
 State of Connecticut Department of Correction  <b>ADMINISTRATIVE          DIRECTIVE</b>	Directive Number 6.5	Effective Date 10/01/2018	Page 1 of 6
	Supersedes Use of Force, dated 02/13/2013		
Approved By   Commissioner Scott Semple	Title  Use of Force		

1. **Policy.** The Department of Correction shall set forth the circumstances under which correctional staff are authorized to use physical and/or deadly physical force in the performance of their duties.
2. **Authority and Reference.**
  - a. United States Constitution, Eighth Amendment:
    - i. Whitley v. Albers, 475 U.S. 312 (1986) and,
    - ii. Hudson v. McMillian, 503 U.S. 1, (1992).
  - b. Connecticut General Statutes, Sections 18-81, 53a-3(4), 53a-3(5), 53a-18 through 53a-22.
  - c. Public Act 18-4
  - d. Administrative Directives 2.7, Training and Staff Development; 4.7, Records Retention; 6.2, Facility Post Orders and Logs; 6.4, Transportation and Community Supervision of Inmates; 6.6, Reporting of Incidents; 6.9, Collection and Retention of Contraband and Physical Evidence; 6.11, Canine Unit; 7.2, Armories; 7.3, Emergency Plans; 7.4, Emergency Response Units; 8.5, Mental Health Services; 8.6, Credentials of Health Services Staff; and 9.4, Restrictive Status.
  - e. Standards for Health Services in Prisons P-I-01, Use of Restraint and Seclusion in Correctional Facilities. 2008. National Commission on Correctional Health Care, Chicago IL.
3. **Definitions and Acronyms.** For the purposes stated herein, the following definitions and acronyms apply:
  - a. **Barricade Obstruction Tool (BOT).** An armory item utilized to safely move or remove a barricade or obstruction from the interior of a cell door from the outside in an effort to assist in the effective deployment of chemical agent into the cell.
  - b. **Chemical Agent Devices.** Chemical agent devices consist of two (2) categories:
    - i. Category I devices are hand held aerosol dispensers; and,
    - ii. Category II devices consist of all methods of administration other than hand held aerosol devices.
  - c. **EHR.** Electronic Health Record.
  - d. **Deadly Physical Force.** Physical force which can be reasonably expected to cause death or serious physical injury.
  - e. **Full Stationary Restraint.** Securing an inmate by the four (4) points of the arms and legs to a stationary surface.
  - f. **In-Cell Restraint.** Restraint within a cell of an acutely disruptive inmate utilizing one or more of the following restraining devices as appropriate: handcuffs, leg irons, security (tether) chain, belly chains, flex cuffs and/or black box.
  - g. **Less-than-Lethal Munitions.** Ammunition, to include Category II chemical agent projectiles or impact rounds, not reasonably expected to cause death or serious physical injury.
  - h. **Lethal Munitions.** Ammunition that when used may reasonably be expected to cause death or serious physical injury.
  - i. **Medical Restraints.** Any physical or mechanical device, material or equipment that is ordered by a medical provider and attached or adjacent to the inmate body that he/she cannot easily remove and that restricts movement or normal access to one's body.
  - j. **OC.** Oleoresin Capsicum.
  - k. **Physical Force.** Physical contact or contact through use of an armory item/canine initiated by a staff member in response to a non-compliant inmate for the purposes of establishing, maintaining or restoring control, order, safety and/or security.

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Routine use of physical contact shall not be considered physical force, including the routine use of restraints.

1. Qualified Mental Health Provider. Psychiatrists, psychologists, psychiatric nurse clinicians, psychiatric social workers, and others who by virtue of their education, credentials and experience are permitted by law to evaluate and care for the mental health needs of inmates.
- m. Restraints. Restraints shall include any mechanical device used to control the movement of an inmate's body and/or limbs, including but not limited to flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain or a convex shield.
- n. Serious Physical Injury. 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 bodily organ.
- o. Therapeutic Restraints. Full stationary restraints that are ordered by a psychiatrist or physician as part of a medical or mental health treatment.

#### 4. General Principles.

- a. A Department employee may use physical force on an inmate to maintain discipline, order, safety and security while in the performance of the employee's official duties.
- b. The amount of force used shall be reasonable and appropriate to the circumstances based on the situation, the information in the possession of correctional personnel at the time, and the information reasonably available under the circumstances.
- c. Force shall be utilized in order to promote the safety of the public, staff and inmates and shall be based on sound correctional objectives.
- d. Staff may immediately use force and/or apply restraints when an inmate's behavior constitutes an immediate threat to self, others, property, order or the safety and security of the facility.
- e. Physical force shall be reasonably related to the degree and duration necessary to achieve its authorized objective.
- f. Physical force shall not be used for the harassment or punishment of any person.
- g. An employee who is issued an armory item shall be authorized to use the item subject to the chain of command and in accordance with this Directive and Administrative Directive 7.2, Armories.
- h. A supervisor shall limit those staff involved in the use of physical force to those who are reasonably considered necessary to control and contain the incident.
- i. A supervisor shall direct the actions of responding staff and continually assess the wellbeing of both staff and inmates.
- j. Absent exigent circumstances, the supervisor in charge shall not become directly involved in physically restraining an inmate.
  - i. When exigent circumstances require that the supervisor become involved in a use of physical force, the supervisor shall disengage, as much as possible, while supervising the incident.

#### 5. Use of Physical Force.

- a. Correctional employees are authorized to use reasonable physical force upon another person in the performance of their official duties:
  - i. to maintain order and discipline;
  - ii. to prevent a suicide or the self-infliction of injury;
  - iii. to defend themselves or a third person from what they reasonably believe to be the use or imminent use of physical force; or,
  - iv. when and to the extent that they reasonably believe such to be necessary to prevent an inmate escaping from custody.
- b. Prior to a planned use of physical force, a correctional supervisor shall summon a video camera which shall document the verbal intervention as well as the planned use of physical force in accordance with Section 11 of this Directive.
  - i. When verbal intervention is unsuccessful, the correctional supervisor and a health services staff member shall confer and gather pertinent information about the inmate's health status and any immediate concerns.
- c. When there is no immediate threat to staff, the inmate, others or the order or the safety and security of the facility, and the inmate is secure, voluntary

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cooperation, control and compliance shall be attempted by verbal intervention by available health services, custody or other Department staff.

- i. Whenever practical, treatment staff (i.e., mental health, medical, or counseling staff) shall be utilized prior to a planned use of physical force.
- ii. This attempt shall be documented in the supervisor's report.
- d. A correctional supervisor shall issue a last verbal warning to the inmate and advise the inmate that force shall be used to include, but not limited to chemical agents and/or canine, and provide the inmate with a reasonable amount of time to comply with lawful direction before initiating the use of physical force.
  - i. In the event such measures are unsuccessful, reasonable physical force may be utilized. Prior to the planned use of physical force, the supervisor shall designate the appropriate staff to apply such physical force in accordance with this Directive.
- e. In addition to the requirements listed in this Directive, prior to a planned use of physical force on an inmate housed in a designated housing unit for the mentally ill, clinical intervention shall be attempted by a qualified mental health provider, acting in consultation, if possible, with a doctoral-level clinician.
  - i. A qualified mental health provider shall attempt to verbally counsel the inmate and attempt to persuade the inmate to cease the behavior that has led to the planned use of physical force. The qualified mental health provider shall document this process in the inmate's health record. The Shift Commander or designee shall document all attempted intervention in the supervisory report.
- f. A planned use of physical force shall be carried out by personnel in hazardous duty classifications. Use of physical force by other personnel shall be used in accordance with Section 14 of this Directive.

## 6. Use of Deadly Physical Force.

### a. General Provisions.

- i. Deadly physical force shall only be authorized when it is necessary to:
  - 1. ) defend himself/herself or a third person from the use or imminent use of deadly physical force; or 2
  - 2. ) to prevent an escape of a person reasonably believed to have committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury.
- ii. Prior to the use of deadly physical force a verbal warning shall be given where feasible.
- iii. Deadly physical force shall not be permitted if it is feasible to give a warning of the intent to use deadly physical force until such warning has been given.
- iv. An inmate's criminal conviction history may be used in order to form a reasonable belief that the inmate has committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury.
- v. In the event firing a weapon is likely to endanger any by-stander during an escape, staff shall not discharge the weapon even if it allows the escape attempt to be successful. Prior to the use of deadly physical force, a verbal warning shall be given if at all feasible.
  - 1. Warning shots shall not be authorized.
- vi. In no case may the use of deadly physical force be justified solely on the grounds of the security classification of the facility from which the escape is attempted.

### b. Protection of Persons.

- i. Deadly physical force may be used to defend oneself or another person from the use or imminent use of deadly physical force.

### c. Prevention of Escapes.

- i. Deadly physical force may be used to prevent the escape of a person from custody whom an employee reasonably believes has committed a felony which involved the infliction or threatened infliction of serious physical injury.

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- ii. Deadly physical force may be used if the inmate who is attempting to escape from custody has committed, is reasonably believed to have committed, or has attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible, the employee has given warning of the employee's intent to use deadly physical force.

7. Authorized Armory Items During Use of Force. The use, implementation and documentation requirements for authorized armory items used during a Use of Force shall be consist with the following documents:

- a. Attachment A, Authorized Armory Items During Use of Force;
- b. Attachment B, Therapeutic Restraint Protocol; and
- c. Attachment C, Medical Restraint Protocol.

8. Training.

- a. Custody staff training shall be in accordance with Administrative Directives 2.7, Training and Staff Development and 9.4, Restrictive Status.
- b. Health services staff training shall be in accordance with Administrative Directives 2.7, Training and Staff Development, 8.5, Mental Health Services and 8.6, Credentials of Health Service Staff.
- c. All hazardous duty staff shall be trained in approved methods of self-defense and use of physical force in accordance with Administrative Directive 2.7, Training and Staff Development.
- d. Personnel authorized to use firearms and chemical agents shall be provided appropriate training to include use, safety, care and constraints.
  - i. All authorized personnel shall demonstrate competency in their use at least annually in accordance with Administrative Directive 2.7, Training and Staff Development.

9. Cell Extraction. Cell extractions shall be conducted in accordance with each facility's emergency procedures. Use of canines during a cell extraction shall be in accordance with Attachment A, Authorized Armory Items During Use of Force.

10. Medical Examination.

- a. A post-incident medical evaluation and treatment shall be provided as soon as possible after the use of physical force and as appropriate.
- b. All persons injured or claiming injury in an incident shall receive immediate medical examination and treatment.
- c. Each person involved in a use of physical force shall be attentive to and conscious of changes in inmate behavior or demeanor that might indicate physical distress or any other physical side effect related to the use of physical force (e.g., trouble breathing, unresponsive, etc.).

11. Video Recording.

- a. A planned use of physical force within a facility shall be video recorded by a trained operator in accordance with Administrative Directive 7.3, Emergency Plans. The camera operator shall state identity of the operator, date, time and location of the recording. The camera shall be continuously operated and focus on the central point of action avoiding any obstruction of view consistent with safety and security. Any break in the video recording of the incident shall require reintroduction of the operator, date, time, location, and reason for and duration of the break in recording. Any movement within the facility of the inmate in conjunction with and directly related to the use of physical force incident shall also be video recorded.
- b. The video recording shall be properly labeled to include the facility, location, date, time, subject of the recording, and identity of the operator. The original recording shall be properly secured and maintained for a minimum of ten (10) years, or longer if required by pending litigation or other investigative, administrative or court proceedings in accordance with Administrative Directive 4.7, Records Retention. The original recording shall be considered physical evidence in accordance with Administrative Directive 6.9, Collection and Retention of Contraband and Physical Evidence. Any movement, relocation or disposal of the

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original recording shall be authorized only by the Unit Administrator. The original recording shall be numbered as "#1" and copies shall be sequentially numbered. All recordings shall be properly accounted for.

- c. Video recordings shall be treated as evidence and handled in accordance with Administrative Directive 6.9, Collection and Retention Contraband and Physical Evidence. Each video recording shall have a separate CN 6901, Physical Evidence Tag and Chain of Custody Form. A manager/supervisor not directly involved in the incident shall review the recording and complete CN 6902, Supervisor Video Recording Review.

#### 12. Reporting and Record Keeping.

- a. All instances of personnel discharging firearms, using chemical agents or any other weapon or use of physical force to control inmates shall be documented to establish the identities of staff, inmates and others involved, and to describe the nature of the incident in accordance with this Directive and Administrative Directive 6.6, Reporting of Incidents.
- b. Whenever physical force is used CN 6501, Use of Force Report shall be completed by each employee involved in or observing the use of physical force incident.
  - i. This requirement shall not apply to the routine use of restraints which is not considered a use of physical force.
- c. These reports shall be attached to the incident report and submitted as required in Administrative Directive 6.6, Reporting of Incidents.

#### 13. Serious Incident Review. A Serious Incident Review shall be used to assess the appropriateness of a use of physical force in an incident.

- a. Circumstances. A Serious Incident Review shall be conducted whenever:
  - i. a firearm is discharged;
  - ii. Category II chemical agents are used; and/or,
  - iii. a firearm is drawn in a community setting except by staff of the Tactical Operations Unit, Security Division or Parole and Community Services Division, in the performance of their duties and in accordance with required training, while assisting outside law enforcement with an inmate apprehension.
- b. Review Committee. A Serious Incident Review Committee shall be appointed within five (5) business days of the incident by the appropriate division head or designee whose unit was involved in the incident. The committee shall consist of three (3) persons of managerial or supervisory rank. The Committee chairperson shall be of the rank of deputy warden, parole manager or above. No member of the review committee shall be from the unit where the incident took place.
- c. Committee Activities and Report. The committee shall review and analyze all reports, examine any physical evidence and may interview any witnesses or participants. The committee shall issue a report describing:
  - i. whether the action taken was consistent with Department policy;
  - ii. whether other, less severe means of physical force were available to resolve or prevent the incident;
  - iii. what action should be taken to avoid such future incidents; and,
  - iv. any recommended changes in Department or unit policy. The committee's final report shall be prepared within 30 days of the incident.
- d. Report Review. Within five (5) business days, the Deputy Commissioner of Operations and Rehabilitative Services shall submit a report and supporting documentation with comments and action taken to the Commissioner of Correction. Upon final disposition, the report shall be maintained by the Commissioner of Correction or designee.

#### 14. Emergency Circumstances.

- a. Nothing in this Directive shall preclude a shift supervisor from authorizing a use of physical force in an emergency situation to prevent significant injury to an inmate, another person, or damage to property that raises security concerns.
- b. Nothing in this Directive shall prevent an employee from taking immediate, reasonable action to protect self or others.

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15. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function:

- a. CN 6501, Use of Force Report;
- b. CN 6502, Restraint Checklist;
- c. Attachment A, Authorized Armory Items During Use of Force;
- d. Attachment B, Therapeutic Restraint Protocol; and,
- e. Attachment C, Medical Restraint Protocol.

16. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner of Correction.