

# CONNECTICUT STATE POLICE



## 2016

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

*Submitted by the Bureau of Professional Standards and Compliance*  
March 2017

## 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 (ie. firm grip, punch, takedown, etc.) or devices (ie. OC spray, baton, Taser) available to a trooper. Force Options fall into the following three categories: Lethal (Deadly Force), Less-Lethal (Taser, bean bag, 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 kill or cause serious physical injury.

**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.

The statistics for 2016 showed that there were 12,331 arrests made and a total of (117) Reports for Response to Resistance or Aggression completed. In 2016 less than 1% of all arrests resulted in a Use of Force incident. When compared to 2015, there was an overall (9%) increase in reports for Response to Resistance or Aggression. The 2015 report did not include Laser only applications, misses or warning arcs which account for (6) of the uses in 2016.

It should be further noted that of the (117) Reports for Response to Resistance or Aggression, in (70) of those incidents (60%) alcohol/drugs were involved. Additionally, (34) of those incidents (29%) required that the subject undergo a mental health evaluation via an Emergency Committal.

The 2016 Annual Report showed no apparent trends in the various types of application of force utilized by members of this agency.

DESPP has in place a Personnel Early Awareness and Intervention System 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.

A report for Response to Resistance 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 taken from the NEXGEN computer system. As of 2016, these statistics will be collected at the point of entry into the standardized Use of Force Report created and used by the Connecticut State Police. 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. This allows our agency the ability to update policies, procedures and training quickly and efficiently based on true timely statistical information.

## **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 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;
2. Takes action that results in or is alleged to have result 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, OC spray, and the Taser.

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
2. Necessary physical touching or guiding of an individual intended to effect 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. Unfounded – *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;*
3. Not Sustained – *A determination that there is insufficient evidence to clearly prove or disprove the complaint or allegation;*
4. 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.*

For 2016, there were **12,331** arrests made by the Connecticut State Police with **(9)** complaints from the public **(.07%)** alleging excessive use of force. As of the writing of this report, **(0)** have been sustained, **(1)** has been not sustained, **(1)** has been exonerated, **(3)** are unfounded, the remaining **(4)** are still open and under investigation.

### **Mandatory Internal Affairs Investigations Involving Firearms:**

Per department policy, an internal affairs investigation shall automatically be conducted whenever:

- 1) A trooper, suspect or another person is shot;
- 2) Shots are fired by a trooper 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 2016, there were **(3)** incidents where a Trooper discharged a Firearm to defend themselves or others in the performance of duty.

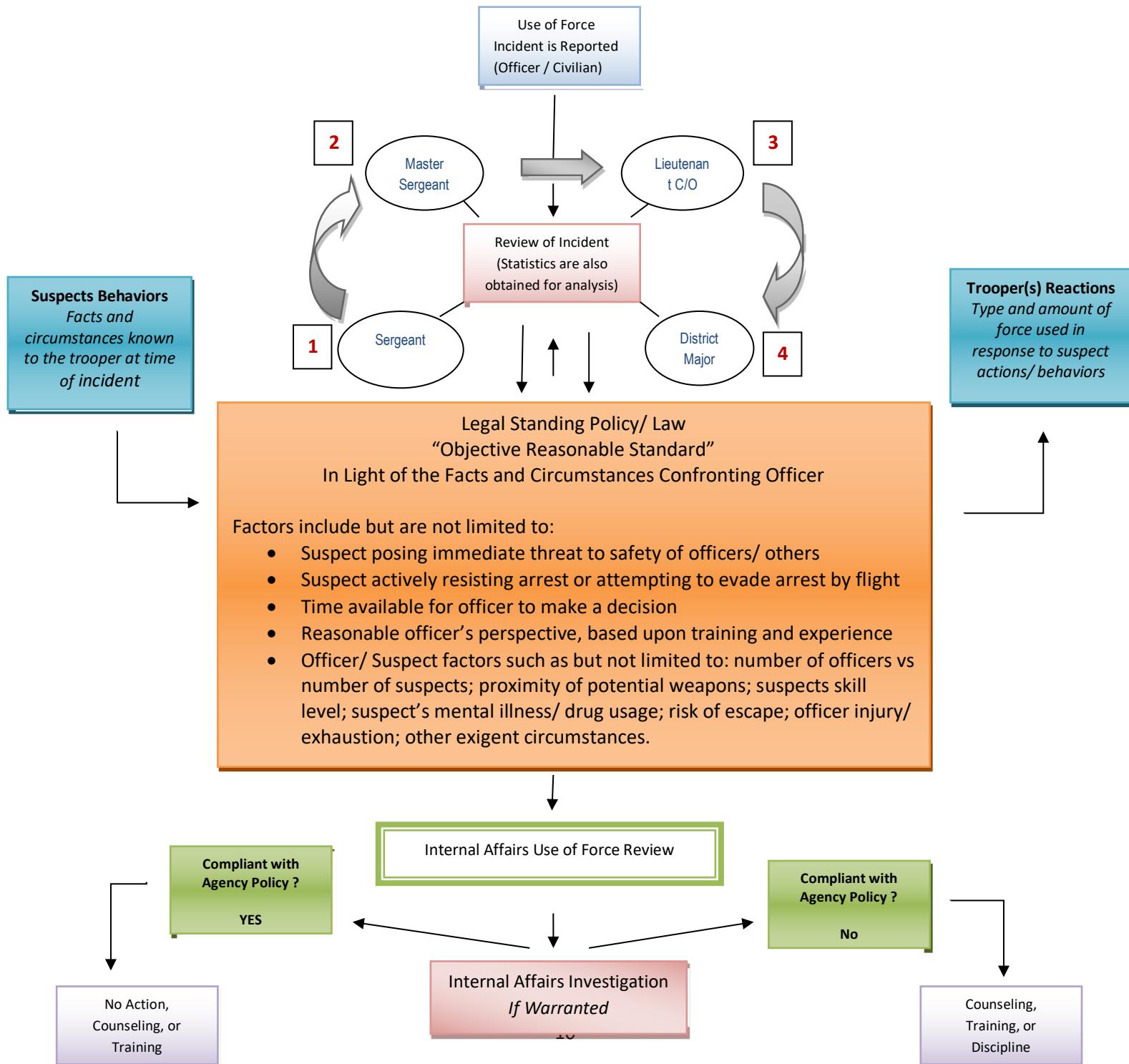
In the first incident, the tactical team was engaged with an armed barricaded individual. The discharge resulted in the death of the individual. The investigation is still pending.

In the second incident, the Trooper shot at a vehicle which was attempting to strike another Trooper on foot. No persons were struck. The investigation is still pending

The third incident involved a Trooper discharging his weapon at a charging K-9.

**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; effect an arrest or 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.

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)

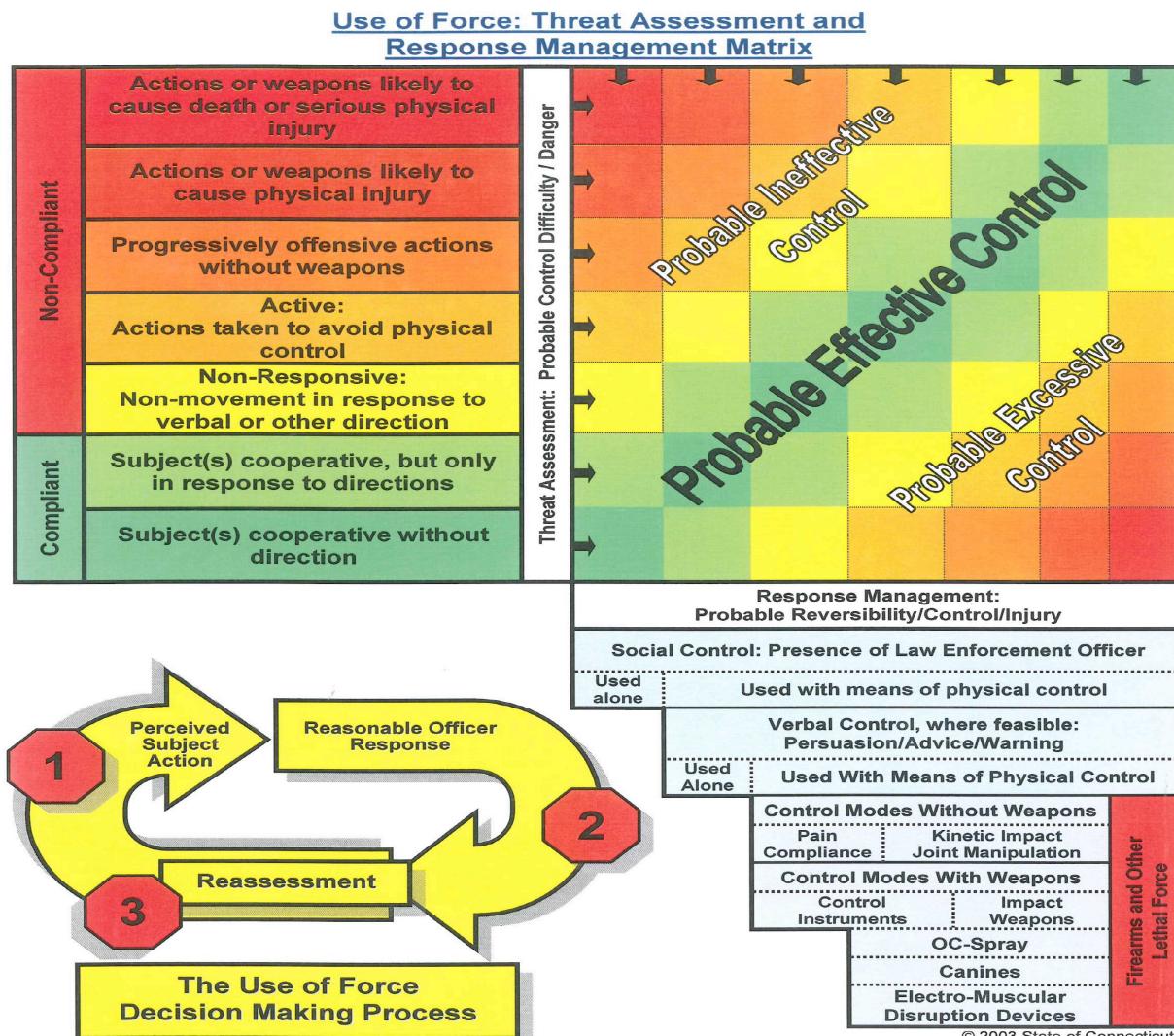
Note: *Deadly force shall not be directed at a motor vehicle merely to disable a vehicle. A trooper may discharge a firearm in the direction of a moving vehicle to counter an imminent threat of serious physical injury or death directed at the trooper or another person.*

## **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 (ie. *Take downs, wrist locks, strikes, kicks, punches*)
- Control Modes With Weapons: Control instruments / Impact weapons (ie. *Batons and projectile weapons such as a beanbag 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, effect an arrest, or to prevent an escape.

## BASIC CONCEPTS UNDERLYING THE USE OF FORCE MATRIX

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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.
5. 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.
10. 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.

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## 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 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 **(3)** documented uses of force in the “Firearms” category for the year 2016 which accounted for approximately **(.02%)** of the documented applications of force. The number has **decreased by (2)** from 2015 where there was a reported number of **(5)**. With that being said, it should be noted that this year’s numbers include (1) which resulted in the death of the subject (1) uses that resulted in property damage only and (1) use that resulted in the death of a domesticated animal.

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 we are in the final stages of transitioning away from the Capstun brand.

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.

Sabre Red, a non-flammable OC, is replacing 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.

Once the entire agency has been issued the new product, the State Police Administration and Operations Manual will be updated to reflect the policy change which will allow 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 **(17)** documented uses of force in the "OC Spray" category for the year 2016 which accounted for approximately **14%** of the documented applications of force. The number has **increased by 10** from 2015 where there were a reported number of **(7)**.

#### **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 Taser is authorized in situations where the subject is actively resisting a trooper's/officer's efforts to gain control of the incident, or imminently likely to do so, and where employment of the Taser is reasonably likely to minimize the possibility of injury to the subject, all troopers/officers involved, and/or other members of the public. The Use of Force: Threat Assessment and Response Management Matrix should be the guide by which troopers and 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 agency members to use force to gain control of the individual.

Not every State Trooper is issued a Taser as part of their assigned equipment. Starting in 2008 recruits began training with the Taser 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 Tasers, the Office of Field Operations allocated Tasers to Troops and Units when they were available for purchase. The Connecticut State Police Training Academy has record of approximately **715** troopers in 2016 having an assigned a Taser unit.

These are issued solely to troopers and sergeants under the original command guidance at the start of the CEW program.

There were a total of **(45)** documented uses of force in the “Taser” category for the year 2016 which accounted for approximately **(38%)** of the documented applications of force. The number has increased by (9) from 2015 where there were a reported number of **(36)**. The 2015 report did not include Laser only applications, misses or warning arcs which account for **(6)** of 2016 the uses.

#### **PATROL CANINE (K-9):**

Each handler is responsible for the proper use and control of his 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.

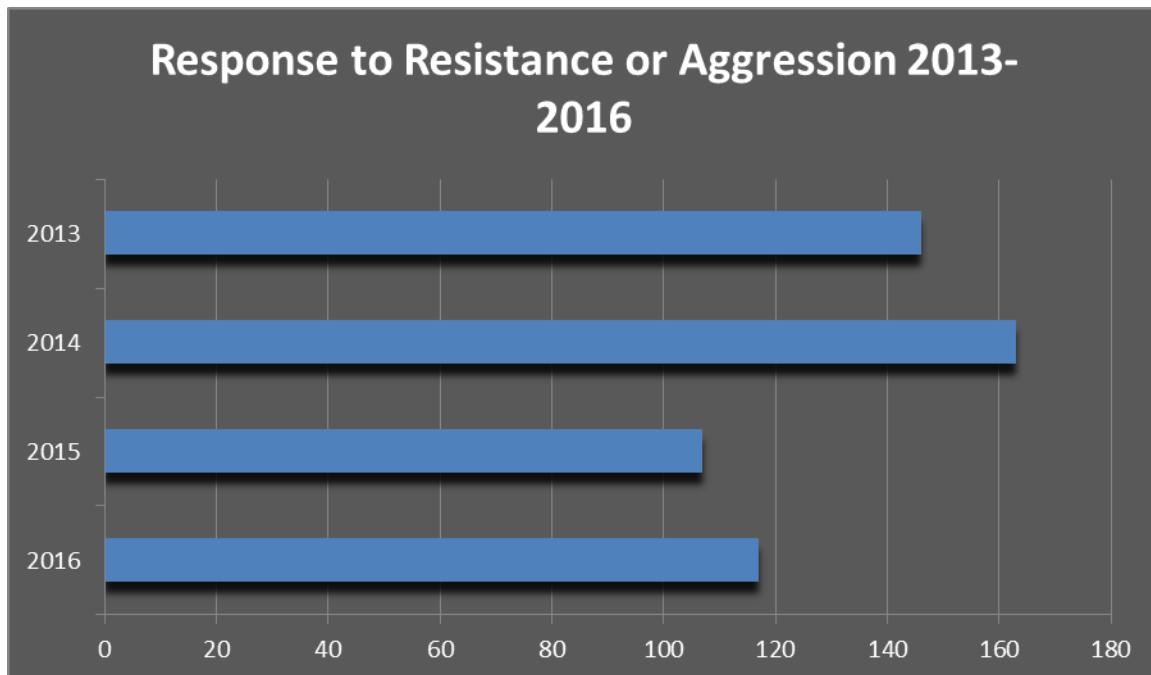
There were a total of **(27)** documented uses of force in the “K-9” category for the year 2016 which accounted for approximately **(23%)** of the documented applications of force. The number has increased by (7) from 2015 where there were a reported number of **(20)**.

#### **OTHER:**

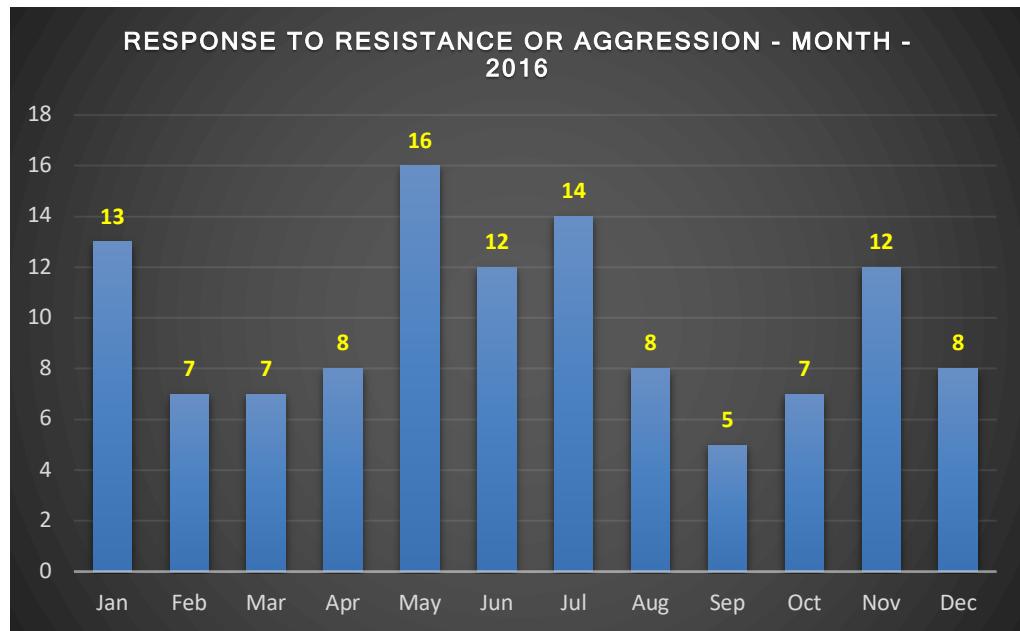
There were a total of **(25)** documented uses of force in the “other” category for the year 2016 which accounted for approximately **(21%)** of the documented applications of force. This number has decreased by (11) from 2015 where there were a reported number of **(36)**.

The “other” category consists of subject injuries received from the use of control modes by troopers without weapons, such as, but not limited to take downs, kicks, punches, Kubaton, Police Baton and hand to hand techniques. Baton and Kubaton were counted in the other category as there were a combined 3 uses over the last two years.

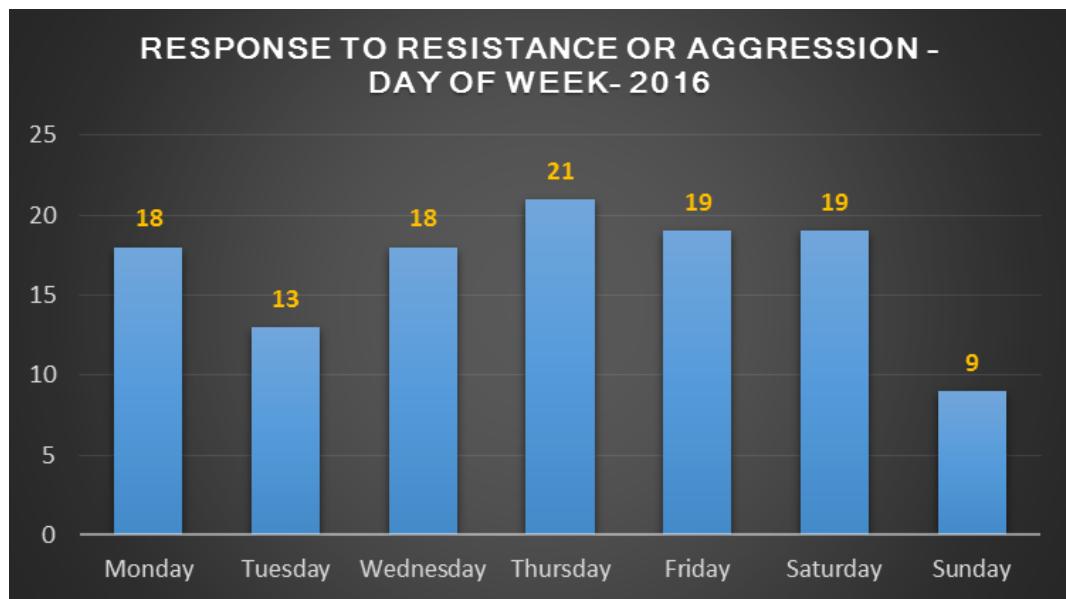
**Chart 1**



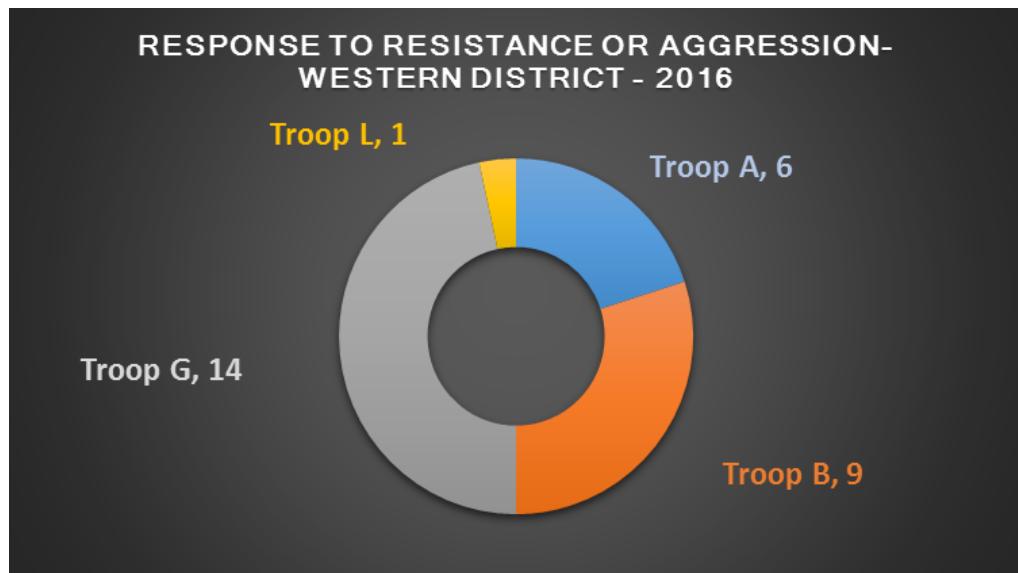
## Chart 2



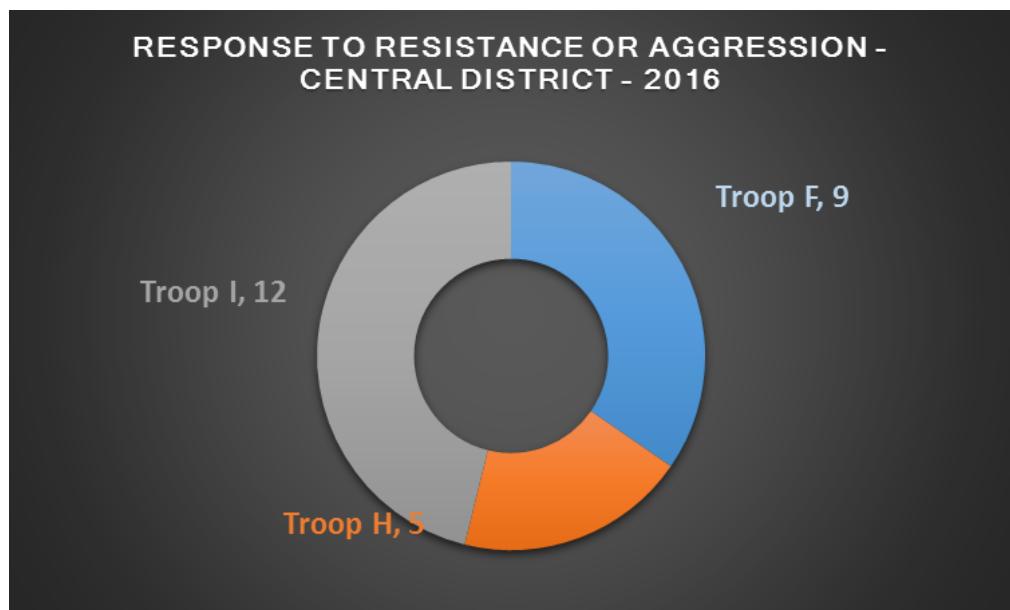
### Chart 3



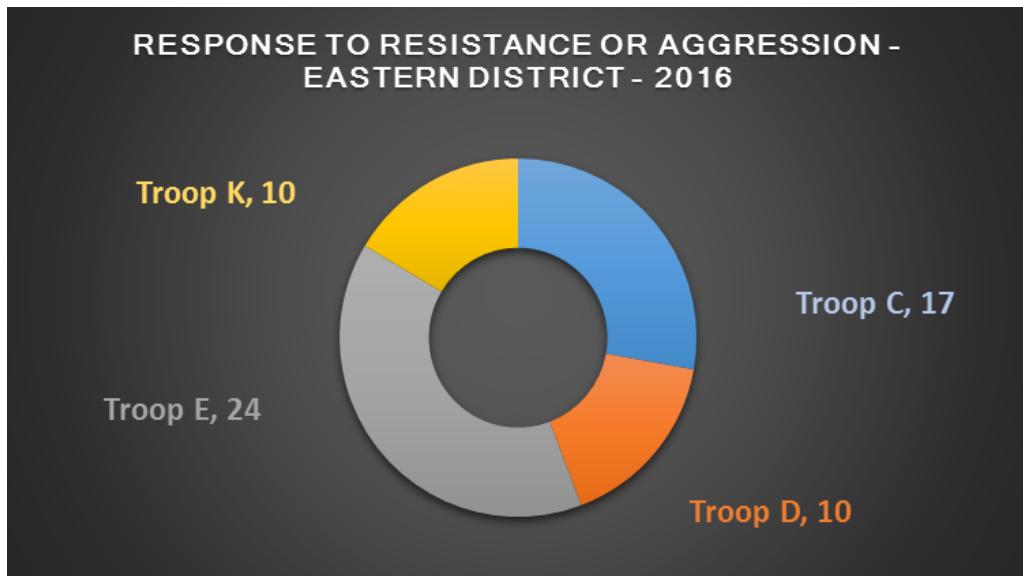
## Chart 4



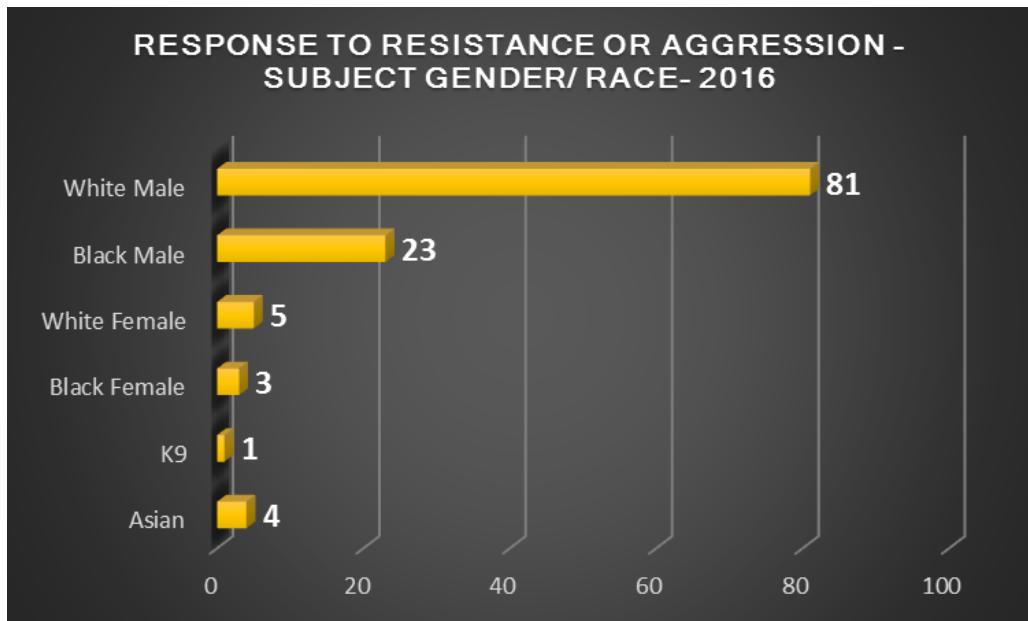
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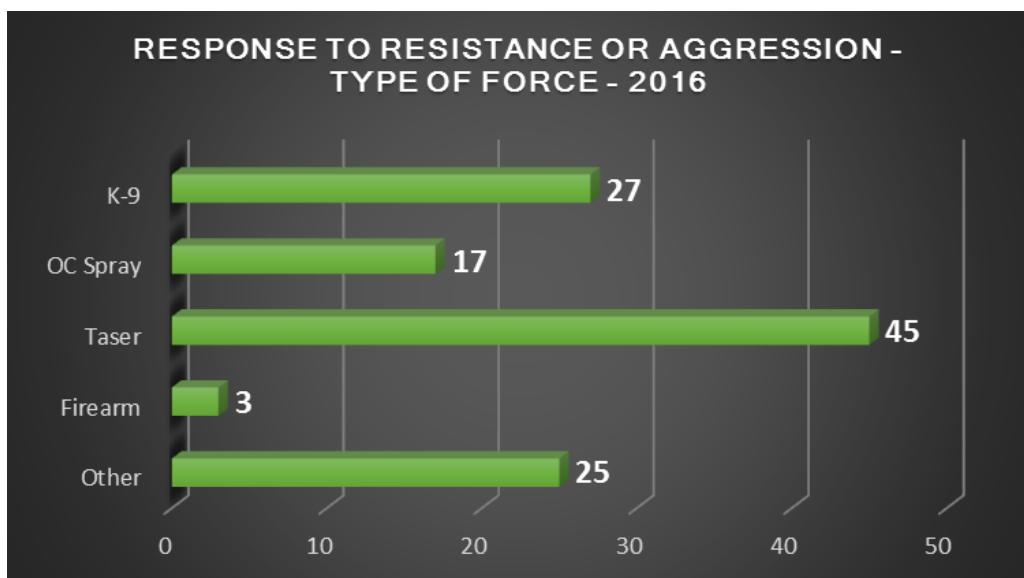
## Chart 6



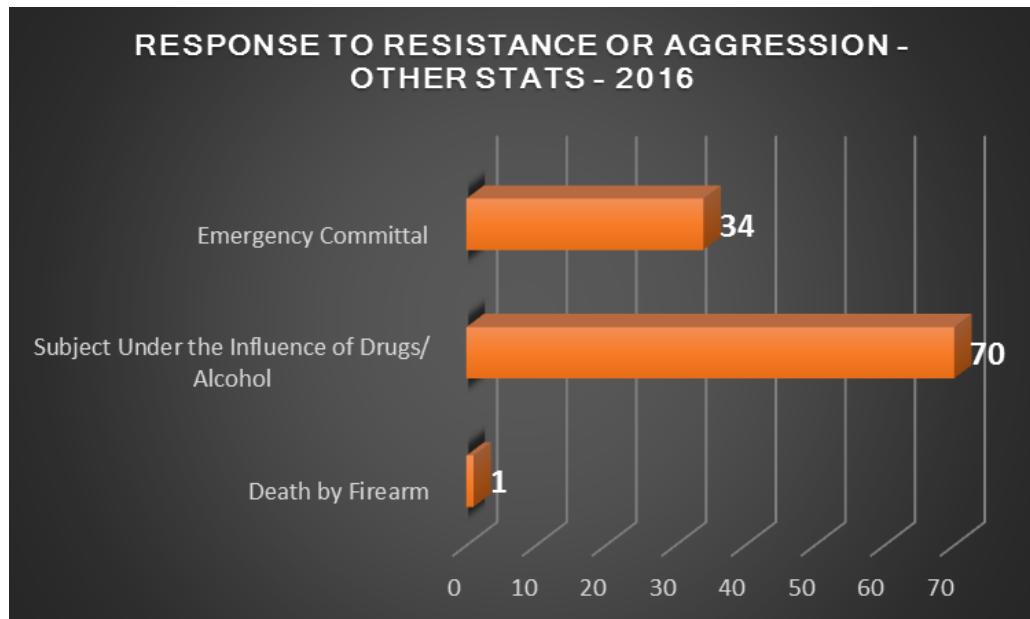
## Chart 7



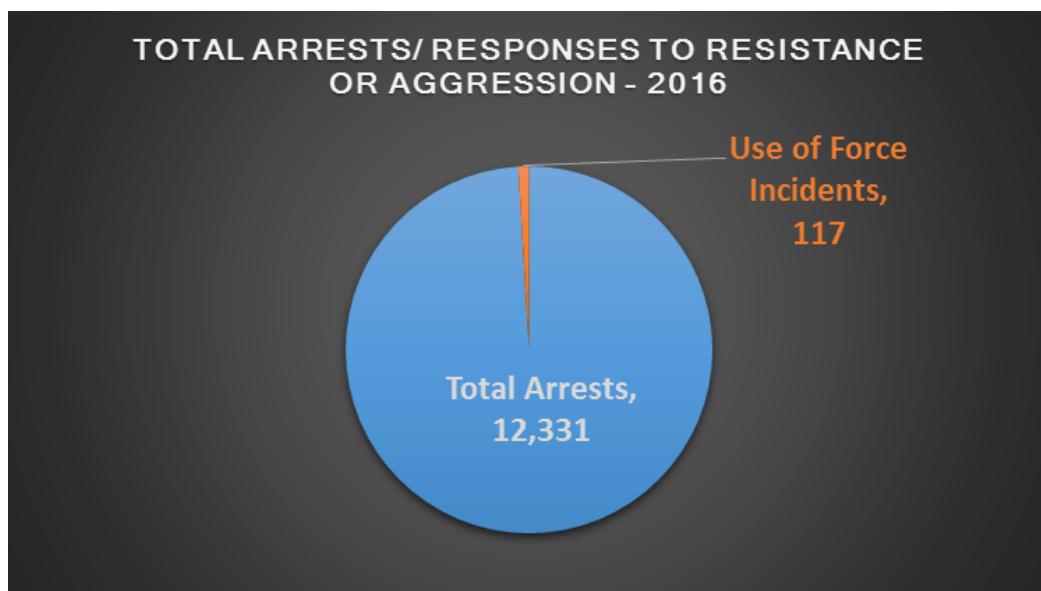
## Chart 8



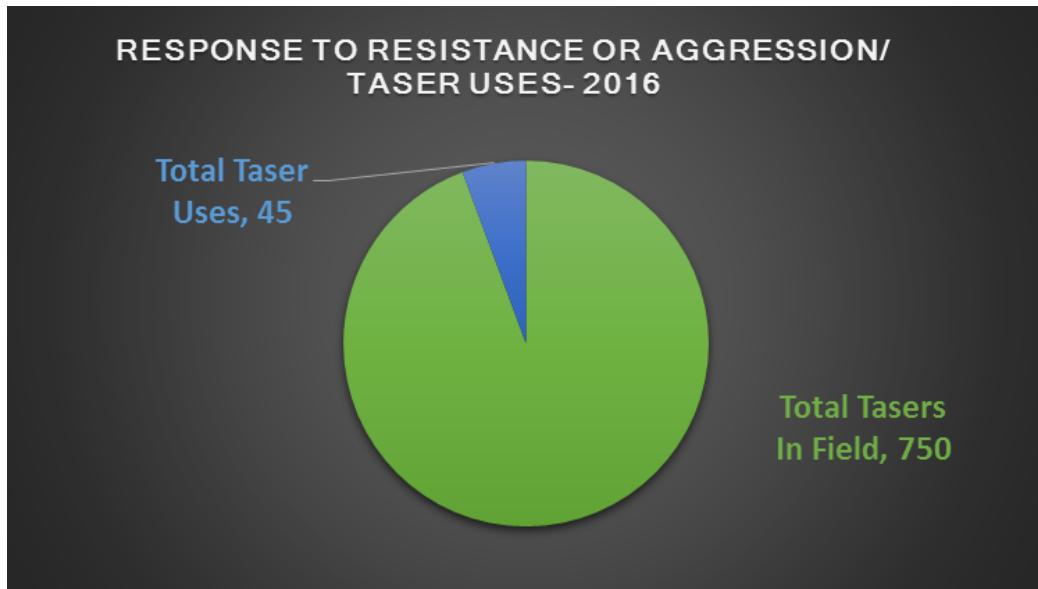
## Chart 9



**Chart 10**



## Chart 11



**Chart 12**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>OC Spray</b>	<b>17</b>	<b>13</b>	<b>7</b>	<b>17</b>
<b>Taser</b>	<b>41</b>	<b>39</b>	<b>36</b>	<b>45**</b>
<b>K-9 Bites</b>	<b>22</b>	<b>23</b>	<b>20</b>	<b>27</b>
<b>Deadly force / Firearms</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>3</b>
<b>Baton/Kubaton</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>2</b>
<b>Other Use of Force</b>	<b>76</b>	<b>72</b>	<b>38</b>	<b>23</b>
<b>Total For Year</b>	<b>163</b>	<b>156</b>	<b>107</b>	<b>117</b>
<b>**Includes (6) miss, arc only or laser non-impact uses.</b>				

Training Issues:

There were no reported Use of Force incident which involved remedial instruction at the Training Academy. 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:

The 2016 Annual Report showed no apparent trends in the various types of application of force utilized by members of this agency. When compared to 2015, there was an overall **(9%) increase** in Response to Resistance or Aggression incidents in 2016. This percentage also represents the newly recorded Laser Only, Miss and Warning Arc in the Taser category accounting for 7 of the 10 increase.

It should also be noted that of the **(117)** Response to Resistance or Aggression reports, **(70)** of those incidents **(60%)** there was alcohol/drugs involved. Additionally, **(34)** of those incidents **(29%)** required that the subject undergo a mental health evaluation via an Emergency Committal.