



State of Connecticut
Department of Public Safety
CONNECTICUT STATE POLICE
OFFICE OF PROFESSIONAL STANDARDS & TRAINING



TO: Colonel Thomas Davoren

FROM: Lieutenant Colonel Gene Labonte

DATE: March 11, 2010

SUBJECT: Annual Analysis of Use of Force Incidents for Calendar-Year 2009

Background:

The Office of Professional Standards is the final repository for all Use of Force and Complaint/Report of Injury to Prisoner Reports. In February of each year the Office of Professional Standards compiles statistics for the previous year in preparation for an annual report to the Colonel in compliance with the Department of Public Safety Administration and Operations Manual and the Commission for Accreditation of Law Enforcement Agencies¹. Throughout each year reports are reviewed and entered into a central database. Various statistics are retrieved from the database prior to the preparation of the annual report. At the close of the 2009 reporting period, the Office of Professional Standards and Training, in conjunction with members of the Academy Staff, conducted an audit of the use of force reports and statistics. The review of the 2009 reports and statistics included analysis of the incidents from a response to aggression point of view, going beyond the traditional statistical analysis. This was done in order to detect trends and determine whether in-service training conducted in 2009 had an effect on troopers' decision-making related to use of force, and whether modifications are necessary for future training and policy.

Procedure:

Use of Force Reports/Investigations are completed in the field by supervisors, reviewed by Troop Commanders and District Commanders and forwarded to Professional Standards for policy compliance review and retention. These reports are submitted through the chain of command to document the incident type, ensure compliance with Department policy and to identify and address training needs. Each report is reviewed for accuracy and content problems, and if necessary routed back through the chain of command for correction or further investigation.

¹ DPS/CSP Administration and Operations Manual 13.4.3b(2), CALEA 1.1.13



State of Connecticut
Department of Public Safety
CONNECTICUT STATE POLICE
OFFICE OF PROFESSIONAL STANDARDS & TRAINING



Statistical reports were prepared for the 2008 and 2009 reporting periods. Personnel from the Office of Professional Standards and Training, including members of the Internal Affairs Unit and Use of Force instructors from the Training Academy, conducted a labor intensive hand search and review of each Use of Force Report and Complaint/Report of Injury to Prisoner on file. Each report was reviewed for content and completeness and the subject matter experts reviewed the specific circumstances of each incident in an effort to analyze the type of force and level of force utilized. Moreover, the incidents were reviewed with an eye towards identifying specific patterns of activity by personnel, trends in type of force, frequency of use, type of instrument/tool, associated injury to subjects and personnel and training.

Analysis of Use of Force:

This document encompasses the Department's Use of Force trends for years 2008-2009. It includes amended, verified data related to Use of Force applications which may conflict with previously reported numbers. These anomalies can be attributed to a number of human error variables related to the submission and entry of Use of Force and/or Injury to Prisoner reports as collected in multiple data bases. Furthermore, the current numbers reflect hand counted cases for the listed years. It is also noted that subsequent reports may not correspond to these numbers as data bases are repopulated with accurate data.

A variety of factors contributed to data anomalies during previous years including but not limited to data entry errors, late submission of reports, inaccurate data submitted with reports, multiple case numbers generated for the same incident, and incidents not submitted through the system due to investigation of the incident via an Internal Affairs investigation. While many of these factors have been remedied, the most prevalent anomaly results in the increase in reported complaints of and injury to prisoner statistics for the current year. Prior to 2009, only one entry, usually related to the most evident use of force for each incident, was captured. While in some cases this remains, as the system is undergoing modifications, injuries and/or multiple levels of force are currently reported and will be entered and retrieved in future reports. This is important to note as the number of injuries and/or complaint of injuries appears as significantly increased from the previous year, however in reality this is not the case. This is explained further within the breakdown of each category of reportable incidents.

For the 2009 year, Professional Standards is in possession of 161 Use of Force Reports, which is a decrease from 2008 by 39 reported incidents or by nearly 20 %. Reported incidents from



State of Connecticut
Department of Public Safety
CONNECTICUT STATE POLICE
OFFICE OF PROFESSIONAL STANDARDS & TRAINING



2008 to 2009 also indicate a decrease in most areas. It is noted that complaints of excessive force cases that were investigated by Internal Affairs during 2009 did count towards the 161 incidents, respectively. Previously, the Internal Affairs investigations of such incidents served as the sole reporting mechanism. Commencing with the current reporting year and moving forward, supervisors are now in compliance by capturing information from the incident in a standard Use of Force report prior to a complaint arriving at Internal Affairs.

The Department's trend for total use of force incidents had been on the rise in recent years. The Office of Professional Standards previously attributed the increase to an increase in the deployment of Electronic Control Devices (ECD), hereinafter referred to as Taser®. The year 2007 was the first full year of deployment of Taser® devices to the field. By December, 2007, 137 troopers were assigned Tasers®. During calendar year 2008, an additional 223 Tasers® were issued bringing the total number deployed to 360. Taser® applications increased from 16 in 2007, or roughly 15% of all use of force applications, to 87 in 2008 or roughly 43% of all use of force applications.

In 2009, the number of Taser® devices deployed to field personnel increased to 476. Application of the Tasers® decreased from 87 in 2008 or roughly 43% of all use of force applications; to 58 or roughly 36 % of all use of force applications. The Office of Professional Standards and Training anticipated that the number of Taser® applications would increase in correlation to an increased number of devices being deployed to field personnel. To the contrary, the number of applications decreased from 2008 to 2009. However, it is essential to note that during the summer of 2008 troopers were assigned to the cities of Hartford and New Haven as part of an initiative to respond proactively to the increased criminal activity in those cities. This included working together with the New Haven and Hartford Police Departments. The Office of Professional Standards and training determined that 40 of the 87 (45%) Taser® uses for the 2008 reporting period occurred during these initiatives. Subtraction of those 40 incidents would leave 47 Taser® applications for 2008 which is 10 less than the 2009 total of 58 thereby resulting in a 19 % increase from 2008 to 2009.

Troopers are trained to use the Taser® device to safely bring subjects under control. It is a low level use of force option that allows a trooper to bring a subject under control with minimal effort and hence minimal risk to both the subject and the trooper. Analysis of the deployments revealed that such a use of force option was utilized even when justification in many cases justified a higher use of force option, which may have caused injury to either party. In all cases involving application on suspects, application was determined to be



State of Connecticut
Department of Public Safety
CONNECTICUT STATE POLICE
OFFICE OF PROFESSIONAL STANDARDS & TRAINING



justified under the standard of “objective reasonableness” under *Graham v. Connor*, 490 U.S. 386 (1989).

Other trends revealed a drop in the use of Oleoresin Capsicum spray, hereinafter referred to as OC, by 17 incidents, however percentage-wise, 2008 OC uses accounted for nearly 17% of applications while 2009 OC uses accounted for approximately 11%. When compared to the application of the Taser® for the same years (2008, 43% and 2009, 36%) an inverse trend continued as it had from 2007 to 2008. It can be correlated that this inverse trend is in direct relation to the preference of the Taser® to other force options including OC spray. Reasons for the preference of the Taser® include greater effectiveness, decreased recovery time of the suspect from the application, and decreased cross soiling and clean up of a suspect and/or officer related to other options especially OC. It is also noted that other use of force options to include open hand techniques do not require the submission of a use of force report unless injury or complaint of injury by the subject exists. In all cases of Taser® deployment, some form of hands on techniques would have been reasonable and justified, but may have lead to injury to the subject, trooper or both.

One use of force option that remained at or near a rate commensurate with the overall increase of incidents is canine bites. Canine bites increased from 20 (10% of overall incidents) in 2008 to 24 (14% of overall incidents) in 2009. The amount of canine teams deployed statewide increased 12% from 32 in 2008 and 36 in 2009.

While the total number of injury to prisoner and complaint of injury to prisoner cases increased by 61 incidents, this can be attributed to two significant factors. First, multiple entries are now being captured and recorded for statistical analysis, whereas past reports only reflected a single classification of force option or injury. Second, in previous years, reports of Taser® application did not include an injury classification related to injury sustained by the prongs penetrating the subject. Of the 79 total injuries recorded for 2009, 58 of those were solely the result of Taser® applications (prong penetration) and the remaining 21 injuries were reported by troopers for all other incidents. Additionally, there were 25 total complaints of injury reported by prisoners for calendar year 2009. In 15 of those cases the complaint of injury was the lone classification (not associated with a documented use of force) which represents a slight increase from the previous year. The remaining 10 were reported/classified along with an associated report of a use of force. The inclusion of secondary coding resulted in another anomaly with respect to reported instances of “other force used”. This category rose from 11 in 2008 to 34 in 2009. It is important to note that in



State of Connecticut
Department of Public Safety
CONNECTICUT STATE POLICE
OFFICE OF PROFESSIONAL STANDARDS & TRAINING



previous years only the injury and not the “other force used” as the cause of the injury was recorded. The change in data entry and coding methodology, to include multiple field entries, results in an artificial increase.

Investigations of excessive use of force claims rose from 1 in 2008 to 4 in 2009. The resulting injuries associated with the underlying incidents ranged from complaints of pain to canine bite injuries. Each of these incidents/complaints was investigated pursuant to existing policy. The investigations failed to reveal any improper conduct on the part of the involved personnel.

Of all prisoner injury reports reviewed for 2007-2009, the vast majority were minor in nature such as complaints of pain in wrists from handcuffing along with scrapes and abrasions with non-compliant combative individuals. In 2009 Taser® prong injuries were captured.

A comprehensive review of all investigative reports for 2008-2009 supports that our personnel continue to use sound judgment with respect to use of force incidents. Moreover in a majority of cases personnel use a minimal and appropriate amount of force. We have continued with use-of-force training, specifically with *Graham v. Connor*, 490 U.S. 386 (1989) and *Tennessee v. Garner*, 471 U.S. 1 (1985). Instructors and subject matter experts review the specific elements of both cases annually during firearms training at the Firearms Training Unit; as well as at Taser® training for both new and previously certified operators. Heavy emphasis is placed on the “objective reasonableness standard” as this is how all use of force incidents are analyzed.



State of Connecticut
 Department of Public Safety
CONNECTICUT STATE POLICE
 OFFICE OF PROFESSIONAL STANDARDS & TRAINING



<u>Incident Type</u>	<u>2008</u>	<u>2009</u>
Oleoresin Capsicum Spray	33	18
Hartford Initiative	1	N/A
Other Force Used***	11	34
Report of Injury to Prisoner *	26	79 ²
Complaint of Injury by Prisoner **	17	25 ³
Baton	4	2
New Haven Initiative	1	N/A
K-9 Bite	21	24
New Haven Initiative	2	N/A
Firearm	1	0
Taser®	87	58
Hartford Initiative	32	N/A
New Haven Initiative	8	N/A
Totals for the Year (Incidents)	200	161

- * Trooper Reported Incident.
- ** Prisoner Reported Incident.
- *** Other Force Used denotes control modes not listed above.

District	Eastern	Central	Western
HQ – 10 ⁴	D – 20 E – 22 C – 22 K – 15 Casino-9	H – 9 F – 13 I – 5 W - 0	A – 9 B – 6 G – 13 L - 8

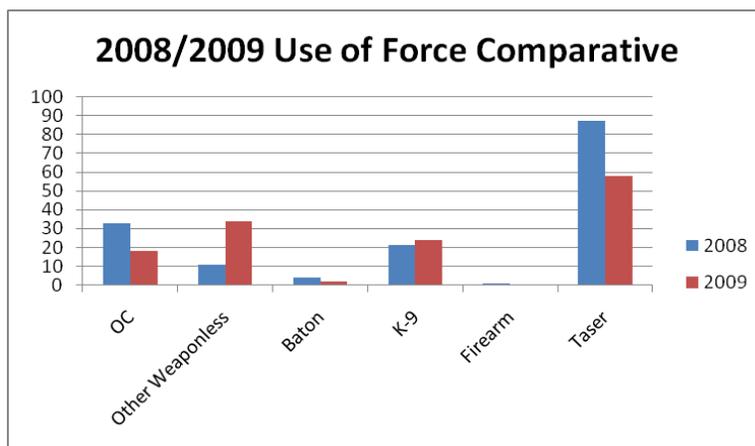
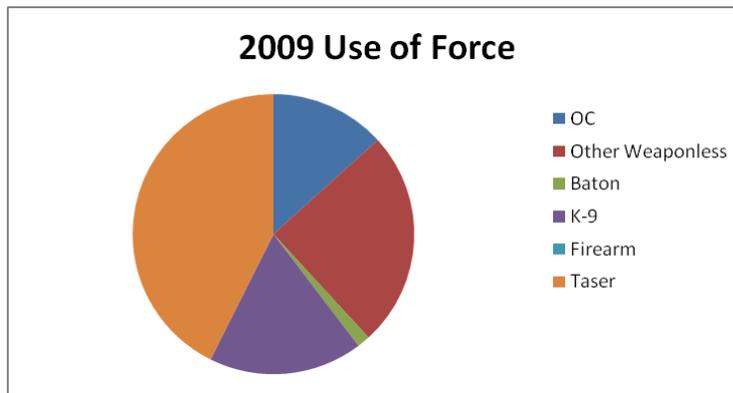
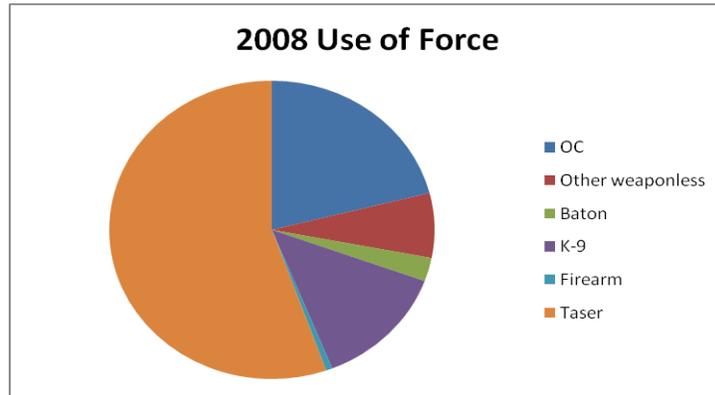
² 58 of the 79 reported injuries are attributable to trooper reports of Taser® deployment and associated prong penetration.

³ 15 of the 25 injuries reported by prisoners were not affiliated with a documented use of force (e.g. prisoner fell while in custody)

⁴ Due to Nexgen CAD/RMS coding restrictions, all specialized units are reported as HQ



State of Connecticut
Department of Public Safety
CONNECTICUT STATE POLICE
OFFICE OF PROFESSIONAL STANDARDS & TRAINING





State of Connecticut
Department of Public Safety
CONNECTICUT STATE POLICE
OFFICE OF PROFESSIONAL STANDARDS & TRAINING



Conclusion:

Through the above review and analysis the Office of Professional Standards has determined that there is no systemic problem pertaining to Use of Force by Connecticut State Police personnel. Taking into consideration the number of agency personnel as well the total number of investigations, in custody arrests and other personal contacts made by those personnel, the percentage of corresponding use of force incidents is relatively low. Moreover, when agency personnel utilize force, in a majority of cases the means, methods and level of force has been deemed justified and appropriate. The overall analysis of use of force incidents noted no significant trends aside from that mentioned in regards to the increased number of Taser® uses which is likely attributable and correlated⁵ to the increased number of Taser® devices deployed over the two year period.

⁵ Not based upon a true statistical analysis of the like that would be required to prove statistical correlation and/or causal relationship.