

## CHAPTER 11.0

### ARRESTS, DETENTION, PRISONER PROCESSING AND TRANSPORTATION

#### 11.1 USE OF FORCE

##### 11.1.1 Use of Force (general)

The Norwalk Department of Police Service recognizes the value of human life and is committed to respecting human rights and the dignity of every individual and the Constitutional right to be free from excessive force, whether deadly or not, by a law enforcement officer. The use of force, especially force likely to result in serious bodily injury or death is a serious action. When deciding whether to use force, officers shall act within the boundaries of the United States and Connecticut Constitutions and laws, ethics, good judgment, this use of force policy, and all other relevant department policies, practices, and training.

Officers should ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that place themselves or others in jeopardy. The value of all human life should be appropriately weighed in the decision process. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

With these values in mind, officers shall use only that force that appears reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another, as per Connecticut General Statute 53a-22 to include subsequent changes and revisions. The use of force under certain circumstances is permitted by law (Connecticut General Statutes) and a police officer is authorized to exercise force in those circumstances. The unnecessary use of force is contrary to law and places the Department in a position of civil liability and places the officer in a position of civil and criminal liability. Therefore the unnecessary use of force is prohibited.

Members of the Norwalk Department of Police Service are strictly prohibited from the use of excessive physical force against any individuals engaged in non-violent civil rights demonstrations. Officers shall enforce state and local laws against physically barring entrance to or exit from property which is the subject of such non-violent civil rights demonstrations. Peaceful demonstrations will be closely monitored and, in the event that arrests are necessary, they will be carried out in a calm and quiet manner using only such force sufficient to secure the prisoner. There will be no use of pain compliance holds on non-violent persons involved in a demonstration. Individual rights shall be respected as guaranteed in the Constitution of the United States and the Constitution of the State of Connecticut.

##### 11.1.2 Definitions

Deadly Physical Force: Physical force which can be reasonably expected to cause death or serious physical injury (CGS 53a-3(5)).

Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes serious disfigurement, impairment of health or loss or impairment of the function of any bodily organ. (CGS 53a-3(4)).

Reasonable Belief: A reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true, would in law constitute an offense (CGS 53a-22).

Imminent: Likely to occur at any moment; impending.

Immediate: Occurring or accomplished without delay; instant.

De-escalation of Force: A decrease or reduction in the severity of force used in an incident in direct response to a decrease in the level of resistance offered by a subject.

De-escalation Strategies: A combination of communication, empathy, instinct, and sound officer safety tactics, to reduce the level of conflict.

Non-Deadly Force: Any use of force other than that which considered deadly force.

Probable Cause: Where facts and circumstances known to the officer, or those circumstances on which he has reasonable reliable information, are sufficient to lead a reasonable person to believe that the person to be arrested has committed, or is committing a crime.

Substantial Risk: A realistic danger or probability of an event occurring. Not just a mere possibility of something happening, but a practical certainty it will happen.

Reasonable Force: The level of force that is objectively reasonable and necessary to accomplish a lawful purpose.

Officers are permitted to use force to affect an arrest only to the extent that it is 'objectively reasonable' under the circumstances (Graham v Connor, 490 U.S. 386, 397, 109 S. Ct. 1865, 104 L.Ed.2d 443). The reasonableness of an officer's use of force under the Fourth Amendment requires careful attention to the totality of the facts and circumstances known by the officer prior to using force, including:

- The severity of the crime at issue and
- Whether the suspect poses an immediate threat to the safety of the officer(s) or others and
- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Physical Force: Any physical force or instrumental contact with a person, any intentional attempt at a physical strike or instrumental contact, or any significant physical contact that restricts the movement of a person. Officers shall allow individuals time to submit to arrest before physical force is used whenever possible. Using physical force against persons in handcuffs is prohibited except in emergencies in which a reasonable officer would believe that bodily harm to another person or persons is imminent, to prevent escape, or actively resisting.

The term includes the discharge of a firearm, pointing a firearm in the direction of a human being, use of chemical spray, pointing a conducted energy weapon (CEW) laser dot at or projected onto a person and/or spark display used to gain compliance; chokehold or hard hands; taking a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person with no resistance.

Positional Asphyxia: Is a form of asphyxia which occurs when someone's body position prevents the person from breathing adequately such as from an airway obstruction or limitation in chest wall expansion. Officers shall be cognizant of a person's physical position to limit the risk of asphyxia.

Less Lethal Force: A use of force which is not likely to cause death or serious physical injury.

Active Resistance: Any physical act or failure to act undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain control of the subject.

It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of

the situation. The person's reasoning ability may be dramatically affected by a number of factors, including but not limited to:

- A medical condition
- Mental impairment
- Developmental disability
- Physical limitation
- Language
- Drug interaction
- Emotional crisis

Therefore, it is possible that a person's mental state may prevent a proper understanding of an officer's commands or actions. In such circumstances, the person's lack of compliance may not be a deliberate attempt to resist the officer. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

If time and circumstances reasonably permit, request a CIT officer respond to the scene for assistance.

Choke Holds: Any intentional maneuver, whether physical or with the use of an instrument, placed around or upon a person's neck that restricts air and/or blood flow. This hold impedes the person's ability to breath and/or restricts blood circulation. If the hold is maintained, the restriction of one or both may lead to unconsciousness, serious injury, or even death. The Norwalk Department of Police Service prohibits the use except when deadly force is warranted.

Use of Force Continuum: The determinant regarding the acceptable level of force (lethal/non-lethal) that may be used in any given set of circumstances is that level that the police officer reasonably believes is necessary to accomplish his/her lawful purpose, based on the subject's actions. The various levels of force or control techniques/tactics are referred to as "The Use of Force Continuum". These levels may be set forth as follows:

- officer's presence in uniform
- verbal and non-verbal communications and commands/de-escalation strategies
- passive control
  - \* pain compliance holds
  - \* pressure point control tactics
  - \* escort techniques
  - \* light subject control
  - \* above could be with or without a Monadnock Expandable Baton or other impact weapon
- oleoresin capsicum (pepper spray)--electronic devices/conducted energy weapon (cew) (Taser)
- decentralization
  - \* heavy techniques of subject control
  - \* defensive tactics
  - \* choke holds are not permitted unless deadly force is warranted
  - \* above could be with or without a Monadnock Expandable Baton or other impact weapon
- impact implements (Monadnock Expandable Baton)
- lethal force

Police officers are entitled to enter the continuum at that level they reasonably believe is necessary to control the situation and accomplish their lawful purpose, based on the subject's actions. Police officers are required to use de-escalation strategies and/or verbal warnings, when feasible, prior to the use of force. Officers are additionally required to de-escalate the use of force within the continuum when they reasonably believe control may be maintained and their lawful purpose accomplished by such lesser degree of force. However, police officers are never required to place themselves, or third persons, in a situation that exposes them to an unreasonable risk of danger or injury.

#### Officer's Duty to Intervene and Report

Any officer who witnesses and/or has knowledge of the use of force by another officer that is inappropriate, unnecessary, unreasonable, or excessive, in violation of department directive, or otherwise in violation of state and/or federal statutes, and has the opportunity to intervene, must do so. The officer shall render medical aid, if needed, as soon as possible. The officer shall report the incident to their supervisor or division commander and submit a written incident report as soon as practicable.

Retaliation against an officer(s) who intervenes against excessive use of force, reports misconduct or cooperates in an internal investigation is prohibited.

Officers who are off-duty and become involved in any use of force situation must report the circumstances to an on-duty supervisor or division commander as soon as the situation is stabilized.

#### Edged Weapons

When confronted by a suspect armed with a deadly weapon, including edged weapons, an officer should weigh the totality of the facts and circumstances of each situation. Practical considerations may include, but are not limited to, the proximity of the suspect to the officer(s) and other persons, how rapidly the circumstances are evolving, and the use of force options that may be necessary, appropriate, and available.

Officers should recognize that, when reasonable to do so with safety to officers and other persons in the vicinity, disengagement, repositioning, cover, concealment, barriers, or tactical retreat, although not required by law, may be a preferable police response to a confrontation.

### **11.1.3 Reasonable Non-Deadly Physical Force**

An officer is justified in using reasonable non-deadly physical force on another person when and to the extent he reasonably believes it necessary to:

- Effect an arrest or prevent an escape from custody of a person whom he reasonably believes to have committed an offense, unless he knows that the arrest or custody is unauthorized.
- Defend himself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape (CGS 53a-22).
- To thwart the acts of another he reasonably believes is about to commit suicide or to inflict serious physical injury upon himself (CGS 53a-18).

### **11.1.4 Deadly Physical Force**

The use of deadly physical force by sworn officers is permitted under the following circumstances:

1. To defend the officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.
2. To effect an arrest or prevent the escape from custody of a person whom he reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury;
  - a) **AND** where feasible, he has given warning of his intent to use deadly physical force
  - b) **AND** the officer reasonably believes that the person still poses an immediate threat to the officer or a third party through the use of deadly physical force to the officer or a third person.

The department policy on use of deadly force in this situation is more restrictive than state law.

#### **11.1.5 Issuance of Directive**

Every sworn member of the department shall be provided with a copy of this policy, and will be instructed on the policy and procedures contained herein, prior to being issued and authorized to carry any lethal or less lethal weapon and at each retraining session thereafter.

#### **11.1.6 Unauthorized Discharge of a Firearm**

Officers will not discharge firearms under the following situations:

- As warning or attention shots.
- At another person unless the circumstances are such that the officer would be justified under the law for the use of deadly physical force.
- Where there is the likelihood of serious injury to persons other than the person to be apprehended.
- To solely protect property.
- At a moving vehicle, see below.

##### Motor Vehicles

Firearms shall not be discharged at a moving or fleeing vehicle unless deadly force is being used against the police officer or another person present.

Firing at moving vehicles is not recommended for the following reasons:

- Firing at a moving vehicle may have very little impact on stopping the vehicle.
- Disabling the driver may result in an uncontrolled vehicle and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.

Officers shall exercise good judgment and not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, shall not be justification for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle shall attempt to move to a position of safety, if possible, rather than discharging a firearm at the vehicle or any of the occupants.

It is understood that the policy in regards to discharging a firearm at a moving vehicle may not cover every situation. Any deviations shall be examined rigorously on a case by case basis.

See Directive 4.7.3, Pursuit Policy, for further unauthorized discharge of firearms policy.

### **11.1.7 Carrying of Firearms by Active Officers**

#### Off – Duty

Off duty officers may elect to carry their issued/authorized pistols and ammunition when in the City of Norwalk for the purpose of enforcing the law.

While off-duty, no officer shall store or keep any department issued duty weapon in a motor vehicle that is unattended unless such firearm is in the trunk, a locked safe or locked glove box. Trunk includes fully enclosed and locked main storage or luggage compartment that is not accessible from the passenger compartment or a locked toolbox or utility box attached to the bed of a pickup truck. This does not include any sport utility vehicles or any compartment that has a window.

#### Privately Owned Firearms

Officers who carry privately owned firearms off duty shall be governed by Connecticut General Statutes.

Officers must request and receive written permission from the Chief of Police to carry privately owned firearms for the purpose of enforcing the law as a police officer. Officers must have in their training service record proof of qualifications, annually, utilizing the police standard in use for members of the department.

### **11.1.8 Carrying of Firearms by Retired Officers**

The H.R. 218, Law Enforcement Officer's Safety Act of 2004 and the Law Enforcement Officer's Safety Act Improvements Act, S.1132, provides for qualified retired officers to carry a concealed firearm. Prior to participating in annual firearms qualifications, retired officers must:

- a) be in good standing with the Department,
- b) sign a statement asserting that they realize they no longer have police powers, and
- c) the City of Norwalk assumes no liability for any actions they take as an individual

Retired officers requesting to carry a firearm under H.R. 218 must successfully qualify annually in a Department approved sixty (60) round qualification course as mandated by POST with each firearm they wish to carry as a concealed weapon. The retiree will be responsible for supplying the necessary ammunition and equipment needed to qualify with each firearm and shall do so at no cost to the City of Norwalk. Each firearm must be inspected by a certified Department Firearms Instructor to ensure proper functioning and good working order.

The Training and Recruitment Division will maintain a file on each retiree who qualifies with a firearm to include the make, model, serial number, and caliber of the firearm as well as the passing score and date of qualification.

Upon successful completion, qualified retired officers will receive a certification document from the Training and Recruitment Division certifying they have met the standards for qualification. Retired officers who wish to carry a concealed firearm must also possess an identification card issued by the Department and follow the laws of the State of Connecticut that:

- a) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

- b) prohibit or restrict the possession of firearms on any state or local government property installation, building, base, or park; or
- c) govern the storage of a firearm in a motor vehicle.

The certification document will be valid for one year from the date of qualification. Retired officers must again qualify prior to the expiration date of certification to maintain compliance with the law and this policy.

### 11.1.9 Less Lethal Weapons

Refer to Appendix A of this chapter entitled “Less lethal Weapons.”

### 11.1.10 Police Involved Shootings

**All discharges of firearms by police personnel without death or injury, not covered by other written policies including dispatching injured animals and accidental discharges:**

#### Officer’s Responsibilities

If a member of the department discharges a weapon while on or off duty, whether in or outside the City of Norwalk, (other than while participating in firearms training on an authorized range), he/she shall:

- immediately notify the platoon commander, or in his absence, the ranking patrol supervisor on duty at the time of the discharge
- submit a written report, if able, immediately or not more than sixteen (16) hours after the discharge.

This shall not be deemed to include shooting for recreational purposes.

#### Platoon Commander or Officer in Charge Responsibilities

The platoon commander, or in his absence the ranking patrol supervisor, shall:

- ensure a case/incident number (CFS) has been generated
- make notification to:
  - Detective Division
  - Deputy Chief(s) of Police
  - Chief of Police
  - The local police jurisdiction if the discharge occurred outside the City of Norwalk
- Have firearm pulled from service and contact department armor to assure it is functioning properly
- Contact Training and Recruitment Division to have officer receive a review and evaluation
- Offer the officer involved counseling through EAP
- file a written report

#### Detective Division Responsibilities

If the discharge occurred while on-duty or while off-duty within the City of Norwalk, the Detective Division shall investigate the criminal aspects of the incident that led to the discharge, and shall establish a separate investigation team who will be responsible to investigate the discharge.

#### Internal Affairs Unit Responsibilities

The Internal Affairs Unit shall review all reports.

## **Police involved use of force where death or injury occurs:**

### Officer's Responsibilities

If a member of the department uses forces where death or injury occurs while on or off duty, whether in or outside the City of Norwalk,

- render aid and request EMS
- immediately notify the platoon commander, or in his absence, the ranking patrol supervisor on duty at the time of incident

### Platoon Commander or Officer in Charge Responsibilities

The platoon commander, or in his absence, the ranking patrol supervisor on duty shall:

- ensure a case/incident number (CFS) has been generated
- report to the scene as soon as possible and assure it is secured
- notify the shift commander, if applicable, and the Detective Division
- shift commander shall notify the Deputy Chief(s) of Police and the Chief of Police
- notify the local police jurisdiction if occurred outside the City of Norwalk
- insure that the officer(s) involved in the use of force is removed from the scene as soon as possible
- pursuant to C.G.S. 51-277a, the Chief of Police or his designee shall notify the State's Attorney Office, JD1, who will assume the investigation
- the Department will assist JD1 as needed

At headquarters, the platoon commander shall take immediate custody of all firearms and ammunition in possession of the officer(s) involved in the shooting. Said firearms and ammunition shall be entered into the property division, pending the State's Attorney's instructions. The Chief of Police may authorize assigning another weapon temporarily.

### Internal Affairs Unit Responsibilities

The Internal Affairs Unit shall report to the scene as quickly as possible and review the case file and conduct an internal investigation. This investigation will be separate from any criminal investigation and upon completion they will report their findings to the office of the Chief of Police.

### Reports

Reports shall be completed and evidence submitted by all officer(s) involved in the shooting incident prior to securing from duty. This shall include, but is not limited to:

- officers who discharge their weapon
- officers present at the scene
- any officer with information pertinent to the investigation.

### Reassignment

The officer(s) whose use of force results in death shall be removed from the line-duty assignment for a period of one week following the shooting, unless otherwise directed for a longer period of time by the Chief of Police.

### Peer counseling/Human Relations Officer

While waiting to be interviewed, by the Detective Division, an officer may have another officer of his choice, not involved in the shooting, present.

A human relations officer shall be assigned by the Chief of Police to make contact with the officer(s) as soon as practicable to see if the officer or his immediate family is in need of assistance. The human relations officer shall insure that the officer(s) seeks psychological review within a three (3) week period from the date of the shooting. The human relations officer shall maintain liaison with the Chief of Police

and the officer(s) involved concerning the need and coordination of any psychological counseling that may be necessary.

#### Release of Information

Release of information related to police involved shootings shall be via the Office of the Chief of Police, or an authorized designee (NPD 9.2.11), in consultation with the State's Attorney's Office, and other involved agencies.

#### Training

The training division shall provide awareness training for all agency personnel who may be impacted by such an incident. Additionally, agency personnel who are responsible for managing such an incident shall receive process training for said incident.

### **11.1.11 Restrictions/General Regulations**

1. The Glock 9mm, the Remington Model 870 .12 gauge pump shotgun with a fixed or an adjustable stock, and the AR15 patterned rifle are the official service firearms and property of the City of Norwalk. Each sworn officer shall be issued a service pistol which shall have been reviewed, inspected and approved by a qualified armor prior to issuance.
2. Officers on duty shall carry only their issued and authorized weapon; however, if authorized by the Chief, due to assignment, officers may carry a privately owned firearm pursuant to Directive 11.1.7. Officers may carry a personally owned shotgun or rifle consistent with Directive 3.4.4. The Training and Recruitment Division shall maintain a current inventory of all departmental weapons.
3. Only department authorized ammunition shall be carried in such weapons while on or off duty. The ammunition for handguns shall be: Gold Dot hollow point 9mm Luger plus P 124 grain. The shotgun ammunition shall be: Federal brand 12 gauge "00" Buck 2 3/4" and Federal brand 12 gauge 2 3/4" 1 oz. Rifled Slug. The rifle ammunition shall be: Federal LE223T1 55 grain Soft Point.
4. A pistol shall be carried with a fully loaded magazine, one round in the chamber, and holstered in accordance with Section 9 below.
5. Shotguns shall be carried in the vehicle mount in the cruiser ready condition which is with empty chamber, cocked, safety on, and the magazine fully loaded as per training. Rifles shall be carried in accordance with Directive 11.1.16.
6. Officers will be responsible for the care and cleaning of their issued/authorized weapons.
7. It will be the responsibility of the officer to report to his immediate supervisor any problems and/or malfunction with his/her issued/authorized pistol. It will be the responsibility of the supervisor to make arrangements for the issued pistol to be repaired and have another weapon temporarily issued to the officer by the Training and Recruitment Division.
8. Supervisors shall, upon a monthly basis, physically inspect the issued/authorized pistols of their subordinate officers. The pistols will be inspected for cleanliness, mechanism function, and the condition of ammunition. The supervisor shall also inspect the issued/authorized magazines carried by subordinate officers for the same conditions.
9. The Safariland ALS type holster shall be the authorized holster for all sworn personnel. Any variation in the holster or method of carry (drop holster or thigh) must be approved by the Training and Recruitment Division and authorized by the Chief of Police.

10. Sworn members of the department shall carry their issued/authorized pistols in an appropriate holster while on duty. Unless specifically authorized by the commanding officer of the officer's unit or division, no officer shall carry their pistol without a holster, or in a holster that is inconsistent with the officer's training and departmental directives.
11. All officers shall strictly comply with the rules and regulations posted in the department firing range and described in Chapter 11, Appendix D, or while using other firing range facilities for the purpose of training. Also refer to Directive 11.1.17.
12. Only officers who have been trained and qualified by the Training and Recruitment Division may request authorization from the Chief of Police to carry a rail interfaced white light on their issued/authorized service pistol while on regular duty. No officer may carry such light without first receiving written authorization from the Chief of Police. The Training and Recruitment Division will keep a list of officers authorized to carry such lights. Laser targeting systems are prohibited.

#### **11.1.12 Qualifications**

All sworn personnel shall qualify on an annual basis with their issued/authorized pistols. Officers electing to carry a departmental shotgun or rifle or one purchased pursuant to contract shall qualify annually. Only officers who are qualified shall be authorized to carry a shotgun or rifle on duty. Such qualification shall be conducted by a P.O.S.T. certified weapons instructor. An annual written review examination on the use and care of firearms will be given.

The qualification standards shall comply with or may exceed the standards used by the Police Officer Standards and Training Council.

An officer who does not re-qualify with their pistol will be temporarily assigned to an administrative position and shall be prohibited from carrying a firearm until re-qualifying.

Officers who did not re-qualify will undergo the following procedure:

- The officer will be given up to eight (8) hours of remedial training and a second opportunity to qualify.
- If still unable to qualify the officer will be provided with specific remedial exercises and given ten (10) days in which to practice on their own, and after which he/she will have a third opportunity to qualify.
- If unsuccessful on their third attempt officers may be sent for additional firearm training at a police or other appropriate firearm training facility.
- If the officer is still unable to qualify the Chief of Police shall take whatever measures he/she deems necessary.

#### **11.1.13 Written Reports**

An officer shall submit a complete written report and a civilian shall submit a complete memo to their immediate supervisor whenever that employee:

- Takes an action that results in or is alleged to have resulted in, injury or death of another person.
- Applies force through the use of lethal or less lethal weapons.
- Applies force by pointing a conducted electrical weapon (CEW) laser dot at/or projected onto a person and/or when a "spark display" was demonstrated and the subject was coerced into compliance without the need for further use of force.
- Applies force by any other means. For the purposes of this section application of force shall include the pointing of a firearm or CEW at any person but shall not include the mere removal of a firearm

or CEW from a holster or the removal of a department shotgun or rifle from a vehicle. A person who complies with handcuffing and escorting shall not constitute a use of force.

An officer utilizing any level of force shall complete a Response to Resistance and Aggression Report (NPD072). The report shall be reviewed by the officer's supervisor and forwarded through the chain of command to the Chief of Police. After it is reviewed at each level, the Chief of Police will forward the report to the Professional Standards Division. The Professional Standards Division will also supply a copy to the Training and Recruitment Division for review.

Photographs of the injured or allegedly injured area shall be taken when any use of force is applied to any person. Members of the department who have force used against them shall have photographs taken of any injury sustained or any damage to clothing or equipment.

All reports submitted pursuant to this Directive shall detail the circumstances of the incident leading to said action and shall be promptly filed. The Deputy Chief of Operations shall review the use of force report and determine if the use of force was appropriate or should be further investigated pursuant to Directives 2.8.5. The reports shall be retained by Professional Standards and utilized in the Deputy Chief of Operations annual analysis of use of force activities, policies, and practices. In accordance with C.G.S. 7-294a, the Deputy Chief of Operations shall submit the analysis to the Criminal Justice Policy and Planning Division within the Office of Policy and Management on an annual basis.

The Deputy Chief of Operations shall also conduct a review of all assaults on officers to determine trends or patterns with recommendations to enhance officer safety, policy changes or training issues.

#### **11.1.14 Reassignment**

When the actions or use of force by an employee results in death or serious physical injury the Chief of Police shall immediately remove that employee from a line duty assignment pending administrative review of the incident.

#### **11.1.15 Rendering Medical Aid After Injury**

Officers shall assure that prompt medical attention is afforded to all persons who have been affected by the use of lethal or less lethal weapons or who have been injured as a result of the application of physical force as well as any person who has been taken into custody and may be suffering from any injury or illness. The subject shall be transported to the Norwalk Hospital Emergency Room or EMS Personnel shall be called to respond. In either case, if treatment is refused, the refusal must be made to the hospital or EMS staff, and the name of the medical personnel who accepted the refusal shall be included in the police report.

#### **11.1.16 Carrying and Use of Patrol Rifles**

##### **Policy**

It is the policy of the Norwalk Department of Police Service that department owned and maintained or personally owned and maintained patrol rifles will be deployed in critical incidents which are violent in nature and where tactical considerations warrant their presence.

##### **Usage Guidelines**

Although the use of deadly force may be permissible, there are many considerations that officers should consider when deciding to deploy the patrol rifle. Factors to consider include: the power and range of the .223 round, population or density of the area, foot pursuit and/or physical combat, or whether or not another officer has already deployed a patrol rifle.

Examples where the patrol rifle may be deployed include:

- When an armed confrontation is imminent and distance could be a factor.
- Maintaining a perimeter/containment area during a crisis situation.
- Situation where deadly force may be necessary and other department service weapons may be ineffective.
- In a tactical environment when the patrol rifle is the most effective way to prevent death or serious injury to the officer or others.

Officers must take into account the facts and circumstances of the incident as well as their training, in determining when the use of patrol rifles may be appropriate. In addition to that which is contained herein under this addendum noted as 11.1.16, officers shall adhere to 11.1, USE OF FORCE when utilizing the patrol rifle.

### **Procedure**

Officers will be required to successfully complete a department patrol rifle training program and qualification course conducted by department certified firearms/rifle instructors before deploying with a patrol rifle on-duty. Certified personnel must successfully re-qualify with the patrol rifle annually. Failure to comply with any and all of this policy/procedure may result in the forfeiture for the right to carry a patrol rifle.

- The authorized patrol rifle utilized by the department shall be either the department issued patterned AR15 type rifle, which is the property of the department, or a personally owned AR15 pattern rifle approved by Training and Recruitment.
- No modifications to department issued or personally owned patrol rifles shall be made without prior approval from the commanding officer of the Training and Recruitment Division.
- The ammunition carried in the rifle shall be department issued Federal T223E 55 grain Tactical Hollow Point.
- Officers shall transport issued rifles in and out of headquarters unloaded with no magazine inserted in the magazine well, safety on, bolt forward on an empty chamber in an approved case.
- Rifles shall be secured in an approved vehicle rack/container, with the safety on, an empty chamber, the bolt forward, and a loaded magazine inserted into the magazine well.
- At the end of shift, while facing in a safe direction, officers shall perform a “condition check” of the issued rifle, both visually and physically, to insure that the weapon is unloaded prior to entering headquarters. The rifle will be stored in the officer’s department locker, unloaded with no magazine inserted in the magazine well, safety on, bolt forward on an empty chamber.
- Anytime a police vehicle containing a patrol rifle is in any way placed under control of non-police personnel; the rifle shall be removed and stored in the assigned officer’s locker or another vehicle with a suitable rifle rack/container.
- When an officer is physically carrying the patrol rifle, it will only be carried in a manner prescribed through departmental firearms training.
- When a patrol rifle is deployed, the officer shall notify Communications via radio of the deployment of the weapon, except under exigent circumstances.

### **Care and Maintenance**

The same standards apply to the patrol rifle, as does any other piece of equipment being used by officers of the Norwalk Department of Police Service.

The officer assigned a patrol rifle shall be responsible for the cleaning and maintenance of their assigned rifle. The rifle will be inspected monthly by a supervisor or authorized firearms/rifle instructor. Any damage or malfunction of the patrol rifle shall be reported immediately to a supervisor or certified firearms/rifle instructor. Failure to maintain a department owned patrol rifle may result in immediate reassignment of the rifle.

#### **11.1.17 Use of NPD Range**

No Commercial business will be allowed to operate out of the Norwalk Department of Police Service range. Prior to obtaining access to the NPD range, retired officers must contact the Training and Recruitment Division to request access and schedule date/time for any use of the NPD range. Retired officers must be accompanied by an NPD Firearms Instructor unless otherwise approved by the Chief of Police or Deputy Chief(s) of Police.

Officers and/or retired officers must receive prior approval and provide the name(s) and reason for guests to be utilizing the NPD range with them. Officers and/or retired officers must adhere to the posted rules and regulations as set forth by the Training and Recruitment Division and listed in Chapter 11, Appendix D.

Documented safety procedures, along with Firearms Range Rules and Regulations, shall be reviewed prior to every training event held at the range. (Also see 11.1.11).

There shall be a range/firearms officer on-site and available at all times the range is in use.

Only paper targets shall be used or those approved by the Training and Recruitment commanding officer.

All individuals in the firing range shall wear personal safety equipment to include eye and ear protection, while live fire is active.

All individuals participating in formal, scheduled, or mandatory department firearms training, shall be required to wear a ballistic vest. This shall also apply to discretionary/non-mandatory on-duty usage by individuals using the firearms range.

The use of a ballistic vest is highly recommended for all individuals in the firearms range during its usage, regardless of sworn status, duty status, and/or guest/civilian status. (i.e. off-duty sworn, retired, guest, civilian, etc).

Norwalk Police Department sworn personnel are certified First Responders, as designated by the State of Connecticut, and shall render aid consistent with their training in the event of an injury.

Range/firearms officers shall receive proper training as required by POST and other training deemed applicable by the Training and Recruitment commanding officer in consultation with the Chief of Police.

Department owned weapons that are spares or that have been turned into the Training and Recruiting Division for service, inspection, re-stocking, and/or storage, shall be kept in the department's secured armory, unless otherwise sent out for service or temporarily issued. Department owned ammunition that has not yet been issued, is for training purposes, and/or has been returned to the Training and recruiting Division for storage, re-stocking, and/or inspection shall be kept in the department's secure armory.

Access to the department armory shall be limited to the Chief of Police, the Deputy Chief(s) of Police, the Commanding Officer of Training and Recruitment, and their designees.

### **11.1.18 Tactical Rescue Knives (general)**

Police officers have traditionally carried a tactical rescue knife because it is such a versatile utility tool. The knife may be used to cut rope, seat belts, barricade tape, for suicide prevention, package opening, etc.

#### **Procedures**

A tactical rescue knife should be carried in such a manner that allows for its retrieval and use with either hand, if possible. The knife shall not be clipped onto the officer's duty belt as a suspect may take it away and use it against the officer. The preferred method of carry is in a pocket, clipped inside a pocket, or on a lanyard inside a pocket.

Except when specifically used in suicide prevention or rescue, knives of any kind are prohibited from the cellblock or any other secure detention area. Knives shall be secured in the same manner as firearms before entering the cellblock or other secure detention area. The officer is responsible for the safe storage and use of their tactical rescue knife.

Knives will not be displayed in an offensive or threatening manner.

#### **Specifications**

Tactical rescue knives carried by officers must meet the following criteria:

- Folding knives only are permitted
- No exposed sharp edge may be exposed when folded closed
- Blade must have locking mechanism after opening
- Maximum blade length of 4 inches

#### **Prohibitions**

The following knives are prohibited:

- Fixed blades
- Double edges
- Dirk Knife
- Stiletto Knife
- Switch knife
- No modifications may be made to the design or blade

#### **Exceptions**

The Chief of Police or his designee may approve knives of different specifications for officers working in their official capacity assigned to the Marine Unit and on a department vessel or assigned to the Emergency Services Unit.