

 <p style="text-align: center;">YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDER <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i></p>	ORDER TYPE: NEED TO REFER	
	302A REPORTING, REVIEWING AND INVESTIGATING FORCE	
	EFFECTIVE DATE: 20 JUL 2016	REVIEW DATE: ANNUAL

PURPOSE

The purpose of this policy is to provide officers and their supervisors with guidelines for reporting and investigating use of force. In order to protect citizens and employees, the Yale University Police Department (“Department” or “YUPD”) is committed to documenting and investigating use of force incidents.

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the YUPD, as well as the jurisdiction that provides this authority. As such, it is this Department’s policy that officers report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy. Any officers who uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident shall not be allowed to conduct the review/investigation.

Officers shall complete a departmental Use of Force Report whenever they use or witness the use of force against a suspect above unresisted handcuffing. This includes the discharge of a firearm or any action that results in or is alleged to have resulted in, injury to or the death of another person.

DEFINITIONS

Critical Firearm Discharge	When a YUPD officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.
Force	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.
Harm	Injury inflicted upon a person, whether visible or not.
Hard Hand Control	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 nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).
Deadly Force	Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal physical force is an extreme measure and shall only be used in accordance with the law.
Non-Deadly Force	Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.
Reportable Use of Force	All force used above non-resistant compliant handcuffing including drawing a firearm and pointing it at another person. While it does not include unresisted (cooperative) handcuffing, it does include handcuffing individuals to objects.
Resisted Handcuffing	When a person actively resists being placed in handcuffs and the officers must use “soft hand controls” to gain compliance by forcibly moving the subject’s

	wrists or arms, or to physically maneuver the subject’s body so the handcuffs can be applied. The “resistance” may range from an active struggle to a person simply “locking” his/her arms to prevent compliant handcuffing. Conversely, “unresisted (cooperative) handcuffing” occurs whenever the subject complies with the officer’s verbal commands and/or unresistingly allows the officers to position their arms in order to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.
Serious Physical Injury	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.
Serious Use of Force	Any action by an officer that involves: 1) the use of deadly force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury, or requires hospital admission; 3) a canine bite; and 4) the use of chemical spray or Electronic Control Device against a restrained person.
Soft Hand Control	The use of physical strength and skill in defensive tactics to control arrestees that 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.
Supervisor	A supervisor includes a Sergeant and above who is assigned responsibility for supervising officers.
Weapon	Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.

PROCEDURE

Force Levels

YPD uses of force will be divided into three levels. The three levels for the reporting, investigation and review of use of force correspond to the amount of force used and/or the outcome of the force. The categorization of the use of force is based upon; the potential of the technique or weapon to cause injury; degree of injury caused; degree of pain experienced; degree of disability experienced by the subject; the nature of the complaint by the subject; degree of restraint on the subject; impairment of the functioning of any organ; duration of force and physical vulnerability of the subject. The three levels of force are defined as:

- **Level 1:** is force that is reasonably expected to cause only transient pain and/or disorientation during its application as a means of gaining compliance, including pressure point compliance and joint manipulation techniques but that is not reasonably expected to cause injury, does not result in actual injury and does not result in a complaint of injury. It does not include escorting, touching or handcuffing a person with no or minimal resistance. Unholstering a firearm or ECW and pointing it at a person is reportable as a Level 1 use of force.
- **Level 2:** is force that causes an injury, could reasonably be expected to cause an injury or results in a complaint of injury but does not rise to a Level 3 use of force. Level 2 includes the deployment of an ECW, including where an ECW is fired at a person but misses; OC spray application, weaponless defense techniques (e.g., elbow or closed fist strikes, kicks, leg sweeps and takedowns); use of an impact weapon (except for a strike to the head, neck or face with an impact weapon); and any canine apprehension.

- **Level 3:** is force that includes uses of lethal force; uses of force resulting in death or serious physical injury; uses of force resulting in hospital admission; all neck holds; uses of force resulting in a loss of consciousness; canine bites; more than three (3) applications of an ECW on an individual regardless of the mode or duration of the application and regardless of whether the applications are by the same or different officers; or an ECW application longer than fifteen (15) seconds; and any Level 2 use of force against a handcuffed subject.

Responsibility for Reporting

- Officers shall, as soon as possible, notify their shift supervisor of any reportable use of force.
- Officers shall, as soon as practicable, following all reportable Level 1 and Level 2 use of force incidents, complete a Use of Force Report. Each officer who uses force shall submit a separate written Use of Force Report. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.
- Any officer who witnesses a reportable use of force shall advise a shift supervisor, or appropriate commanding officer, and shall submit required supplemental reports.
- If an officer uses force on more than one subject during the same event, the officer shall complete separate Use of Force Reports for each person for was used on.
- If an officer is unable to complete the report due to injury, the officer's immediate supervisor will complete it to the extent possible.
- The Report shall include the following:
 - A detailed account of the incident from the perspective of the officer writing the report.
 - The reason for the initial police presence.
 - A specific description of the acts that led to the use of force, including the attempts to seek compliance and the subject's reactions to that attempt.
 - A description of the level of resistance encountered.
 - A description of every type of force used.
 - No "canned" or conclusory language.
 - Any suspect or officer complaints of injury, medical treatment received or refusal of medical treatment.
- Officers who use or observe the use of force but fail to report it or who intentionally omit or misrepresent material facts in their reports shall be subject to the disciplinary process.
- In Level 1 and Level 2 incidents, the completed Use of Force Report Form shall be submitted to the shift supervisor as soon as practical after the incident but prior to the officer completing his/her tour of duty unless exigent circumstances exist which prevent the completion of the report before the end of the shift. All exigent circumstances preventing the completion of the report shall be documented and the report will be completed as soon as feasible.
- Shift supervisors shall investigate and report any reportable use of force as directed in this policy.
- A supervisor who uses force, authorizes the use of force, authorizes conduct leading to the use of force, or is a witness to the use of force shall not be allowed to conduct the investigation.
- Officers who are the subject of an allegation of unreasonable force shall immediately notify a shift supervisor to document the incident as a citizen complaint. The supervisor shall follow the procedures specified in General Order 207.

Referral/Transport for Medical Attention

- Arresting and transporting officers shall ask prisoners, against whom force was used, whether they are injured or ill.
- A suspect shall be examined by a physician or qualified health care provider (e.g., EMT, Paramedic, Nurse Practitioner...) prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
 - Is struck on the head or other body parts with an impact weapon or other hard object;
 - Is restrained about the neck or throat;
 - Is sprayed with a chemical agent;
 - Is subject to an ECW application;

- Is struck with any non-lethal weapon projectile such as an ECW dart, bean bags, pepper ball, or stingball; or
- Is bitten by a police canine.

SUPERVISORY RESPONSIBILITIES

When a reportable use of force incident occurs, the Shift Commander, or designee, has the primary responsibility to make certain that all necessary Use of Force Reports are properly completed, reviewed for accuracy, and submitted as required by officers under their command. The Supervisor will sign the report and forward it through the chain-of-command to the Office of the Chief.

If a supervisor is actually involved in a use of force incident, he/she will forward his/her Use of Force Report to the next level of command not involved in the incident.

The Supervisor, after being notified of a Level 2 or Level 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force. When an on-duty or off-duty employee has been involved in a Level 3 use of force incident, the Shift Commander will immediately report the incident to the Chief of Police, via the chain of command.

A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer).

USE OF FORCE INVESTIGATIONS

Level 1

- The direct supervisor of the officer(s) employing a Level 1 use of force will review and approve the use of force in writing, return the Use of Force Report to the officer for revision (e.g., to correct typos, conclusory language, omissions and/or make other revisions), or elevate the Level 1 use of force before the end of the supervisor's shift following the shift on which the Level 1 force was used.
- If the Use of Force Report is returned to the officer for revision, all revisions and additional reviews will be completed within five (5) days of the use of force.
- It is not mandatory for supervisors to respond to the scene of a Level 1 use of force.
- Supervisors will elevate and investigate any Level 1 use of force that appears to have violated policy or was improperly categorized as a Level 1 use of force.

Level 2

Absent exceptional circumstances, the supervisor of any officer, upon notification of a use of Level 2 force or an allegation of unreasonable force, shall respond to the scene of the use of force. If a supervisor is unable to respond to the scene, the supervisor shall document in the case file the exigent circumstances preventing his or her presence.

The reviewing supervisor once on scene shall take the following initial steps in response to receiving notification of a Level 2 use of force or an allegation of unreasonable force:

- Examine the subject of the force for injury.
- Interview the subject for complaints of pain.
- Ensure that the subject receives medical attention from an appropriate medical provider.
- Ensure the canvas for and interview of civilian witnesses.
 - Civilian witnesses should be interviewed on body camera or, if they refuse, encouraged to provide and sign a written statement in their own words
- Ensure that all officers, including the officer who used level 2 force as well as officers who witnessed the officer's use of force, provide Use of Force Reports regarding the incident.
- Separate officers involved in a use of force incident until they are interviewed. Group interviews shall be prohibited.
- Ensure that all use of force reports identify all officers who were involved in the incident or were on the scene when it occurred.

- Interview the officer(s) who used force and witness officers consistent with his/her right to union representation if exercised.
- Interview civilian witnesses and subjects.
 - Supervisors should record all interviews with subjects and civilian witnesses.
- Supervisors shall not ask leading questions that improperly suggest justifications for the officers' conduct, when such questions are contrary to appropriate law enforcement techniques.
- Ensure collection of all evidence to establish material facts related to the use of force, including audio and video recordings, body camera recordings, and photographs and other documentation of injuries or the absence of injuries.

Immediately after completing the initial steps listed above, the reviewing supervisor will:

- Review all Use of Force Reports and ensure that all reports include the information required by Department policy;
- Consider all relevant evidence, including circumstantial, direct, and physical evidence, and make credibility determinations, if feasible; and
- Make all reasonable efforts to resolve material inconsistencies between the evidence gathered as part of his/her Level 2 Investigation as well as inconsistencies between the level of force claimed by the officers in their Use of Force reports, witness' statements and the subject's injuries and/or statement.

Level 3:

The responsibility of patrol supervisors in Level 3 use of force incidents is to ensure that proper medical attention is provided to injured persons, secure and stabilize the scene; notify the PSO through the chain of command and await the arrival of investigators.

YPD will refer criminal investigations of uses of force to the State's Attorney's Office. The YPD Professional Standards Office will conduct administrative investigations of all Level 3 uses of force; all instances in which an individual died in, or as an apparent result of being in, YPD custody and any uses of force assigned to the PSO by the Chief or his/her designee. YPD-PSO investigators will not take part in the criminal investigation.

The assigned PSO investigator will respond to the scene of every use of force he/she is assigned to investigate and will immediately notify the State's Attorney's Office in cases of lethal force or in custody deaths. Upon arrival, the assigned PSO investigator will assume responsibility for the administrative investigation.

IMMEDIATE ESCALATION OF INVESTIGATION

If at any point during his/her investigation of a Level 1 or 2 use of force, the Supervisor determines that the incident involved a Level 3 use of force and/or the officer's use of force, regardless of level, appears to be unreasonable, in violation of YPD policy, misconduct and/or criminal behavior, he/she shall immediately refer the matter to the PSO through the chain of command for investigation consistent with Article XVII of the YPBA collective bargaining agreement.

Supervisors also shall not investigate use of force incidents involving:

- Department personnel of equal or higher rank;
- Use of force incidents reassigned to the PSO by the Chief of Police or his or her designee; and/or
- Use of force in which the supervisor was involved, by participating in or ordering the force being investigated.

SUPERVISOR REPORTS

- Each supervisor shall complete and document a Level 2 use of force supervisory review using a Supervisory Force Investigation Report within 72 hours of learning of the use of force, unless the Chief of Police agrees to extend this period based on the facts and circumstances of a particular incident. The Supervisory Force

Investigation Report will include the following information:

- The supervisor's narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the supervisor's independent review of the facts and circumstances of the incident;
- Documentation of all evidence that was gathered, including names, phone numbers and addresses of 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.
 - Identifying information for anyone who refuses to provide a statement.
- The names of all other YPD employees witnessing the use of force;
- The reviewing supervisor's evaluation of the basis for the use of force, including a determination of whether the officer's actions appear to be within Department policy and consistent with state and federal law;
- Whether there is any evidence of criminal conduct by the officer. Whenever a supervisor finds evidence of apparent criminal conduct by an officer, he or she shall suspend the investigation immediately and notify his or her Division Head;
- An assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options; and
- Documentation of any non-disciplinary corrective action taken.

SERIOUS USE OF FORCE

- In cases involving a serious use of force or Level 3 as defined by this policy, the supervisor shall:
 - immediately respond to and secure the scene;
 - insure that officers and citizens receive appropriate medical attention;
 - notify the dispatcher that an officer has been involved in a confirmed Level 3 use of force;
 - document, as necessary, the scene of the incident;
 - secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
 - identify witnesses, both officer and civilian, and insure that they are segregated for interview by investigating units;
 - As soon as possible, secure the weapon(s) used by the involved officer(s).
- The dispatcher will immediately notify the Chief, Assistant Chiefs, Standards and Support Supervisor, Investigative Services CO and the PSO.
- The Chief will cause an Internal Affairs investigation to be initiated by the PSO.
- The Investigation shall be conducted consistent with General Order 401- Use of Force Investigations as well as Article XVII of the YPBA collective bargaining agreement.

FORCE REVIEW BY DIVISION HEAD

- The Division Head (Community Patrol and Emergency Supervisor or Support Services) shall review the Supervisory Force Investigation Report to ensure that it is complete and that the findings are supported by a preponderance of the evidence
- The Division Head shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
- Where the findings of the Supervisory Force Investigation Report are not supported by a preponderance of the evidence, the Division Head shall modify the findings after consultation with the reviewing supervisor, and document the reasons for this modification, including the specific evidence or analysis supporting the

modification.

- The Division Head shall counsel the reviewing supervisor regarding the modification and on any investigative deficiencies that led to it. The Division Head shall order corrective action where appropriate.
- The Division Head shall be held accountable for the accuracy and completeness of all materials in the Force Review Files compiled by supervisors under his or her command.
- Whenever a Division Head finds evidence of apparent criminal conduct by an officer, he or she shall suspend the investigation immediately and notify the Chief of Police and the PSO.
- When the Division Head finds that the supervisor force review is complete and the evidence supports the findings, the Force Review File he/she shall determine the disposition for each allegation of use of force:
 - **Within Department Policy** – a use of force is determined to be justified, and during the course of the incident the subject officers did not violate Department policy.
 - **Policy Violation** – a use of force is determined to be justified, but during the course of the incident the subject officers violated Department policy;
 - **Training Opportunity** – a use of force is determined to be justified, no YPD policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or
 - **Not within Department Policy** – a use of force is determined to be not justified, and during the course of the incident the subject officer violated Department policy.
- The Division Head shall submit findings and conclusions to the Assistant Chief with responsibility for the unit the officer using force was assigned to within five (5) working days after receipt of the investigative case file from the investigating supervisor.
- The Division Head shall hold supervisors accountable for the quality of their performance reviews and investigations.
- Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.

ASSISTANT CHIEF'S REVIEW

The Assistant Chief with responsibility for the unit the officer using force was assigned to will review the Use of Force Report and Supervisor Investigation to determine:

- Whether the action was consistent with policy and procedure
- Whether the action warrants further administrative review/investigation
- Recommendations on equipment upgrades, training, and/or policy issues, if applicable
- The Assistant Chief may confer with Department instructors/trainers who specialize in the field of force used, as needed. The Chief of Police will be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.

CHIEF'S REVIEW

The Chief of Police shall:

- Review all Supervisory and Professional Standards Use of Force documents.
- Review each force review and investigation within 30 days of receiving the force review/investigation report to ensure that it is complete and that the findings are supported by a preponderance of the evidence.
- Order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
- Modify the findings and document the reasons for this modification, including the specific evidence or analysis supporting the modification where the findings are not supported by a preponderance of the evidence,
- Determine whether the force violated YPD policy,
- Determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate commander or supervisor within the department to ensure they are resolved.

- Direct supervisors to take and document non-disciplinary corrective action to enable or encourage an officer to improve his or her performance.
- Issue a finding to the officers(s) subject to the investigation indicating one of the following conclusions.
 - The Chief found no violations of Department policy or law.
 - The Chief found evidence of a need for corrective action such as training or counseling. The Chief will describe in detail the requirements of the corrective action.
 - The Chief finds probable cause that the use of force violated the law and that the case has been referred to the proper authorities.
 - In all cases the Chief's written finding will be maintained on file by PSO.
- Direct and ensure appropriate discipline where, after a force review, an officer's use of force is found to be inconsistent with Department policy,
- Ensure that necessary training is delivered and that policy, tactical or equipment concerns are resolved where the use of force indicates policy, training, tactical, or equipment concerns.

TRAINING

The Department shall coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and Department policy. The Department shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.

PER ORDER OF:



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