

 <p style="text-align: center;"><b>YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS</b> <i>Serving with Integrity, Trust, Commitment and Courage since 1894</i></p>	ORDER TYPE: <b>NEED TO KNOW</b>	
	<b>302 USE OF FORCE</b>	
	EFFECTIVE DATE: <p style="text-align: center;">18 JAN 2022</p>	REVIEW DATE: <p style="text-align: center;">ANNUAL</p>

**PURPOSE**

To establish Yale University Police Department’s (“Department” or “YUPD”) guidelines and limitations concerning the appropriate and acceptable use of deadly and non-deadly force. Yale University Police Department’s use of force is governed by Federal and Connecticut law, including, but not limited to, the United States Constitution.

**POLICY**

It is the policy of the Yale University Police Department to value and preserve human life in all situations. This policy is to provide clear guidance to sworn members regarding the use of force in the performance of their duties. The safety of innocent persons and officers is of paramount importance. Therefore, Officer shall abide by Yale Police Department’s commitment to valuing and upholding the sanctity of human life during any authorized use of force necessary to accomplishing lawful objections.

The primary responsibility of the officers of the Yale University Police Department is to protect the life and property of citizens. In compliance with applicable law, members shall use only the amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to officers or others.

There is a compelling public interest that officers authorized to exercise the use of force do so in an objectively reasonable manner, in a way that does not violate the civil rights guaranteed by our Constitution and applicable law. Officers who use excessive or unjustified force degrade the confidence of the community they serve, undermine the legitimacy of police authority and hinder the Department’s ability to provide effective law enforcement services to the community.

Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. Use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the YUPD will thoroughly review and/or investigate all uses of force by members to assure compliance with all legal requirements and this policy.

**DEFINITIONS**

<b>Actively Resisting</b>	When a subject makes physically evasive movements to interfere with an officer’s attempt to control that subject; including bracing, tensing, pulling away, or pushing.
<b>Authorized Weapons</b>	Officers are allowed to carry weapons that meet Department specifications and for which they successfully complete proficiency and safety training.
<b>Electronic Control Weapon (ECW)</b>	An incapacitating, intermediate weapon used for subduing a person by administering an electric shock for the purpose of disrupting superficial muscle functions. This is an intermediate weapon and is classified as non-deadly. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.

<b>Critical Firearm Discharge</b>	A discharge of a firearm by a Yale University PD officer to the extent such discharges are authorized under this policy and the Firearms Policy. Range and training discharges, and discharges at animals are not included under this section.
<b>Immediate</b>	means occurring instantly, without delay
<b>Deadly Force</b>	Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that deadly physical force is an extreme measure and should only be used in accordance with the law and as stated in this Policy.
<b>De-escalation</b>	A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.
<b>Department Approved Control Techniques</b>	Department approved control techniques consist of arrest and control techniques taught at a POSTC approved basic police academy as well as techniques taught at department approved or sponsored in-service training programs.
<b>Force</b>	Any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes: pointing a firearm at another person, discharge of a firearm, use of chemical agents, use of impact weapons, use of an Electronic Control Weapon (ECW), taking a subject to the ground, and any physical contact that includes control techniques. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances, and if the minimum amount of force that is necessary is used to effect an arrest, or protect the officer or other person.
<b>Serious Physical Injury</b>	Sec. 53a-3(4) of the Connecticut General Statutes defines "Serious Physical Injury as, "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 organ" Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious physical injury
<b>Hard Hand Control</b>	Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).
<b>Imminent Threat</b>	An officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending danger even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.
<b>Serious Use of Force</b>	all uses of force by a YPD officer that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ; all critical firearm discharges by an officer; all uses of force by an officer resulting in a significant injury, including a broken bone or an injury requiring hospitalization; all head, neck, and throat strikes; all neck holds; all uses of force by an officer resulting in a loss of consciousness; all other uses of force by an officer apparently resulting in death; and any strike, blow, kick, or similar use of force against a handcuffed subject.
<b>Impact Weapons</b>	Department approved tools that provide a method for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control.
<b>Level of Control</b>	The amount of force that an officer uses to gain control over a subject.

<b>Level of Resistance</b>	The amount of force used by a subject to resist compliance with the lawful order or action of an officer.
<b>Low Ready Position</b>	Holding a firearm with the trigger finger indexed along the frame of the weapon outside the trigger well with the weapon pointed at an angle not directly at but in the general direction of the intended individual.
<b>Non-Deadly Force</b>	Any force used by an officer that would not reasonably be expected to cause death.
<b>Non-Verbal and Verbal Non-Compliance</b>	When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.
<b>Objectively Reasonable Force</b>	The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. (See, <i>Graham v. Connor</i> , 490 US 388 (1989).) In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.
<b>Officer</b>	Means any sworn member of the Yale University Police Department.
<b>Oleoresin Capsicum (OC) Spray</b>	An inflammatory agent that irritates the mucus membrane and eyes to cause tears and pain. It is an intermediate weapon that is classified as being non-deadly. It should only be used, however, when an officer is met with a certain degree of resistance or aggression through either actions or words.
<b>Passive Resistance</b>	When a subject does not cooperate with an officer's commands, but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.
<b>Reasonable Belief</b>	The belief in facts and circumstances which, if true would, in law, constitute an offense.
<b>Serious Physical Injury</b>	A bodily injury that creates a substantial risk of death, serious permanent disfigurement, or results in long-term loss or impairment of the function of any bodily member or organ.
<b>Standard Cycle (ECW)</b>	A standard cycle for an Electronic Control Weapon is five seconds.
<b>Soft Hand Control</b>	The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.
<b>Verbal Commands</b>	The use of advice, persuasion, and/or warnings prior to resorting to actual physical force. In an arrest situation officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

### **USE OF FORCE AUTHORIZATION AND LIMITATIONS**

Members of the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used:

- To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense. To defend the officer or others from the use, or imminent use, of physical force.
- To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children.
- To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
- To assist a licensed physician or psychologist in providing necessary medical treatment.
- To control a situation, and to overcome passive or active resistance to a lawful order.
- To neutralize an unlawful assault and defend themselves or others from harm.
- Officers will use deadly force only when no reasonable effective alternative appears to exist.

Whenever an officer believes that de-escalation is feasible, based on his or her training and judgment, such techniques shall be the first deployed by the officer to gain compliance. Whenever possible, officers shall allow individuals time to submit to arrest or comply with lawful commands prior to the use of force.

The authorization for use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options.

### **DUTY TO INTERVENE**

An officer who, while acting in such officers' law enforcement capacity, directly observes what the witnessing officer knows to be an unreasonable, excessive, or illegal use of force, in violation of the Department's use of force policy and/or state or federal law, shall:

- Act to intervene and attempt to stop the force by another officer; and
- Contact a supervisor as soon as practical

Any officer who witnesses, or is otherwise aware of, another officer using unreasonable, excessive, or illegal force shall:

- Notify a supervisor; and
- Submit written notification to a supervisor in a timely fashion

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

Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.

### **VERBAL WARNING**

When tactically feasible, an officer will identify him/herself as a police officer and issue verbal commands and warnings prior to the use of force. When feasible, an officer will allow the subject an opportunity to comply with the officer's verbal commands.

A verbal warning is not required in circumstances where the officer has to make a split second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.

### **GENERAL**

- Officers shall use advisements, warnings, verbal persuasions, and verbal instructions when possible before

- resorting to force
- Force shall be de-escalated immediately as resistance decreases
- Officers shall allow individuals time to submit to arrest before force is used, whenever possible

#### **USE OF DEADLY FORCE IN DEFENSE OF HUMAN LIFE**

An officer is justified in using deadly physical force only when he or she reasonably believes such force is necessary to:

- Defend the officer, or a third person, from the imminent threat of death or serious bodily injury.
- Effect an arrest or prevent the escape from custody of a person whom they reasonably believe has committed, or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury; AND the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer or other persons. Where feasible, the officer should give warning of the intent to use deadly physical force.

See, *Tennessee v. Garner*, 471 U.S. 1 (1985.): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. The United States Supreme Court decision went on to state that when an officer is justified in the use of deadly force he will, if feasible, first give a verbal warning. (Example: "Police Officer, Halt"). **Deadly force may not be used against an unarmed, non-violent, property crime offender.**

#### **DEADLY FORCE RESTRICTIONS**

##### **Warning Shots Prohibited**

Officers are prohibited from discharging their firearms as a means of warning or frightening a person.

##### **Shooting at or From Moving Vehicles**

Officers are prohibited from discharging their firearms at or from a moving vehicle, or motorcycle, (collectively, "moving vehicle"), unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force other than the threat from the moving vehicle. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances. Such discharges will be rigorously scrutinized. Officers shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them such as placing themselves in the path of or reaching inside a vehicle. When confronted with an oncoming, moving vehicle, Officers must attempt to move out of its path and should generally avoid placing themselves in situations where the use of deadly force is more likely.

##### **Risk to Innocent Bystanders**

When officers are about to discharge their firearms they should be aware of their field of fire, including the backstop, so as to not unnecessarily create a substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. (i.e. discharging a firearm into a crowd, or shooting into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.)

##### **Drawing and Pointing Weapons**

Officers are prohibited from drawing and pointing their firearms at a person absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy. When it is determined that the use of deadly force is not necessary, officers shall, as soon as practicable, secure or holster their firearms. It is the rule of this department that drawing a firearm and pointing it at a person is considered a use of force.

### **Use of Firearm to Destroy Animals**

Officers may use deadly force against an animal that represents a threat to public safety, or as a humanitarian measure where the animal poses a danger to public safety or to the officers' safety, or where the animal is seriously injured after the officers have received authorization from the animal's owner (to the extent practicable) and the officers' supervisor.

### **Use of Department Weapons for Training and Other Purposes**

Officers may discharge their firearms for the purpose of practice, firearms training, when on the police range or other established shooting ranges, or when authorized by the Chief of Police to participate in law enforcement competition events.

### **Use of Firearms While Under the Influence of Alcohol and/or Drugs**

Officers shall not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency.

### **Security, Storage, and Safe Handling of Firearms**

Officers shall be trained in accordance with Department guidelines, and shall obey all safety rules when handling any firearm or any other weapon. No person other than YUPD Police Officers shall be permitted access to any department-owned firearm, with the exception of:

- police officers from other jurisdictions in the official performance of their duty;
- for repair or maintenance as approved by the department;
- or other circumstances with the express permission of the Chief of Police.

Officers will secure and store firearms, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm. All Department firearms kept at home must be secured in a safe place inaccessible to family members, especially children.

Whenever an officer is in a YPD facilities and removes his/her handgun or other weapon, the item must not be left unattended and must be secured so that it is not readily accessible to civilians, suspects, victims, or witnesses.

### **NON-DEADLY FORCE**

Officers shall only use weapons and control techniques that are issued and/or approved for use by the Department. The use of non-deadly force shall be limited to defensive and control purposes. Officers shall use only the reasonable amount of force necessary to overcome resistance or accomplish the police task. The use of non-deadly force shall conform to applicable Department Standards of Conduct, policies, procedures, and training. Officers shall not carry any non-deadly weapons prior to successfully completing the relevant YUPD approved training for each weapon.

### **Authorization to Use Non-deadly Force**

Officers are authorized to use Department approved non-deadly force techniques and authorized weapons to:

- Prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably believes has committed an offense; or
- Protect or defend the officer or others from what he/she reasonably believes to be an assault or active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.

### **Non-Deadly Force Restrictions**

Officers should only employ department approved control techniques and equipment in circumstances where force is authorized.

In limited circumstances, when a confrontation escalates suddenly, an officer may use any means or device at hand such as a flashlight, radio and other issued equipment, to defend him/herself, as long as the level of defensive action is objectively reasonable given the existing circumstances.

Force shall not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.

The following tactics of non-deadly force may be permitted in circumstances only when deadly force is authorized by this policy:

- Any chokeholds or neck restraints, with or without a device, that restricts a person's airway;
- Any strike with an impact weapon or object to a person's head or neck; and/or
- Any use of flashlights, radios or any other items not issued or trained specifically as defensive weapons.

Defensive strikes are used by officers to protect themselves from attack and may include strikes to other areas of the body, including the abdomen or head. Techniques in this category include pressure point controls, stunning or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet. These techniques target the major muscle groups and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The use of neck restraints, chokeholds, or other similar weaponless control techniques, however, are prohibited unless the use of deadly force is authorized.

### **Impact Weapons**

Authorized impact weapons may be used only when an officer is confronted with occurring or imminent active aggression against him/herself or another person.

- The use of a baton or similar instrument to strike a blow to a subject's arms or legs will be considered use of non-deadly force. The use of any such items to intentionally strike a subject's head or neck is prohibited except where deadly force is authorized by this policy.
- **Other impact weapon options available to officers are non-deadly munitions to include the following:**
  - Def Tec 12 gauge Drag Stabilized
  - DefTec eXact Impact 40mm sponge round
  - DefTec eXact Impact 40mm sponge round with OC
  - DefTec .60-cal Stinger (rubber ball round)

### **Oleoresin Capsicum (OC Spray)**

Authorized OC spray is an alternative to physical control techniques and the use of other intermediate weapons. As with any other use of force, however, OC spray must not be used indiscriminately or without an objectively reasonable basis consistent with this policy. Officers must be able to articulate the reason(s) the subject was sprayed with OC spray. OC spray shall be utilized as issued and authorized to prevent injury to the subject(s), officers and others.

### **Electronic Control Weapon (ECW)**

An Electronic Control Weapon (i.e., TASER) is authorized for use when other non-deadly options have been ineffective, or when it reasonably appears that such options will be ineffective in subduing the subject. Electronic Control Weapons

shall only be used in situations where the subject is actively resisting or attempting to avoid arrest by escape and poses an imminent threat to the safety of him/herself, another person, or the officer.

The subject should be secured as soon as practical while disabled by the electronic control weapon to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the electronic control weapon for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary.

Offices should limit the use of an electronic control weapon to three (3) standard cycles. Each application of the electronic control weapon should be independently justifiable. Officers should only deploy the weapon to the extent necessary to gain control of the subject.

#### **FORCE STANDARDS**

Both State and Federal law requires that all uses of force be reasonable. The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. Its proper application, however, 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/she is actively resisting arrest or attempting to evade arrest by flight. (*Graham v. Connor*) In addition, an officer should take into account his or her abilities.

**Tactical withdrawal** is a reasonable option when considering officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units may be appropriate responses to a situation, and should always be considered.

#### **TRAINING AND QUALIFICATIONS**

In addition to training required for firearms qualification, officers shall receive Department authorized training designed to simulate actual situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with this policy.

- All officers shall, at least annually, receive in-service training in the Department's Use of Force Policy and related case law updates.
- All officers qualified in the use of impact weapons, OC spray, electronic control device and control techniques shall, at least every two years, re-qualify on such weapons or techniques under the instruction of a certified instructor.
- Training and proficiency results for any authorized weapon will be documented in the training files.
- All officers who fail to demonstrate the required proficiency with Department issued weapons shall receive remedial training. Remedial instruction for Department issued firearms shall follow the Department's Firearms Qualification Policy.
- An officer failing to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.
- Only officers demonstrating proficiency in the use of Department authorized weapons shall be approved to carry such weapons.

#### **PROVIDE MEDICAL AID**

Any time a person has visible injuries or complains of being injured as a result of force used against him/her by an officer, the officer must take appropriate actions to provide medical care for the injured person. This includes providing first

aid, requesting emergency medical services, and/or arranging for other transportation to a hospital or emergency medical facility.

Officers shall be trained in proper treatment procedures for persons exposed to chemical sprays and the effects of other non-deadly force. If the person is offered and/or refuses treatment, this refusal shall be recorded in the police report, along with all relevant information. In addition, the officer will also notify the Shift Commander as soon as practical. If warranted, the Shift Commander will arrange to have photographs taken of the person's injuries which will be attached to the police report.

PER ORDER OF

A handwritten signature in black ink, appearing to read "Ronnell A. Higgins", is enclosed in a thin black rectangular border.

RONNELL A. HIGGINS  
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE

**THIS GENERAL ORDER SUPERSEDES GENERAL ORDER 302 USE OF FIREAMRS AND USE OF FIREARMS AND DEADLY FORCE ISSUED ON 11/01/1991 AND THE PREVIOUS VERSIONS OF THIS ORDER ISSUED ON 05/15/2009, 02/01/2013, 07/01/2013, AND 07/26/2016.**

REFERENCES: CONNECTICUT GENERAL STATUTES: SEC 53a-22, 53a-3; GRAHMAN v CONNOR (490.US.386;109S. CT 1865)