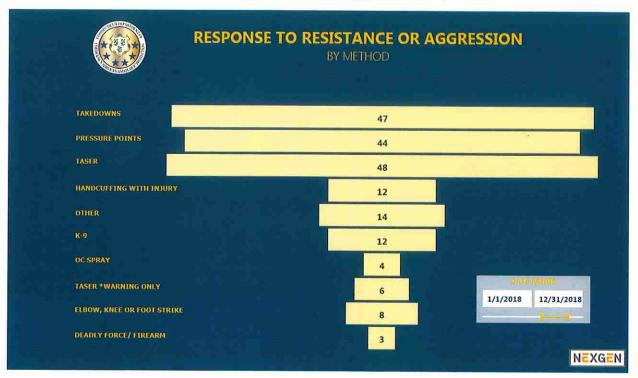


Chart 10: Response to Resistance or Aggression – Subject under influence or Committed

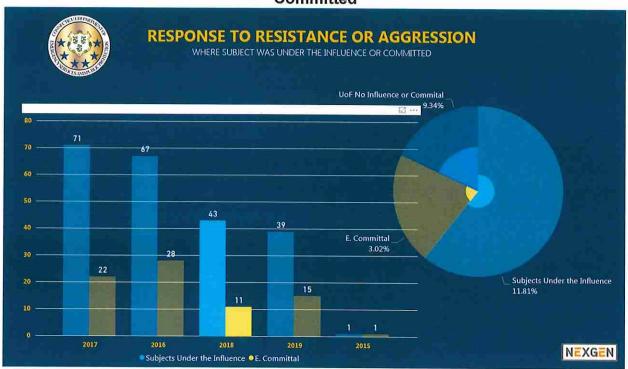


Chart 11: Response to Resistance or Aggression – UOF vs Total Arrests

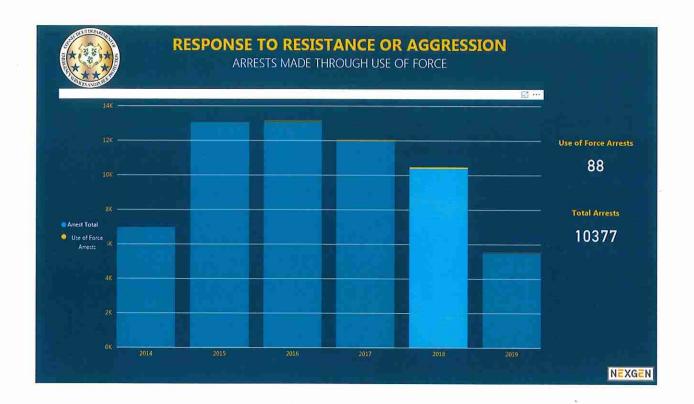


Chart 12: Response to Resistance or Aggression

	2016	2017	2018
Taser	39	29	42
Taser – Warning only	3	4	6
OC Spray	17	17	4
Canine	22	17	12
Deadly Force / Firearms	1	5	3
Other Use of Force	161	185	125
Total Applications of Force	243	257	192
Total Use of Force Incidents	111	109	88
Total Arrests	13,065	11,963	10,377

Training Issues:

There were (3) reported Use of Force incidents which involved remedial instruction and/or counseling at either the Training Academy or the Troop level. The Bureau of Professional Standards and Compliance frequently liaisons with the Training Academy to ensure continued and appropriate Use of Force training for State Troopers as well as to update Use of Force policies and procedures.

Conclusion:

A review of the 2018 Use of Force data revealed five apparent trends. The data showed a 17% reduction in the number of incidents involving Troopers and/or Officers that used force, a 25% reduction in the total applications of force, a 45 % increase in the number of ECW utilizations, a 76% reduction in the number of OC Spray uses and a 29% reduction in K-9 use of force applications. The statistics for 2018 showed that there were 11,377 arrests made and a total of (88) Reports for Response to Resistance or Aggression completed. In 2018, less than (1%) of all arrests resulted in a Use of Force incident. When compared to 2017, there was an overall (19%) decrease in reports for Response to Resistance or Aggression.

It should be further noted that of the **(88)** Reports for Response to Resistance or Aggression, in **(43)** of those incidents **(49%)** alcohol/drugs were involved. Additionally, **(11)** of those incidents **(12.6%)** required that the subject undergo a mental health evaluation via an Emergency Committal.