

	Department of Emergency Services and Public Protection	
	Administration and Operations Manual	
A&O Section # 13.04.03	<i>Subject:</i> Use of Force Investigation, Review and Analysis	<i>Revision Date:</i> October 1, 2020
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A. PURPOSE

- (1) The purpose of this policy is to set forth the requirements for investigating and reviewing of a use of force incident to ensure a fair, thorough and impartial assessment of the actions of involved troopers and police officers under the jurisdiction of the Division of State Police.
- (2) This policy also outlines procedures for the documentation and investigation of injuries sustained to or alleged by prisoners or other persons under the control of State Police personnel.
- (3) Unless otherwise specified, reference to the term trooper or troopers shall mean any sworn department police personnel, regardless of rank, and includes auxiliary state troopers, town police officers (constables) and police officers of other departments (task force officers) operating under the authority of the Department of Emergency Services and Public Protection (DESPP).

B. POLICY

- (1) A written report shall be submitted to the Bureau of Professional Standards and Compliance, on form DPS-449-C, Response to Resistance / Aggression – Injury / Complaint of Injury to Prisoner, in accordance with the provisions of this policy, whenever an employee or any police officer under the jurisdiction and direction of the Division of State Police:
 - (a) Discharges a firearm for other than training or recreational purposes or to dispatch an animal; CALEA 4.2.1a
 - (b) Takes action that results in, or is alleged to have resulted in, the injury or death of another person; CALEA 4.2.1b
 - (c) Applies force through the use of lethal or less than lethal weapons including a department canine; or CALEA 4.2.1c
 - (d) Applies weaponless physical force, other than: CALEA 4.2.1d
 1. Reasonable holding, restraining or positioning of an individual necessary to apply handcuffs and other restraints, unless injury or death occurs or injury is alleged; 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 does not cause injury or result in an allegation of injury.

- (e) Points a firearm at a subject, or points a conducted electrical weapon (CEW), whether in arc mode or the illumination of a laser sight onto a subject, as a show of force. (Gov. Lamont Exec. Ord. #8, Part 2g)
- (f) Observes or receives a report of any injury or complaint of injury to a prisoner in State Police custody, a person otherwise under the control of the State Police, or a person who is in the process of actively being taken into custody or control by the State Police.
 - 1. For instances in which troopers are jointly involved in the apprehension of a subject with officers from other non-DESPP law enforcement units, and the subject sustains injuries, and the State Police take or assume custody of the subject, a State Police supervisor shall investigate the injuries and document on form DPS-449-C the actions of department personnel as an injury to prisoner or use of force, as appropriate.
- (2) All such instances described in subsection B(1) above shall be investigated by a State Police supervisor who is not an involved party in the incident, and submitted through the chain of command for review. The primary purpose of the investigation is to determine whether the actions of the involved trooper(s) were justified, lawful and in compliance with department policy.
- (3) Such investigations shall normally be conducted by the on-duty shift supervisor, or in the case involving the actions of a specialized unit, the on-scene unit supervisor.
 - (a) In instances where the on-duty shift supervisor is an involved party, the Troop/Unit Commanding Officer shall direct another supervisor to conduct the investigation.
 - (b) Use of force incidents that involve serious physical injury, life threatening injuries or fatal injuries sustained by anyone involved in the application of force incident shall be investigated by a major crime supervisor, or other, uninvolved, qualified supervisor as determined by the Bureau of Professional Standards and Compliance, and shall also follow the required investigative procedures outlined in A&O § 5.2.
 - (c) In accordance with C.G.S. § 51-277a and Public Act 19-90 and July Special Session, Public Act 20-01 in instances in which a trooper or police officer uses deadly force upon another person or uses physical force in which such person dies, the Inspector General shall investigate and determine whether the use of physical force by the trooper was justifiable.
- (4) Investigating supervisors shall also ensure that accurate and thorough information regarding each use of force, show of force and injury to prisoner incident is entered into all appropriate systems and databases in a timely fashion to facilitate statutory reporting requirements and timely analysis of data.
- (5) The Office of Professional Standards and Support Services shall examine each Response to Resistance / Aggression – Injury / Complaint of Injury to Prisoner and shall prepare and publish an annual Use of Force report.

C. RESPONSIBILITIES OF INVOLVED TROOPERS

Troopers involved in a use of force or show of force incident shall render medical aid, make required notifications to the duty supervisor and complete all necessary reports and tasks as indicated in A&O § 13.4.1 and other applicable manual sections, and as otherwise directed to by a supervisor.

D. INVESTIGATIVE RESPONSIBILITIES OF DUTY SUPERVISOR CALEA 4.2.2

- (1) The on-duty shift supervisor shall conduct an investigation in response to any situation involving the application of force on a suspect, regardless if the suspect sustained or reported injuries. The primary purpose of the investigation is to determine whether the actions of the involved trooper(s) were justified, lawful and in compliance with department policy.

- (a) The supervisor will conduct a thorough investigation and gather all of the facts and circumstances of the incident. The supervisor's administrative report shall provide a review and analysis of the incident. The supervisor will determine whether there is sufficient evidence which indicates the act or incident occurred and if so, were the actions of each involved trooper justified, lawful and in compliance with department policy; or do the facts and circumstances support the actions be investigated further.
- (2) The investigation of a use of force incident should include, but not be limited to:
 - (a) The supervisor responding to the scene, when feasible;
 - (b) Interviewing civilian witnesses to the incident and obtaining written statements from them;
 - (c) Requiring the involved trooper(s) prepare a detailed written report documenting the facts and circumstances that led that trooper to use force;
 - (d) Requiring any trooper(s) who witnessed the use of force to prepare a detailed written report documenting their actions and observations;
 - (e) An interview of the subject(s) whom force was used upon, conducted by the supervisor, when feasible;
 - (f) Soliciting consent to all pertinent medical records when applicable and if feasible;
 - 1. Attempt to obtain a medical release utilizing the Authorization to Disclose Health Information Form, DPS-198-C, and/or any other relevant medical release form, and a photocopy of the physician's report. In the event the subject refuses to sign the release, document this in the use of force investigative report, along with the name of the treating medical personnel.
 - (g) Documenting injuries, or lack thereof, sustained by the subject whom force was used upon, and any involved troopers;
 - 1. Every effort shall be made to obtain photographs of the subject and troopers.
 - 2. In the case where the injury(ies) sustained by the subject is in an area defined by the strip search protocols defined in C.G.S. § 54-33k, consent to photograph these areas shall be requested. If consent is denied, no further attempts shall be made to photograph the area in question and the report shall clearly document the attempt at consent and the subsequent refusal of the subject.
 - (h) Obtaining digital photographs of any departmental, public or private property damaged as a result of the use of force incident.
 - (i) Reviewing and preserving any Body Worn Camera (BWC), Mobile Video Recorder (MVR) and other known video/audio footage of the incident;
 - (j) Obtaining outside agency officer reports relative to the incident when applicable;
 - (k) Reviewing any Conducted Electrical Weapons (CEW) download data when applicable; and
 - (l) Considering all evidence (circumstantial, direct, physical evidence, etc.) that may be relevant to the investigation, and making credibility determinations, if feasible.
 - 1. Supervisors shall make all reasonable efforts to resolve material inconsistencies between statements (troopers, subject, witnesses, etc.), as well as inconsistencies between the level of force claimed by the trooper(s) and the subject's injuries.

- (3) The supervisor shall document the investigation by completing a report on form DPS-449-C, Response to Resistance or Aggression / Injury to Prisoner, electronically within the CAD/RMS system to be forwarded through the chain of command to the District or Bureau Commander within fourteen (14) days of the date of the incident. The narrative report will thoroughly and objectively document the use of force investigation. Items that shall be included in the report (either on the top of the form or contained within the narrative as appropriate) include:
- (a) The supervisor's narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the trooper's conduct based on the supervisor's independent review of the facts and circumstances of the incident;
 - (b) A narrative summary of the investigative steps taken during the investigation, including but not limited to conducting a canvas for witnesses;
 - (c) Documentation of all evidence gathered, including names, addresses and phone numbers of the subject and witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;
 - (d) The names of all other troopers present at the scene when the use of force took place;
 - (e) A description of injuries incurred by the trooper or subject, and a description of any first aid and further medical care that was provided to the subject or anyone else that was injured during the event, and who this first aid and medical care were provided by;
 - (f) The identity of all audio/video recordings that exist, an acknowledgement that the supervisor reviewed them, and what recordings provided perspective of the incident;
 - (g) Documentation of any non-disciplinary corrective action taken;
 - (h) The investigating supervisor's evaluation of the use of force, based on the supervisor's review of the evidence gathered, including a determination of whether the officer's actions appear to be lawful, justified and in accordance with department policies;
 - 1. When appropriate, an assessment of the incident for training and tactics purposes may also be included.
- (4) Attachments that shall accompany the use of force report include:
- (a) Force statements by all officers using or witnessing the use of force;
 - (b) A copy of all associated Incident Reports;
 - (c) A copy of any arrest reports;
 - (d) Copies of any hospital records if treatment was obtained;
 - (e) Copies of any photos or audio/video recordings associated with the incident; and
 - (f) Copies of any Conducted Electrical Weapons (CEW) download data, when applicable.

E. OTHER RESPONSIBILITIES OF INVESTIGATING SUPERVISOR

- (1) In addition to the investigative responsibilities detailed in section D. above, upon learning of a use of force incident by a trooper, the on-duty shift supervisor shall be responsible for the following:
 - (a) Inquiring as to the injury status of all involved parties, ensuring that medical aid has been rendered, or is being rendered.
 - (b) Promptly notifying the troop/unit commanding officer of the incident and providing basic information to him/her no later than by the end of the shift.
 - (c) Depending on the nature of the incident, determining whether any procedures from A&O § 4.10.4, Shooting and Other Traumatic Incidents, need to be employed (e.g. assigned support trooper(s), remove involved trooper from the scene, etc.).
 - (d) Ensure that a Type 7 Call for Service (CFS) event number has been created in CAD to track the incident.
 1. Both the Type 7 CFS event number and the originating CFS event number (criminal case, etc.) shall be cross referenced to one another.
 2. If more than one Type 7 reportable event (i.e.; pursuit, use of force, OSHIR, etc.) originates from the same event/incident, a single Type 7 CFS event number shall be used to collectively track, document and investigate all related administrative reportables.
 - (e) Completing a brief synopsis of the incident for inclusion in the next available Morning Report.

F. RESPONSIBILITIES OF TROOP/UNIT COMMANDER

- (1) The Troop/Unit Commander shall thoroughly examine the duty supervisor's use of force investigative review within twenty-one (21) days of the date of the incident for:
 - (a) Whether the conclusions reached by the investigating supervisor as to the use of force by each involved trooper were justified and lawful;
 - (b) Consistency with department policy and training methods taught by the State Police Training Academy;
 - (c) Submission of required documentation and related evidence; and
 - (d) Completion and accuracy of all required demographic and statistical information to ensure accurate reporting.
- (2) Return for correction to the duty supervisor any use of force investigation that is incomplete, contains errors and/or is not supported by a preponderance of the evidence.
 - (a) Address any discrepancies, confusion or lack of relevant information
 - (b) Document the specific evidence to support the correction or modification
- (3) Promptly refer misconduct or potential criminal conduct to the chain of command and the Bureau of Professional Standards and Compliance.
- (4) The Troop/Unit Commander shall forward the investigation to the attention of the District/Bureau Commander for review.

G. RESPONSIBILITIES OF DISTRICT/BUREAU COMMANDER

- (1) The District/Bureau Commander shall review the investigation documented in the DPS-449-C to determine whether the supervisor came to a conclusion that is consistent with department policy and procedure, whether further administrative review/investigation is warranted, or whether any training or corrective action is necessary.
- (2) After a review by the District or Bureau Commander having jurisdiction over the incident, the original DPS-449-C form and any attachments shall be forwarded to the Bureau of Professional Standards and Compliance for analysis, review and approval within twenty-eight (28) days of the date of the incident.

H. RESPONSIBILITIES OF COMMANDING OFFICER OF PROFESSIONAL STANDARDS

- (1) The Bureau of Professional Standards and Compliance shall examine each Response to Resistance or Aggression / Injury to Prisoner report to help identify trends, improve training and employee safety and provide timely information for the agency in addressing use of force issues with the public.

I. INJURIES OR COMPLAINTS OF INJURIES TO PRISONERS

- (1) Upon a supervisor being made aware of an injury or a complaint of injury to a prisoner in State Police custody, a person otherwise under the control of State Police, or a person who is in the process of actively being taken into custody or control by State Police, the supervisor shall investigate the facts and circumstances and submit a detailed administrative report documenting the investigation and circumstances specifically pertaining to the trooper's actions, including any response to resistance / aggression if applicable.
 - (a) Ensure that a Type 7 Call for Service (CFS) event number has been created in CAD to track the incident.
 1. Both the Type 7 CFS event number and the originating CFS event number (criminal case, etc.) shall be cross referenced to one another.
 2. If more than one Type 7 reportable event (i.e.; pursuit, use of force, OSHIR, etc.) originates from the same event/incident, a single Type 7 CFS event number shall be used to collectively track, document and investigate all related administrative reportables.
 - [a] In instances where an injury or complaint of injury to a prisoner is a result of the application of force by a trooper, the investigation shall be included as part of the supervisor's force review as detailed above in sections D. and E. No additional administrative tracking or reporting is necessary.
- (2) The investigative steps and reporting and documentation procedures shall follow all applicable steps listed within sections D. and E. regarding use of force investigations.
 - (a) Additionally, the date and time at which the individual reported injury or complaint of injury, and to whom, shall be recorded within the narrative of the report.
- (3) The supervisor shall document the investigation by completing a report on form DPS-449-C, Response to Resistance or Aggression / Injury to Prisoner, electronically within the CAD/RMS system to be forwarded through the chain of command to the District or Bureau Commander within fourteen (14) days of the date of the incident.
- (4) Within twenty-one (21) days of the date of the incident, the Troop/Unit Commander shall thoroughly examine the duty supervisor's investigative review of the incident consistent with the procedures outlined in section F. above regarding use of force investigations.

- (5) Within twenty-eight (28) days of the date of the incident, the District/Bureau Commander shall review the investigation documented in the DPS-449-C consistent with the procedures outlined in section G. above regarding use of force investigations.
 - (a) After a review by the District or Bureau Commander having jurisdiction over the incident, and any necessary corrections or updates have been made, the original DPS-449-C form and any attachments shall be forwarded to the Bureau of Professional Standards and Compliance for analysis, review and approval within twenty-eight (28) days of the date of the incident.

J. USE OF DEADLY FORCE AND OTHER POLICE ACTIONS RESULTING IN DEATH OR SERIOUS INJURY

While competent and responsible use of force investigations are critical for maintaining the public's confidence in a law enforcement agency, instances in which police use deadly force or police action results in death or serious injury often have heightened significance within the broader community.

- (1) **Criminal investigative authority**

The Office of the Inspector General, an independent office within the Division of Criminal Justice, is responsible for conducting investigations related to uses of force by police that result in death, all uses of deadly force by peace officers, deaths of persons in custody of the agency, and instances where a police officer fails to intervene and report in a use of force incident as required by C.G.S. § 7-282e. The Inspector General also serves as the prosecuting authority in most of these instances.

 - (a) **Use of deadly force or use of force resulting in death**

Whenever a peace officer in the performance of his or her duties uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in C.G.S. § 53a-3, upon another person, the Inspector General shall investigate and determine whether the use of physical force by the peace officer was justifiable under C.G.S. § 53a-22.
 - (b) **Death of any person in care, custody or control of the department**

Whenever a person dies in DESPP custody or the custody of a trooper, the Inspector General shall investigate and determine whether physical force was used by a peace officer upon the deceased person, and if so, whether the use of physical force by the peace officer was justifiable under C.G.S. § 53a-22.

 - 1. In accordance with C.G.S. § 4-8a, each department head shall promptly notify the Division of Criminal Justice of any death of a person in the care, custody or control of any person or entity under the jurisdiction of DESPP.
 - 2. Such deaths of persons in the care, custody or control of DESPP personnel shall be immediately reported through the chain of command to the Commissioner to facilitate this notification requirement.
 - (c) For incidents investigated under subsections J(1)(a) and J(1)(b) above, the Inspector General shall request the appropriate law enforcement agency to provide such assistance as is necessary to determine the circumstances of the incident.
 - 1. In instances where investigators from the Division of State Police are requested to provide assistance, the Commanding Officer of the Division of State Police shall determine the appropriate personnel and equipment resources to provide, pursuant to the request.
 - 2. Due to the size, expertise and resources of the agency, the Division of State Police may be called upon by the Inspector General to assist in investigations of deadly force applications or other police action death investigations involving the actions of peace officers from other law enforcement agencies.

- (2) **Administrative investigative authority**

- (a) The Connecticut State Police Bureau of Professional Standards has responsibility for oversight of the administrative investigation of deadly force incidents and related events involving troopers, police officers under the jurisdiction and direction of the Division of State Police, and other employees, to include:
1. When a trooper's action(s) or use of force results in, or is alleged to have resulted in, the death of anyone;
 2. When a trooper discharges a firearm, intentionally or unintentionally under any circumstances, except for training or recreational purposes and other exceptions provided in A&O § 13.4.1G(3);
 3. Anytime a person suffers death or serious physical injury while in State Police custody; and
 4. When the circumstances would suggest to a reasonable person that a connection exists between the trooper's action and a serious injury or death to another person (e.g. temporal proximity).
- (b) It should be noted that according to July Special Session, Public Act 20-01, the Police Officer Standards and Training Council (POSTC) may cancel, revoke or suspend any certificate of a police officer for several reasons, including the certificate holder having been found to used physical force on another person in a manner that is excessive or used physical force in a manner found to not be justifiable. POSTC may also censure the holder of such certificate.

(3) **Media Relations and dissemination of public information**

- (a) In the early stages of an investigation, State Police Media Relations shall, to the extent feasible, collaborate/coordinate with the Office of the Inspector General, and any involved police departments for dissemination of press releases and providing timely information to the public.
- (b) The Media Relations Unit shall reference standing orders and directives pertaining to critical incident communications plans to determine which agencies will be handling media inquiries regarding the incident.

(4) **Training for agency personnel regarding police action deaths and similar Incidents**

- (a) Agency personnel who by virtue of their positions (e.g. Major Crime Van supervisor) have responsibility for managing incidents involving the use of force involving death or serious injury shall receive process training. This training may be accomplished through new supervisor training or any other method deemed suitable by the State Police Training Academy.
- (b) All sworn personnel, and any other personnel potentially impacted, shall receive awareness training regarding an overview of police action death investigations at least once every four (4) years. This may be in the form of presentations, training bulletin, policy review, etc., as deemed suitable by the State Police Training Academy.

K. REPORTING AND INVESTIGATING UNREASONABLE, EXCESSIVE OR ILLEGAL FORCE

- (1) When anyone reports to a supervisor an unreasonable, excessive or illegal force incident, the supervisor shall immediately inform the troop/unit commanding officer of the allegation of unreported or unreasonable, excessive or illegal force.
- (a) The supervisor shall take reasonable actions to preserve evidence and identify witnesses in order to facilitate an investigation.

- (b) The criminal investigative responsibility for these incidents is vested in the Office of the Inspector General.
- (2) Written accounts completed by troopers observing another trooper or police officer using force that witnessing trooper objectively knows to be unreasonable, excessive or illegal shall be delivered to the attention of the trooper's commanding officer.
- (3) The witnessing trooper's commanding officer or his/her designee shall complete Form DPS-678-C-2, Agency Generated Complaint, and submit to the Internal Affairs Unit, along with the written account of the witnessing trooper.
- (4) The DESPP Commissioner may refer to the Inspector General any such incident for purposes of an investigation.

L. PERIODIC ANALYSIS AND REVIEW OF USE OF FORCE POLICIES AND PRACTICES

- (1) The Office of Professional Standards and Support Services shall examine each Response to Resistance / Aggression – Injury / Complaint of Injury to Prisoner report to help identify trends, improve training and enhance officer and public safety, and provide timely information for the agency in addressing use of force issues with the public.
- (2) The Office of Professional Standards and Support Services shall prepare and publish an annual Use of Force report that is an analysis of the agency's use of force activities, policies and practices. The following items shall be identified in the annual report: **CALEA 4.2.4**
 - (a) The date and time of incidents; **CALEA 4.2.4a**
 - (b) The types of encounters resulting in the use of force; **CALEA 4.2.4b**
 - (c) Trends or patterns related to race, age and gender of subjects involved; **CALEA 4.2.4c**
 - (d) Trends or patterns resulting in injury to any person including troopers; and **CALEA 4.2.4d**
 - (e) Impact of findings on policies, practices, equipment and training. **CALEA 4.2.4e**
- (3) The Crimes Analysis Unit shall annually prepare a report tabulating all assaults on troopers and provide it to the State Police Training Academy.
 - (a) The Training Academy shall review the report to determine trends or patterns, provide recommendations to enhance officer safety, revise policy and address training issues. **CALEA 4.2.5**
 - 1. Such review may be incorporated into the annual Use of Force report.
- (4) At least annually, the Research and Planning Unit shall cause the department's Use of Force policies to be reviewed, taking into account the analysis from subsections L(1), L(2) and L(3) above.
 - (a) At least once every three (3) years, the Connecticut State Police shall incorporate as part of its annual Use of Force policy review a community engagement process in which the department works with the public and other partners in the justice system to ensure use of force policies are appropriate.