


MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: July 23, 2020

SUBJECT: Agenda Information – 7/28/2020

The following is additional or summary information regarding matters on the upcoming Town Council Agenda. The numbering below follows the agenda and some routine or self-explanatory items are not discussed in this memo. As you review your packet materials, please do not hesitate to contact the appropriate staff member or me prior to the Council meeting with any questions or concerns. Often, these conversations can help staff and me be prepared for the Council meeting and be ready to facilitate a more productive and efficient meeting for everyone.

6 Bids & Contracts

6a Proposed Purchase of Wood Chipper – The attached memo from Public Works Director Walsh outlines a request to redirect unspent FY20 (2019/2020) funds in the Department of Public Works to the purchase of a replacement wood chipper in the amount of \$53,435. The proposed chipper would replace the existing equipment used by the Town, which is a 1993 unit (@27 years old). As the Council is aware, unexpended funds from FY20 have been dedicated to prepaying or pre-funding expenses in FY21. Approximately \$305,000 was to be used from FY20 for this purpose. As of today, about \$470,000 is available and unencumbered from avoided expenses in the fiscal year that ended June 30, 2020 leaving approximately \$165,000 available above the amount intended to be used in FY21. Furthermore, the Department of Public Works Administration maintains a balance of unexpended funds of about \$88,000, which includes \$23,000 in funds budgeted for equipment that was deliberately not used in hopes of having funds to replace the chipper. While there are some expenses that remain Town-wide, many have been accounted for and staff is not anticipating many more to come. As such, funds are available in the Town’s general operations fund and in the Department of Public Works, in particular, to fund this expense if the Council approves.

Recommended Actions: Adopt a motion to approve the purchase of a Brush Bandit woodchipper in the amount of \$53,435.40 under State contract.

7 Resolutions/Ordinances/Policies/Proclamations

7a Police Department General Orders – Conduct and Use of Force – Police Chief Woessner has presented two draft policies for consideration. One is a new policy related to conduct that has been developed over recent months and is intended to provide a central, specific list of conduct expectations and anticipated penalties for violations. The second policy is an updated Use of Force policy, which is being updated in response to direction given by the Police Officer Standards and Training Council (POST) for mandatory updates. The language included in East Hampton’s Policy mirrors the language directed

by POST. The Council is asked to receive the drafts and to review them for further discussion and possible action at its meeting on August 11.

Recommended Action: Receive the drafts for review and future discussion.

8 Continued Business

8a. Discussion Regarding 94 Main Street Building – The Council is asked to continue its discussion regarding the future of the 94 Main Street building, which housed the Board of Education offices. The property is not being used for offices but is being maintained by the Town. The garage is being used for storage. There has been some consideration of use by related entities such as the Chatham Health District and, potentially, others but no definitive action has been taken at this point. All options are available to the Council including leasing of the building to a third or related party, sale of the building or some other path. Leasing or sale would involve the approval of the Town Meeting.

Recommended Action: Discuss the future of the property and provide any guidance desired.

The remainder of the items are of a routine nature, in the sole purview of the Council or are announcements. Please contact me or the appropriate staff member with questions or concerns.

DC

Town of East Hampton
Town Council Public Hearing
Tuesday, July 14, 2020
Virtual Meeting via Zoom

MINUTES

Present: Chairman Pete Brown, Vice Chairman Dean Markham, Council Members Tim Feegel, Derek Johnson, Barbara Moore, Mark Philhower, and Kevin Reich and Town Manager David Cox.

Call to Order

Chairman Brown called the meeting to order at 6:18 p.m.

Public Hearing for the 2020 Neighborhood Assistance Act Application from Epoch Arts

Council member Johnson informed the Council that he is on the Epoch Arts Board of Directors and would be recusing himself from the meeting.

The CT Neighborhood Assistance Act is a tax credit program designed to provide funding for municipal and tax-exempt organizations by providing a corporation business tax credit for businesses who make cash contributions to these entities.

Deb Robinson, representing Epoch Arts, appreciates the Council's consideration of the application. Epoch Arts has applied in previous years and did receiving funding from multiple companies.

Adjournment

A motion was made by Mr. Philhower, seconded by Ms. Moore, to adjourn the meeting at 6:25pm.
Voted (6-0)

Respectfully Submitted,

Cathy Sirois
Recording Clerk

Town of East Hampton
Town Council Regular Meeting
Tuesday, July 14, 2020
Virtual Meeting via Zoom

MINUTES

Present: Chairman Pete Brown, Vice Chairman Dean Markham, Council Members Tim Feegel, Derek Johnson, Barbara Moore, Mark Philhower, and Kevin Reich and Town Manager David Cox.

Call to Order

Chairman Brown called the meeting to order at 6:30 p.m.

Adoption of Agenda:

A motion was made by Ms. Moore, seconded by Mr. Johnson, to adopt the agenda as written. Voted (7-0)

Approval of Minutes

A motion was made by Mr. Reich, seconded by Mr. Johnson, to approve the minutes of the Town Council Special Meetings of June 15, 2020 and June 17, 2020 and the Regular Meeting of June 23, 2020 as written. Voted (7-0)

Public Remarks

None

Presentations

Update from Board of Education on Fall Re-Opening Plans

Superintendent of Schools Paul Smith and Chairman of the Board of Education Christopher Goff were in attendance to provide an overview of the plans for reopening schools in the fall. The full document will be included with the minutes filed in the Town Clerk's Office. It was noted that the document was approved at a Board of Education meeting on July 13, however, the document can be modified and reapproved if needed.

Bids & Contracts

Police Department Vehicle Purchase

A new police vehicle purchase was approved in the 2020/2021 budget. This vehicle will replace an older vehicle in the fleet.

A motion was made by Ms. Moore, seconded by Mr. Philhower, to approve the purchase of a 2021 Ford Utility Police Interceptor vehicle from MHQ, Inc. under State Contract Award #12PSX0194 in the amount of \$34,243.40. Voted (7-0)

Resolution/ Ordinances/ Policies/ Proclamation

Resolution authorizing the issuance of not exceeding \$1,500,000 refunding bonds for payment in whole or in part of the outstanding principal of and interest and any call premium on the Town's \$3,175,000 General Obligation Bonds, Issue of 2006, and \$2,985,000 General Obligation Bonds, Issue of 2009, and Related Costs

Finance Director Jeff Jylkka was in attendance to provide an overview on the re-financing of bonds. The Town issued debt in 2006 and 2009 to finance various capital improvement projects. These bonds

carry interest rates varying from 2.5% to 5.0% with an average outstanding coupon rate of 4.2%. Current municipal interest rates are at historic lows and both bond issues are eligible to be re-financed.

A motion was made by Mr. Markham, seconded by Mr. Johnson, to adopt the resolution authorizing the issuance of not exceeding \$1,500,000 refunding bonds for payment in whole or in part of the outstanding principal of and interest and any call premium on the Town's \$3,175,000 General Obligation Bonds, Issue of 2006, and \$2,985,000 General Obligation Bonds, Issue of 2009, and Related Costs. Voted (7-0)

Resolution authorizing a lease-purchase financing to finance acquisition of a Public Works heavy duty truck and related equipment

Resolution authorizing a lease-purchase financing to finance acquisition of a Public Works excavator and related equipment

Public Works Director Matt Walsh was in attendance to provide an overview of the vehicles and equipment to be purchased. Two pieces of equipment for Public Works were included in the FY2021 capital plan to be lease financed.

A motion was made by Mr. Markham, seconded by Mr. Reich, to adopt the resolution authorizing a lease-purchase financing to finance acquisition of a Public Works heavy duty truck and related equipment not to exceed \$176,250. Voted (7-0)

A motion was made by Mr. Markham, seconded by Mr. Reich, to adopt the resolution authorizing a lease-purchase financing to finance acquisition of a Public Works excavator and related equipment not to exceed \$110,000. Voted (7-0)

Police Department General Orders Regarding Conduct & Use of Force

This item will be discussed at a future meeting.

Continued Business

Discussion of Funding Plans for High School Baseball Field, Tennis Court and Track Improvements

At the last Council meeting there was a discussion regarding financing the High School baseball field, tennis court and track improvement projects through funds remaining from the High School project. There were some concerns raised as to how the projects would be coordinated and if the projects would be modified. There was discussion on whether an outside professional should be brought in to look at the projects. A meeting was held with Parks & Rec Director Jeremy Hall, Superintendent of School Paul Smith, Facilities Director Don Harwood and Athletic Director Shaun Russell to discuss the projects. Mr. Cox would propose to put out an RFP for an outside professional to coordinate with staff to review the projects. The downside of the plan is that a baseball season could be missed on the field. The funds could be included in the bonding and there are a number of years available to expend the funds. The Town Manager will work to put together an RFP for an outside firm to look at the projects. The High School Building Committee would need to provide a resolution to include these projects in the full High School project. Mr. Cox will work with the Building Committee on that process.

New Business

Discussion & Possible Approval of Epoch Arts Neighborhood Assistance Act Project

Mr. Johnson recused himself from the meeting for this item as he is on the Board of Directors for Epoch Arts.

The CT Neighborhood Assistance Act is a tax credit program designed to provide funding for municipal and tax-exempt organizations by providing a corporation business tax credit for businesses who make cash contributions to these entities.

A public hearing was held for this item prior to this meeting.

A motion was made by Mr. Philhower, seconded by Ms. Moore to approve the submission of paperwork for the Epoch Arts 2020 Neighborhood Assistance Act project to the State of Connecticut. Voted (6-0). Mr. Johnson recused himself from this vote.

Town Manager Report

Mr. Cox provided an overview of the Town Manager Report, which will be included with the minutes filed in the Town Clerk's Office. He also noted that per the 2020 unaudited budget the Town reached 100% of the budgeted revenue for the year.

Update on the Building Department

Mr. Cox provided three weeks of permit reports to the Council for review. He noted there is a need to modify the feedback form that is given to residents that interact with the department and apply for permits. Timely response issues were discussed as well as the possibility of Zoom meetings for some inspections.

Appointments

A motion was made by Ms. Moore, seconded by Mr. Philhower, to appoint Jeffrey Leith to the Parks & Recreation Advisory Board with a term through December 31, 2023 and Beth Kelpen to the Housing Authority with a term through December 31, 2021. Voted (7-0)

Tax Refunds

None

Public Remarks

None

Communications, Correspondence & Announcement

June Board & Commission Summary

Council members received the June Board and Commission summary.

Adjournment

A motion was made by Ms. Moore, seconded by Mr. Johnson, to adjourn the meeting at 8:30pm. Voted 7-0)

Respectfully Submitted,

Cathy Sirois
Recording Clerk



Office of Public Works

Matthew Walsh, P.E., Director

MEMO

TO: David Cox, Town Manager

FROM: Matthew Walsh, Director of Public Works

DATE: 7/7/2020

SUBJECT: Transfer of funds for *purchase of wood chipper*

This memo is to serve as a request to utilize surplus funds from 2020 Public Works administrative to enable the purchase of a new bandit wood chipper from state bid contract number 19PSX0141. The cost of the new chipper is \$53,435.40

The wood chipper currently in use is 26 years old. This 1993 Mobark machine has outlived its service life and is long overdue for replacement. In the event we have a major storm event with a large number of downed trees and limbs the reliability of this piece of equipment is questionable at best.

Thank you for your consideration on this matter.



Bobcat
 Sales Person: Patrick Timothy
 USA
 (Phone) 860.543.4955
 Ptimothy@bobcatct.com
 www.bobcatct.com

QUOTATION

CUSTOMER:

Unit Number 37137

Name: Town of East Hampton, CT
 Address:
 City, State: East Hampton, CT

Phone:
 Fax:
 Contact:

INTIMIDATOR 15XP (15" DRUM STYLE) BRUSH BANDIT

Qty	Part #	Description
1	MODEL-15XP	Intimidator 15XP - (15" Drum Style) Brush Bandit

STANDARD EQUIPMENT

Qty	Part #	Description
1	STANDARD	37" diameter x 18 3/4" wide drum with (4) 5/8" X 5 1/2" X 9" dual edge knives
1	STANDARD	Pressure check kit - Gauge is NOT included
1	STANDARD	"Drum Shear Bar" spans full width of the drum mounted in the upper portion of the drum housing potentially creating a slicing action of a winch line or climber's rope
1	STANDARD	Patented 'power slot' assists in maximizing chip velocity. The power slot also provides a place for fine material to escape that might tend to lie in the belly of the drum.
1	STANDARD	25 gallon steel fuel tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
1	STANDARD	12 gallon steel hydraulic tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
1	STANDARD	Slide box feed system (includes adjustable spring on each side) with (2) horizontal feed wheels 10 5/8" diameter x 18 3/4" wide, driven by (2) 32.3 CID hydraulic motors.
1	STANDARD	Hydraulic lift cylinder - utilizes a hydraulic cylinder to raise or provide down pressure for the top feed wheel (controlled via a handle located on either side of the infeed hopper)
1	STANDARD	Bottom feed wheel clean out door (opens via spring latch pin allowing dirt and debris to fall out extending knife and component life)
1	STANDARD	360 degree HAND crank swivel discharge (height adjustable) with 12" adjustable chip deflector
1	STANDARD	Clean out and inspection door on discharge
1	STANDARD	29" high x 54" wide tapered infeed hopper with 30" fold down infeed hopper tray, heavy-duty taillight covers, and spring lift assists
1	STANDARD	Control bar - located around top and sides of infeed hopper with 3 control positions (forward / neutral / reverse)
1	STANDARD	Weather resistant manual container
1	STANDARD	Banded chipper drive belts (adjustable via a sliding engine system)
1	STANDARD	8,000 pound capacity tongue jack with 15" of travel and foot pad
1	STANDARD	Frame / Fender supports
1	STANDARD	Lockable aluminum toolbox
1	STANDARD	5/16" (G70) safety chains with spring loaded latch hooks
1	STANDARD	12 volt system with rubber mounted LED taillights, 6 prong replaceable coiled power cord & protected heavy-duty wiring with junction box, and LED clearance lights with reflectors.
1	STANDARD	(2) Last chance safety pull cables
1	STANDARD	Engine disable plug for hood locking pin-preventing engine from operating without pin in place
1	STANDARD	Safety DVD, (2) 6" wide x 9" tall Bandit operator's manuals (one paper copy and one waterproof copy tethered to machine) and (1) engine operator's manual
1	STANDARD	Spanish & English combination safety decals
1	STANDARD	3/16" x 2" x 6" rectangular tubing with a 3/8" x 3" x 6" tubular tongue
1	STANDARD	Wooden pusher tool with mount on infeed hopper

OPTIONS

- 1 **333-32273** Standard Imron Industrial Urethane Bandit Yellow
- 1 **990-RC1407-988** **GM 5.7L, 165 horsepower GAS engine without clutch (Includes 3 year / 3,500 hour engine warranty and spark arrestor muffler)**
- 1 **911-6000-46** Murphy PV380 panel with reversing auto feed for GM 165 horsepower gas engines (Includes 1,000 CCA battery with aluminum battery box) - Panel is mounted on engine shroud with no cover
- 1 **700-1000-12** NACD Spring Loaded Clutch
- 1 **OPTION-915-5000-16** Drive system for engines above 145 horsepower (Includes two 3 groove belts in lieu of a single 4 groove belt)
- 1 **OPTION-915-5000-71** 29" high x 54" wide tapered heavy-duty infeed with weld on pan and infeed deflectors
- 1 **OPTION-980-5000-73** **Dinamic winch with line docking station and manual push button feed assist (Includes 5/16" diameter x 200' Samson Amsteel blue rope) (Includes (1) manual rear stabilizer)**
- 1 **OPTION-915-5000-47** Spring Loaded Tool less Trap Door
- 1 **500-0001-73** 15XP/ 15XPC Knife Sales Kit (2 sets of knives)
- 1 **990-1016-02** Single 10,000 pound Torflex axle with electric brakes (0 degree down trail) (Will be 4 1/2" shorter than 45 degree down trail) (Now 900-5910-70)
- 1 **990-100406** (2) 215/75R 17.5" tires mounted on 8-bolt heavy-duty gray rims (8,000 pound axles on up)
- 1 **OPTION-980-1002-66** 12" HD bolt on steel fenders - single axle units only
- 1 **990-100274** 2-1/2" Wallace Forge Pintle Hitch
- 1 **OPTION-980-100028** Steel Weld On Chock Holders (Does not include chocks)
- 1 **OPTION-980-5001-03** Rubber Wheel Chocks (2)
- 1 **OPTION-911-2001-42** Hoop style cone holder (bolt on)
- 1 **OPTION-915-5000-03** 40 gallon steel fuel tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
- 1 **OPTION-915-5000-43** Gate Valve for Hydraulic Tank
- 1 **OPTION-980-5000-02** 12" Longer Bolt-On Tongue
- 1 **OPTION-905-5000-21** 10,000 pound capacity tongue jack with spring return pad

CUSTOMER TOTALS

Total Unit Price:	\$	60,971.40
Discount (contract 19PSX0141- Vegetation Management Equipment) - 14%	\$	(8,536.00)
Dealer Preparation/Delivery:	\$	300.00
Inound Freight/Shipping:	\$	700.00
Customer Total:	\$	53,435.40

SIGNATURE

The Buyer, whose name and address appears above, agrees to purchase from the Seller, whose name and address appears above, the above equipment at the prices stated and upon the terms and conditions of this agreement.

SIGNATURE _____

DATE _____

INTIMIDATOR™ 15XP

15" Capacity Hand-Fed Chipper

Tree care companies and municipalities dealing with thick limbs, massive amounts of brush, and the occasional whole tree should look no further than the Intimidator 15XP. Featuring engine options up to 174 horsepower and a 17-3/4" high by 18-1/2" wide throat opening, this chipper can take nearly anything you can throw at it. Plus **Bandit's slide box feed system** will pull and compress limbs as they enter the chipper, controlling the material as the chipper does its work, resulting in **improved productivity**.

15XP

PERFORMANCE OF A LIFETIME

Bandit chippers have proven over time to be the best decision you can make for a long-term investment in a brush chipper. Like all Bandit models, the 15XP is engineered for maximum performance, built to have the longest lifespan on the market, and equipped with features that increase operator productivity over time.

SUPER CHARGE YOUR PRODUCTION

Bandit chippers are easier to feed, so you'll be more productive during the day. Bandit's unique slide box feed system and powerful dual horizontal feed rollers, which are 18-3/4" wide by 10-5/8" in diameter and powered by a pair of 32.3 CID hydraulic motors, crush and compress material, easily guiding it to the powerful drum.

MAXIMIZE YOUR UPTIME

The most common maintenance items are easy to access on Bandit chippers. Bolt-in knives are easy to access and change through the chipper hood. And all service areas are easy to access, including all grease points, so daily maintenance is simple and quick.

REDUCE YOUR FUEL COSTS

The 15XP's drum turns at a lower RPM, generating greater torque, and the synchronized feed system never underfeeds or forces material against the drum. The result is a more efficiently fed chipper that reduces idle time and translates to fuel savings up to 30 percent.



Bandit

INDUSTRIES, INC.

6750 Millbrook Rd. • Remus, MI 49340 • 1-800-952-0178

FIND US ONLINE     WWW.BANDITCHIPPERS.COM

Hand-Fed Chippers • Stump Grinders • Whole Tree Chippers
The Beast® Horizontal Grinders • Track Carriers • Attachments

SPECIFICATIONS

MEASUREMENTS	TOWABLE		TRACK	
Length:	17' 8"	538.5 cm	14' 6"	442 cm
Width:	6' 6"	198.1 cm	8' 1"	246.4 cm
Height:	8' 6"	259.1 cm	9' 3"	281.9 cm
Weight:	8,000 lbs.	3,629 kg	11,500 lbs.	5,216 kg
Engines:	120-174 HP (89-130 kW)		139-174 HP (104-130 kW)	
Fuel Tank:	25 gal.	94.6 L	50 gal.	189.3 L
Hydraulic Tank:	12 gal.	45.4 L	50 gal.	189.3 L

UNDERCARRIAGES

Towable: Single 10,000 lb. (4,536kg) axle with (2) ST215/75R 17.5" (44.5 cm) tires mounted on 8-bolt heavy-duty gray rims

Track: Rugged CAT 305 rubber track undercarriage

Standard & Custom Colors Available

Choose from six standard colors, or select a custom color to match your fleet.



DIMENSIONS

Capacity:	15"	38.1 cm
Opening:	17.75" high x 18.5" wide	45 cm high x 47 cm wide
Drum:	37" dia. x 18.75" wide	94 cm dia. x 47.6 cm wide
RPM:	Approximately 1,080 RPM	

Hitch: 2-1/2" pintle hitch

Discharge: Height-adjustable, 360° manual swivel with 12" (30.5 cm) adjustable chip deflector

Feed System: Slide box feed system with (2) 21" (53 cm) adjustable down pressure springs, (2) 10-5/8" diameter x 18-3/4" wide feed wheels (27 cm x 47.63 cm) powered by (2) 32.3 CID hydraulic motors

Frame: Mainframe is constructed of 3/16" x 2" x 6" rectangular tubing (0.48 x 5.1 x 15.24 cm)



COMMITTED TO QUALITY & SERVICE

The Bandit Backbone™ Support

The Bandit Backbone is Bandit's commitment to customer service and support. It's always been a cornerstone of Bandit's philosophy, and today that backbone is stronger than ever. If you own a Bandit hand-fed chipper—regardless the age, hours, or warranty status—the Bandit Backbone is here to support you.

We Are Here to Support You

There are nearly 200 dealer locations in the US and over 60 international dealers to support you. They are factory trained. Plus we have an experienced parts and service department supporting you and our dealers.



INTIMIDATOR™ 15XP FEATURES

- **Rope/Line Shear Device (standard)**
Provides an improved chance that rope or lines inadvertently entering the chipper may be cut
- **Last Chance Cables (standard)**
Stops/reverses the feed wheel when pulled in case of an emergency
- **Operator Safety Control Bar (standard)**
Wraps around 3 sides of the infeed chute & controls the direction of feed wheels
- **Wood Pusher Paddle (standard)**
Used to feed small wood debris into the chipper
- **Chipper Hood Pin w/Padlock (standard)**
Prevents unauthorized access to the disc or drum
- **Chipper Hood Engine Disable Plug (standard)**
Prevents engine from being started without the hood pin in place
- **Hydraulic Bottom Bump Bar (option)**
Stops feed wheels via mechanical connection when bumped, diverting hydraulic power away from the feed wheels



Bandit Offers a Complete Line of Tree Care Equipment:
Hand-Fed Chippers • Stump Grinders • Whole Tree Chippers
The Beast® Horizontal Grinders • Track Carriers • Attachments



July 23, 2020

To: David Cox, Town Manager
From: Dennis Woessner, Chief of Police
Subject: General Order approval

Attached to this memorandum is a General Order which I am submitting for approval:

General Order 4.3, Code of Conduct, is a new General Order which has been a work in progress for the past several weeks. I am submitting this General Order for your approval and submission to the Town Council.






EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 4.3

DISCIPLINARY PROCEDURES

SUBJECT: Code of Conduct		
Issue Date: TBD	Effective Date: TBD	Distribution: All Personnel
Amends/Rescinds GO:		Review Date: / /
Per Order of:  Dennis Woessner, Chief of Police		
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>		

The Town of East Hampton and its Police Department require that all employees be independent, impartial, unbiased and responsible to the community we serve. The public judges its government by the way public officials and public employees conduct themselves in the positions to which they are elected, appointed or hired. The public has a right to expect that public officials and employees will conduct themselves in a manner that will preserve and promote confidence and respect in the local government organization.

Confidence and respect are achieved and promoted when all public officials and employees treat all citizen with respect, courtesy, impartiality, fairness, equity and equality under the law; avoid actual, potential and perceived conflicts of interest; keep the public informed and encourage communication; continually seek to improve the quality and image of public service; and recognize that the function of local government is to serve the best interest of all people.

Therefore, this code of conduct for the Police Department is hereby promulgated for the guidance of all employees to promote confidence and respect and to ensure the efficient operation and management of the East Hampton Police Department. The code is published under the authority of the Chief of Police who is responsible for the

effectiveness, discipline and good order of the Department, the safe care and custody of all Department prisoners and property as well as the security and well-being of the Town. The code cannot and does not cover every delinquent act or omission for which an employee is or may be responsible. Such acts or omissions not specifically mentioned in the code will be charged under Paragraph 1, Section 1.00 if necessary.

Nothing in this order precludes the Chief of Police or supervisor from mandating that an employee receive training as a function of discipline. When an employee's work performance, productivity or effectiveness falls below that which is expected of similarly tasked employees and said employee has no previous history of discipline in this area, a supervisor may find that training and/or remedial training may motivate the employee to perform as directed. This career development path will be coordinated through the employee's immediate supervisor.

Nothing in this order precludes the Chief of Police or supervisor from mandating that the employee receive professional counseling as a function of discipline. When an employee's duty-related performance falls below that which is expected of similarly tasked employees and supervisory efforts have failed to show improvement, the use of employee counseling combined with progressive discipline may be deemed an appropriate and effective tool. The counseling may be provided by an Employee Assistance Program or that sought by the employee.

For purposes of administering the code, the following classifications of offense with the maximum possible penalty for each class will be used:

Class	Maximum Penalty
A*	Dismissal
B*	30 days unpaid suspension
C*	15 days unpaid suspension
D*	10 days unpaid suspension
E	5 days unpaid suspension
F	Written reprimand

* Demotion in grade is an alternative penalty when the Chief of Police or designee determines the violator has a past history or repetitious pattern of similar conduct.

Notwithstanding the foregoing and the penalties outlined below, the Town specifically reserves the right at its sole discretion to implement discipline at a higher level, up to and including dismissal, for egregious offenses, repeated offenses or multiple offenses beyond that which is described below.

SECTION I

GENERAL

§1.00 Any violation of the rules and regulations, violations of sections of the Employee Handbook, published orders, directives, memoranda, or any lawful order, or any act which tends to undermine the good order, efficiency and discipline of the Department, or which reflects discredit upon the Department or any member thereof, shall constitute conduct unbecoming an employee. Penalties for conduct unbecoming an employee are as follows:

1st Offense E 2nd Offense B

SECTION 2

CONDUCT UNBECOMING AN EMPLOYEE

New § 2.01 Use of bias based profiling, including but not limited to use of race, ethnicity, religion, gender, sexual orientation, economic status, age, cultural group, or some other identifiable trait of a group, as the sole reason for stopping, detaining, searching or arresting an individual.

1st Offense B 2nd Offense A

§2.02 Accepting a bribe or gratuity for permitting an illegal or potentially illegal act or for otherwise failing to perform the employee's duties or for implementing the employee's duties in an inappropriate manner.

1st Offense A

§2.03 Failure to report in writing to the Chief of Police an offer of a bribe or gratuity to act or fail to act as described in § 2.01 above.

1st Offense B 2nd Offense A

§2.04 Soliciting any favor or privilege or other thing of value as a condition for performing or failing to perform official duties or to perform those duties in an inappropriate manner.

1st Offense A

§2.05 Recommending any professional or commercial service for personal gain.

1st Offense B 2nd Offense A

§2.06 Abusing official position to obtain any special benefit or favor.

1st Offense E 2nd Offense C 3rd Offense A

§2.07 Failure of any employee to maintain themselves and their uniforms in a neat and clean condition.

1st Offense F 2nd Offense E 3rd Offense D

§2.08 Removing Department property without proper authorization without intent to permanently deprive the Department of said property.

1ST Offense F 2nd Offense E 3rd Offense A

§2.09 Removing Department property without proper authorization with intent to permanently deprive the Department of said property.

1st Offense A

§2.10 Unauthorized entry into any office, desk or locker of another.

1st Offense F 2nd Offense E 3rd Offense A

§2.11a Arrest and conviction of a crime (Class A misdemeanor or above and/or moral turpitude related crimes)

1st Offense A

§2.11b Arrest and conviction of all other crimes or offenses.

1st Offense F 2nd Offense A

§2.12 Knowingly and willfully making a false entry in any official Department document, report or record.

1st Offense B 2nd Offense A

§2.13 Negligent entry in any official Department document, report or record

1st Offense F 2nd Offense E 3rd Offense A

§2.14 Using unnecessary, violent, abusive or profane language to citizens while on duty.

1st Offense F 2nd Offense D 3rd Offense A

§2.15 Using violent, abusive or profane language toward another employee.

1st Offense F 2nd Offense E 3rd Offense A

§2.16 Making public statements regarding confidential Department material.

1st Offense B 2nd Offense A

§2.17 Making public statements which are known to be false or to be in reckless disregard of known facts related to Department policy or Department business.

1st Offense D 2nd Offense C 3rd Offense A

§2.18 Failure to wear the prescribed uniform for assigned duties.

1st Offense F 2nd Offense E 3rd Offense D

§2.19 Members of the Department, except in the discharge of official duties or with permission of the Chief of Police, shall not knowingly associate with criminals, racketeers, gamblers or persons engaged in unlawful activities, nor shall they knowingly enter or socialize in places where frequent violations of law are suspected or known to occur.

§ 2.20 Knowingly associating with or joining an organization and actively advancing the cause of an organization that has been labeled as a racist, hate or terrorist group by the Federal Bureau of Investigations.

1st Offense B 2nd Offense A

§2.21 Gambling which is illegal or in violation of department regulations.

1st Offense F 2nd Offense E 3rd Offense A

§2.22 Outrageous, insolent, offensive or overt disrespect towards a supervisory officer.

1st Offense F 2nd Offense E 3rd Offense A

§2.23 The use of rude, insulting language or other offensive or demeaning language by a supervisory officer towards a subordinate.

1st Offense F 2nd Offense E 3rd Offense A

§2.24 Fighting or quarreling with one or more other employees or a supervisory officer.

1st Offense F 2nd Offense E 3rd Offense A

§2.25 Failing to supply the Department with a current telephone number and address.

1st Offense F 2nd Offense E 3rd Offense A

§2.26 Arbitrary or abusive use of police power or arbitrary or abusive action taken under the color of the police power in personal disputes or affairs.

1st Offense A

§2.27 Failure to respond to official Department telephone calls.

1st Offense F 2nd Offense E 3rd Offense A

SECTION 3

INTOXICATION OR OTHER IMPAIREMENT

For the purpose of this Paragraph, intoxication will include the involvement of alcoholic beverages and/or narcotics.

§3.01 On duty intoxicated

1st Offense B 2nd Offense A

§3.02 Off duty, consuming alcohol in uniform without a weapon

1st Offense E 2nd Offense C 3rd Offense A

§3.03 Off duty, consuming alcohol in uniform or not, but in the possession of a Department issued weapon or unable to respond to duty because of intoxication or when on standby basis or when previously assigned to duty.

1st Offense C 2nd Offense B 3rd Offense A

§3.04 Use of any narcotic substance or any controlled drug pursuant to a doctor's order without reporting same to a supervisory officer where such drug may impair an employee's judgment or ability to operate a motor vehicle or handle implements.

1st Offense E 2nd Offense C 3rd Offense A

§3.05 Failure of any employee to report any medical condition which might render the employee unfit for assigned duty.

1st Offense F 2nd Offense E 3rd Offense A

§3.06 Consumption of alcoholic beverages while on duty or during the eight (8) hours immediately prior to scheduled duty.

1st Offense C 2nd Offense B 3rd Offense A

SECTION 4

INSUBORDINATION

§4.01 Refusal to obey legitimate orders of a supervisor, whether oral, in writing, by hand signal or other method known to both parties involved.

1st Offense E 2nd Offense C 3rd Offense A

§4.02 Giving an order knowing such to be unlawful or beyond the scope of his/her authority by a supervisory officer.

1st Offense E 2nd Offense C 3rd Offense A

§4.03 A supervisory officer shall not reprimand any employee in a degrading or defamatory manner nor shall such reprimands be done in the view of other employees except where operational or exigent circumstances require immediate action.

1st Offense F 2nd Offense E 3rd Offense C

SECTION 5

NEGLECT OF DUTY

§5.01 Failure to properly supervise subordinates, to refer Disciplinary charges, or to take other appropriate disciplinary action.

1st Offense F 2nd Offense B + Reduction in rank 3rd Offense A

§5.02 Failure to take appropriate action when necessary and/or failure to complete a written report of same at the conclusion of the employee's daily tour of duty unless specifically waived by a supervisory officer.

1st Offense F 2nd Offense E 3rd Offense A

§5.03 Inattention to duty assignment or asleep on duty.

1st Offense F 2nd Offense E 3rd Offense A

§5.04 Unauthorized absence from duty assignment.

1st Offense F 2nd Offense E 3rd Offense A

§5.05 Intentional or willful failure to comply with any lawful orders, procedures, directives, regulations, oral or written.

1st Offense E 2nd Offense D 3rd Offense A

§5.06 Negligent failure to comply with any lawful orders, procedures, directives, oral or written.

1st Offense F 2nd Offense E 3rd Offense A

§5.07 Failure to report as a witness when duly notified within reasonable time limits or when subpoenaed.

1st Offense F 2nd Offense E 3rd Offense A

§5.08 Permitting an unauthorized person in patrol car.

Section 4.3

CODE OF CONDUCT

1st Offense F 2nd Offense E 3rd Offense A

§5.09 Unauthorized or intentional misuse of patrol car for personal use.

1st Offense F 2nd Offense E 3rd Offense A

§5.10 Failure to give name and badge number when properly requested.

1st Offense F 2nd Offense E 3rd Offense A

§5.11 Tardiness when reporting for duty, including roll call, court appearances and duty assignments.

1st Offense F 2nd Offense E 3rd Offense D

§5.12 Appear or give testimony as a character witness for any defendant in a criminal trial or inquiry in which the Department is involved without the approval of the Chief of Police or the Chief's designate.

1st Offense F 2nd Offense E 3rd Offense A

§5.13 Willfully damaging Police Department property and/or equipment.

1st Offense B 2nd Offense A

§5.14 Willful interference with Police Radio broadcasting and tampering with Police Radio equipment.

1st Offense B 2nd Offense A

§5.15 Knowingly failing to report the revocation or suspension of one's Motor Vehicle Operator's License.

1st Offense D 2nd Offense A

§5.16 Allowing a prisoner to escape.

1st Offense E 2nd Offense C

§5.17 Failure to thoroughly search for, collect and preserve and identify evidence of persons, property and locations in any arrest or investigation.

1st Offense F 2nd Offense E 3rd Offense A

§5.18 Loss of police vehicle due to failure to remove the keys when unattended.

1st Offense A

§5.19 Failure to properly care for assigned equipment and vehicles or any Police Department property; damaging or causing damage to same due to neglect or carelessness.

1st Offense E 2nd Offense D 3rd Offense A

§5.20 Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of any such incident in which the employee is involved or has knowledge.

1st Offense B 2nd Offense A

§5.21 Failure to carry out assigned duties or to follow Department orders and procedures efficiently and expeditiously.

1st Offense F 2nd Offense E 3rd Offense A

§5.22 Performing assigned duties or other official work in a careless or negligent manner or in disregard of prescribed procedures or established practice.

1st Offense F 2nd Offense E 3rd Offense A

§5.23 Failure to observe Department procedures outlining safety practices or adhere to established practices relating to safety.

1st Offense F 2nd Offense E 3rd Offense A

5.24 Intentionally depriving a prisoner or suspect of basic rights and humane treatment.

1st Offense E 2nd Offense C 3rd Offense A

5.25 Failure to adhere to Town and Department rules on reporting illness within a "reasonable time" from the on-set of the illness and other medical role procedures.

1st Offense F 2nd Offense E 3rd offense C

5.26 Willful or intentional abuse of sick time and procedures and/or leave related to compensable injuries.

1st Offense C 2nd Offense B 3rd Offense A

SECTION 6

GUIDELINES RELATING TO USE OF FORCE AND FIREARMS DISCHARGE

§6.01 Intentional and unnecessary or excessive use of force in effecting an arrest, handling prisoners, or in the performance and execution of other official duties.

1st Offense A

§6.02 Intentional, flagrant or wanton disregard of Department Firearms Policy and Guidelines.

1st Offense A

§6.03 Inadvertent deviation from Department Firearms Policy or Guidelines, technical in nature but under exigent circumstances.

1st Offense F 2nd Offense E 3rd Offense A

§6.04 Display of a firearm in an unnecessary and/or unreasonable manner.

1st Offense F 2nd Offense E 3rd Offense A

SECTION 7

AUTHORIZED EQUIPMENT

§7.01 Carrying equipment for which the employee has not demonstrated required proficiency.

1st Offense F 2nd Offense E 3rd Offense A

§7.02 Carrying or employing equipment not specifically authorized for use by the Department.

1st Offense F

2nd Offense E

3rd Offense A



July 9, 2020

To: David Cox, Town Manager

From: Dennis Woessner, Chief of Police

A handwritten signature in black ink, appearing to read 'D. Woessner', is written over the 'From:' line.

Subject: General Order approval

Attached to this memorandum is a General Order which I am submitting for approval:

General Order 3.1, Use of Force, is an existing General Order which needs to be updated to reflect changes made by the Police Officer Standards and Training Council (POST) on June 12, 2020. The changes are noted in red and the deletions are in yellow. All the changes are required by POST, except section J on the last page, which was added for clarification purposes. The attached Use of Force Continuum, which is part of the General Order, is brand new and required by POST.

I have included a copy of the POST Compliance to Law Enforcement Standards and Practices (CLESP) Program, dated June 12, 2020, for your review. Page 4, section 16, is the section that deals with this General Order change.





EAST HAMPTON POLICE DEPARTMENT

GENERAL ORDER 3.1

RULES OF CONDUCT

SUBJECT: USE OF FORCE		
Issue Date: TBD	Effective Date: TBD	Distribution: All Personnel
Amends/Rescinds GO: 3.1 dated 5/2/2014		Review Date:
Per Order of: Dennis Woessner, Chief of Police		
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>		

I. PURPOSE

To establish East Hampton Police Department's ("Department") guidelines and limitations concerning the appropriate and acceptable use of deadly/lethal and non-deadly/less than lethal force. East Hampton Police Department's use of force is governed by Federal and Connecticut law, including, but not limited to, the United States Constitution.

II. POLICY

It is East Hampton Police Department policy to provide clear procedures to sworn members regarding the use of lethal force in the performance of their duties. The safety of innocent persons and officers is of paramount importance.

The use of less than lethal weapons is classified as a use of force and is governed by this policy. The officers of this agency are authorized to carry less than lethal weapons so that they may successfully defend themselves and others from combative, resisting and/or violent individuals. A less than lethal weapon is not necessarily a replacement or substitute for other authorized weapons, devices, and/or techniques and therefore should be used when, in the officer's opinion, it is the best choice of weapon in a use of force situation. A less than lethal weapon is another tool that can be used at the discretion of the officer when the decision is made that the use of force is necessary and reasonable under the circumstances. As with any use of force, the officer is accountable to this agency for the use of a less than lethal weapon.

Sworn officers of the East Hampton Police Department shall use only force reasonably necessary to defend a human life, effect an arrest, or control a person. The force used by an officer shall only be that which is necessary to overcome the resistance being offered by an offender, and to effect lawful objectives. The East Hampton Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is East Hampton Police Department's policy that police officers shall use only that force that is necessary to effectively bring an incident under control, while protecting the lives of an officer or third party. The use of force policy supports the widely accepted premise and practice of progressive application of force, which simply implies the appropriate selection of force options in response to the level of compliance from the individual to be controlled. The flow of the policy's continuum must be capable of escalation or engagement and de-escalation or disengagement during a confrontation. The principle incorporated into practice is one of "functional flexibility", which includes escalation, stabilization, and de-escalation in force applications. **The East Hampton Police Department's Use of Force Continuum is attached to this General Order.**

All sworn personnel must be issued copies of, and instructed in, the Department's Use of Force procedure before carrying any firearm or other police weapon.

III. LAW

This Department's use of force policy is based on certain state statutes, which are included in this policy for reference purposes. Employees must be aware of prohibitions and restrictions in this policy that place a higher standard on the use of force than are contained in state statute.

Connecticut General Statute § 53a-22:

"A peace officer need not retreat or desist from efforts to make a lawful arrest because of resistance to the arrest. He is justified in the use of any force which he **reasonably believes** to be necessary to defend himself or another from the use or imminent use of physical force while making the arrest. However, he is justified in using Deadly Physical Force only when he **reasonably believes** that such force is necessary to defend himself or a third person from the use or imminent use of deadly physical force, or effect an arrest or prevent the escape from custody of a person whom he reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury or death and if, where feasible, he has given warning of his intent to use deadly physical force.

A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid."

IV. DEFINITIONS

Actively Resisting: 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.

Authorized Weapons: officers are allowed to carry weapons that meet Department specifications and for which officers successfully complete proficiency and safety training.

Conducted Energy Device: 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.

Critical Firearm Discharge: A discharge of a firearm by an East Hampton PD officer to the extent such discharges is authorized under this policy (cross reference to Firearms Policy.) Range and training discharges, and discharges at animals are not included under this section.

Deadly / Lethal Force: 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.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.

Soft Hand Control: 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.

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 (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

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.

Force: Any physical strike or instrumental contact with 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 the discharge of a firearm, use of chemical spray, chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. 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 the minimum amount of force that is necessary to effect an arrest, or protect the officer or other person, is used.

Great Bodily Harm: Serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Imminent Threat: 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.

Impact Weapons: 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.

Non-Deadly / Less Lethal Force: Any force used by an officer that would not reasonably be expected to cause death.

Level of Control: The amount of force that an officer uses to gain control over a subject.

Level of Resistance: The amount of force used by a subject to resist compliance with the lawful order or action of an officer.

Non-Verbal and Verbal Non-Compliance: 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.

Objectively Reasonable Force: 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, *Graham v. Connor*, 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.

Oleoresin Capsicum (OC) Spray: A chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness. 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.

Passive Resistance: 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.

Serious Physical Injury: 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.

Verbal Commands: 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.

V. PROCEDURES

A. 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:

1. To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense.
2. To defend the officer or others from the use, or imminent use, of physical force.
3. 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.

4. To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
5. To assist a licensed physician or psychologist in providing necessary medical treatment.
6. To control a situation, and to overcome passive or active resistance to a lawful order.
7. To neutralize an unlawful assault and defend themselves or others from harm.

The authorized 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.

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

B. 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.

C. 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:

1. Defend the officer, or a third person, from the imminent threat of death or serious bodily injury.
2. 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.

See, Tennessee v. Garner, 471 U.S.1, 85 (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. **Deadly force may not be used against an unarmed, non-violent, property crime offender.** 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").

3. To prevent a suspect's escape when there exists no reasonable alternative to apprehend the suspect. Where feasible, the officer should give warning of the intent to use deadly physical force.

D. Deadly Force Restrictions

1. Chokehold Prohibitions

A prohibition against the intentional use of a chokehold or other method of restraint applied to the neck area of another person, including but not limited to:

- A. Arm bar hold
- B. Carotid artery hold
- C. Lateral vascular neck restraint
- D. Neck restraint or hold with a knee or other object is prohibited

The use of a chokehold or neck restraint may only be used when the use of deadly physical force is authorized

2. Warning Shots Prohibited

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

3. Shooting at or from Moving Vehicles

Officers are prohibited from discharging their firearms at or from a moving vehicle, motorcycle, or bicycle (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, or deadly force. 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. 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.

4. 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.)

5. Drawing and Brandishing Weapons

Officers are prohibited from drawing and pointing their firearms at or in the direction of 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 target is considered a use of force.

6. 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.

7. 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.

8. 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.

9. 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 EHPD 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 the Department and removes his/her handgun or other weapon, the item must not be left in the open and must be secured so that it is not readily accessible to civilians, suspects, victims, or witnesses.

E. Use of 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 less lethal weapons, or employ any non-deadly techniques, prior to successfully completing the relevant Department approved training for each weapon or technique.

1. Authorization to Use Non-deadly/ Less Lethal Force

Officers are authorized to use Department approved, less lethal force techniques and authorized weapons to:

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

NOTE: Nothing in this policy is intended to discourage officers from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.

2. Non-Deadly Force Restrictions

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

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

In limited circumstances when a confrontation escalates suddenly, however, 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.

3. 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. (Refer to Policy 3.4 for specifics regarding the authorized use of an Impact Weapon.)

- a. 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 subjects head or neck is prohibited except where deadly force is authorized by this policy.

4. 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 just cause. 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. (Refer to Policy 3.3 for specifics regarding the authorized use of a Chemical Agent.)

5. Electronic Control Weapon

An Electronic Control Device (i.e., TASER®) is authorized for use when other less lethal 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. (Refer to Policy 3.2 for specifics regarding the authorized use of an electronic control weapon.)

F. Officer's Obligation to Stop and Report Excessive Force

1. Any officer who directly observes a use of force incident that is unreasonable, excessive or otherwise in violation with the departments Use of Force General Order and/or a violation of state or federal statute (illegal), shall contact a supervisor as soon as practicable;
2. Officer's will act to intervene and stop the unreasonable, excessive, or illegal use of force by another police officer;
3. Officers who have knowledge of excessive force, unreasonable, or illegal use of force against a person shall notify a supervisor and submit a written incident report to a supervisor in a timely fashion; and
4. There is a prohibition against retaliation for any officer that intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation

G. Training and Qualifications

In addition to training required for firearms qualification (cross reference to the Firearms Policy, G.O. 3.7), 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 less lethal force in accordance with this policy. In addition, officers shall be trained on the use of force continuum.

1. All officers shall, at least annually, receive in-service training in the Department's Use of Force Policy and related case law updates.
2. All officers initially qualified in the use of firearms, impact weapons, OC spray, electronic control device and control techniques shall, at least once every year ~~every two years~~ re-qualify on such weapons or techniques under the instruction of a certified instructor. The initial and subsequent follow up training of the devices being carried (Taser, baton or OC) shall follow the recommendations of the manufacturer and at all times be in accordance with the standards set by the Police Officer Standards and Training Council.
3. Training and proficiency results for any authorized weapon will be documented in the training files.
4. 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 Policy.
(cross reference to Firearms Policy)

5. 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.
6. Only officers demonstrating proficiency in the use of Department authorized weapons shall be approved to carry such weapons. (cross reference to Firearms Policy, G.O. 3.7, and any other relevant training policies)

H. 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 less-than-lethal 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.

I. Use of Force Reporting

The Department shall establish a use of force reporting system that allows for the effective review and analysis of all department use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the department. Employees shall complete a departmental **Use of Force Report Control Form** whenever they:

- Discharge a firearm for other than training or recreational purposes. This includes the use of a firearm to destroy a sick, injured, or vicious animal.
- Take an action that results in, or is alleged to have resulted in, injury to or the death of another person.
- Apply or show lethal-force, or apply less-than-lethal-force, including OC Spray, Electronic Control Weapon, and baton, etc. This requirement shall not apply when an officer simply draws or transports any weapon while on scene.
- Use a weaponless (compliance and control) technique or a restraining

device resulting in injury requiring medical attention

1. Employee's Responsibilities

- a. When an employee finds it necessary to use force to effect an arrest, or for any other law enforcement purpose, whether on duty or off-duty, that officer shall:
 - Notify a Supervisor of the particulars as soon as circumstances allow in those cases which require a *Use of Force Report Control Form*
 - Complete a *Use of Force Report Control Form*, which shall include all other employees involved in or witnessing the incident
- b. All *Use of Force forms and reports Control Reports* must be completed and forwarded to the Shift Sergeant, or designee, as soon as practical after the incident, but no later than 48 hours after the incident. However, when special circumstances exist, such as those incidents resulting in the death or serious injury of a person, the Chief of Police may grant an extension, on a case-by-case basis, and assign an alternate date and time for use of force reports to be completed and submitted.

2. Shift Sergeant's Responsibilities

- a. When a reportable use of force incident occurs, the Shift Sergeant, or designee, has the primary responsibility to make certain that all necessary *reports Suspect Resistance 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 to the Chief of Police.
- b. If the use of force involves an employee who did not report to a Patrol Supervisor at that time, the employee's Unit Supervisor shall review and sign the Supervisory portion of the report. Supervisors involved in a use of force incident will forward the *reports Use of Force Control Form* to the next level of command not involved in the incident.
- c. When an on-duty or off-duty employee has been involved in a use of force incident, which has resulted in death or serious injury to any person, the Shift Commander will immediately report the incident to the Chief of Police, via the chain of command. This also includes those cases where any firearm is accidentally or purposefully discharged which results in injury or death to any person.

3. **Training** ~~Administrative~~ Sergeant

The **Training** ~~Administrative~~ Sergeant will review all use of force reports the *Use of Force Control Form* to determine:

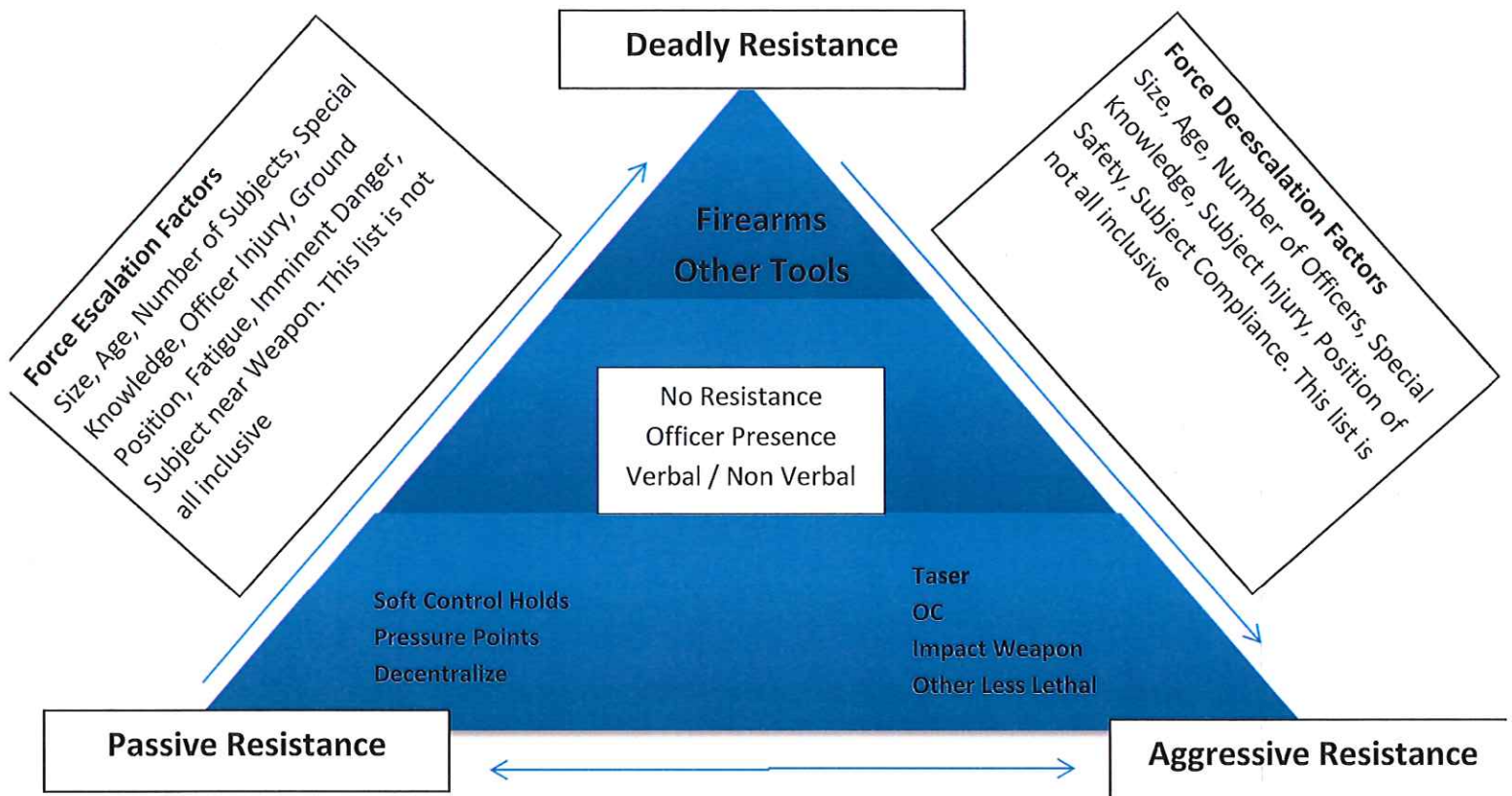
- a. Whether the action was consistent with policy and procedure
- b. Whether the action warrants further administrative review/investigation
- c. Recommendations on equipment upgrades, training, and/or policy issues, if applicable

The **Training Administrative** Sergeant 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.

- J. For the purpose of this General Order the following lethal and less lethal devices are authorized to be carried by members of this department, while on-duty, unless otherwise specifically authorized by the Chief of Police:
- i. Glock .45 Caliber pistols (Model 21 or 30)
 - ii. Bushmaster or Colt AR style rifles .223 caliber
 - iii. Remington 12-gauge shotguns
 - iv. Taser X26P
 - v. ASP batons
 - vi. Guardian OC spray

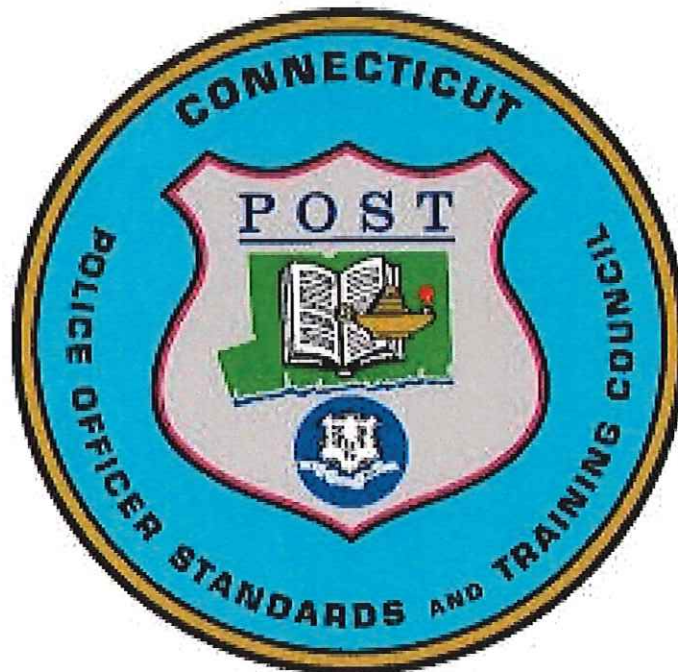
East Hampton Police Department

Use of Force Matrix



- * Officer's will make their force decisions based on their training and experience
- * Officer's will cease all use of force when they have achieved control of the subject
- * Officer's will attempt to de-escalate all use of force using various means to include verbal discourse, body position / making space
- * Officer's will move up and down the force matrix based on the behavior of the subject and their perception of incident control

Police Officer Standards and Training Council



Compliance to Law Enforcement Standards and Practices (CLESP) Program

(Minimum Standards)

June 12, 2020

1. *The agency has a policy concerning governing bias based policing and, at a minimum, includes the following provisions:*
 - a) *A prohibition against bias based policing in traffic contacts, field contacts and in asset seizure and forfeiture efforts; and*
 - b) *Training agency personnel in bias-based policing issues including legal aspects; and*
 - c) *Assuring all traffic stop data is collected and transmitted for analysis as required by law; and*
 - d) *Assuring that officers distribute the appropriate notice to the operator; and*
 - e) *Reporting complaints from motorists related to perceived profiling as required by law.*

Guidance: Refer to CGS 54-1m

2. *The agency has a policy concerning complaints that allege misconduct by law enforcement officers which meets or exceeds the minimum standards as required by the POST-C Model Policy and makes the policy available on the agency website and another municipal building.*

Guidance: Refer to POST General Notice 15-03 and the State Model Policy.

3. *The agency has a policy concerning pursuit of motor vehicles which meets or exceeds the minimum standards as required by the Uniform Statewide Pursuit Policy..*

Guidance: Refer to CGS 14-283a.

4. *The agency has a policy concerning procedures for handling missing persons which meets or exceeds the minimum standards as required by the POST-C Model Policy.*

Guidance: Refer to POST-C General Notices 11-01 & 12-06

5. *The agency has a policy concerning the response to family violence policy which meets or exceeds the minimum standards as required by C.G.S. 46b-38b.*

Guidance: Refer to POST-C General Notice 17-05 and POST-C General Notice 10-05

6. *The agency complies with all Police Officer Standards and Training Council (POST-C) requirements for selection and testing of police officers.*

7. *If the agency utilizes body worn recording systems, the agency has a policy which meets or exceeds the minimum standards as required by the POSTC Model Policy.*

Guidance: Refer to POST-C General Notice 15-05 and Model Policy.

8. *The agency has a policy concerning Eyewitness Identification Procedures which meets or exceeds the minimum standards as required by the POST-C Mandatory Policy.*

Guidance: Refer to POST-General Notice 12-08 and Model Policy

9. *The agency has a policy concerning Notifications in Death and Related Events in which meets or exceeds the minimum standards as required by the POST-C Mandatory Policy.*

Guidance: Refer to POST-C General Notice 08-01

10. *The agency has developed and implemented guidelines for the recruitment, retention and promotion of minority police officers as defined in section 7-291a of the general statutes. Such guidelines shall promote achieving the goal of racial, gender and ethnic diversity within the law enforcement unit.*

Guidance: Refer to CGS 7-291b

11. *The agency provides mandatory training regarding the handling of incidents involving individuals affected with a serious mental illness as part of the agency's review training program.*

Guidance: Although the state legislature did not define "Serious mental illness", generally accepted serious mental illness include, but are not limited to: Schizophrenia, Paranoia and other psychotic disorders, Bipolar disorders (hypo manic, manic, depressive and mixed; Major disorders, Attention-deficit/Hyperactivity disorders (ADD/ADHD), Autism Spectrum disorders, Alzheimer's Dementia disorders, etc..

Guidance: Refer to POST-C General Notice 15-01

12. *The agency has a policy concerning response to sexual assault complaints which meets or exceeds the minimum standards as required state statute.*

Guidance: The policy should include the statement that sexual assault victims' names shall not be released to the public or press. Refer to CGS 54-86e.

13. *The agency has a policy concerning the use of electronic defense weapons that meets or exceeds the minimum standards as required by the POST Model Policy.*

Guidance: Refer to POST-C General Notice 14-02 and Model Policy

14. *The agency complies with annual reporting requirements for Juveniles In Custody.*

Guidance: The Juvenile Justice and Delinquency Prevention Act of 1974, as amended (JJDP), assists states in efforts to prevent and control juvenile delinquency, provide proper and adequate treatment for troubled youth, and improve the juvenile justice system. To achieve these goals, the JJDP has established certain core protections (mandates) with which the states must demonstrate compliance in order to be eligible for federal funding under the JJDP Formula Grants Program. As part of this process, participating states are required to maintain a comprehensive statewide compliance monitoring system that inspects facilities, collects essential data and reports annually to the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) on the extent of compliance with the following three mandates: *Deinstitutionalization of Status Offenders (DSO)*. The JJDP provides for status offenders,

civil-type offenders, and non-offenders not to be detained or confined in secure detention or correctional facilities.

Separation of Juveniles from Adult Offenders in Secure Facilities (Separation)

The JJDPa provides for juvenile offenders, status offenders and non-offenders not to be detained or confined in any institution in which they have contact with adult inmates.

Removal of Juveniles from Adult Jails and Lockups (Jail Removal)

The JJDPa provides for all juveniles not to be detained or confined in any jail or lockup for adults.

The Office of Policy and Management is the state agency responsible for maintaining the compliance monitoring system in Connecticut. All facilities in the state (both public and private) that have the potential to hold juveniles pursuant to public authority fall within the purview of the monitoring universe. This includes local and state police lockups, juvenile detention and correctional facilities, court facilities, adult jails and prisons, mental health hospitals and institutions, and all other public and private juvenile placement and residential facilities. Annually, data is collected from all such facilities. A minimum of 10% of the facilities must be on-site inspected each year for verification and 100% of all the facilities must have an on-site inspection once every 3 years.

15. *The agency complies with the required mandatory training in Human Trafficking.*

Guidance: Refer to Public Act 17-32

16. *The agency has a policy concerning the use of force including deadly force that complies with current state and federal law. The use of force policy must explicitly address a law enforcement officer's duty to intervene and report unreasonable, excessive, and/or illegal use of force. The policy shall include the following provisions:*

- a) *A guideline, use of force response matrix or other continuum where an individual/suspect/offender's actions dictate responsive use of force levels;*
- b) *A requirement that officers deploy de-escalation/calming strategies and/or verbal warnings prior to the use of force when feasible;*
- c) *A prohibition against the intentional use of a chokehold or other method of restraint applied to the neck area of another person, including but not limited to, (1). Arm bar hold, (2). Carotid artery hold, (3). Lateral vascular neck restraint, (4). Neck restraint or hold with a knee or other object is prohibited. The use of a choke hold or neck restraint may only be used when the use of deadly physical force is authorized.*
- d) *A listing of the lethal and less lethal weapons authorized by the agency;*
- e) *A mandate that officers receive and are trained in the policy prior to*

- carrying any lethal or less lethal weapons;*
- f) Describes the initial training and in-service training requirements for all weapons;*
 - g) A requirement that an officer who directly observes a use of force that is unreasonable, excessive or otherwise in violation with the agency's use of force policy and/or a violation of state or federal statute (illegal), shall contact a supervisor as soon as practicable;*
 - h) A requirement that an officer will act to intervene and stop the unreasonable, excessive, or illegal use of force by another police officer;*
 - i) A requirement that officers who have knowledge of excessive, unreasonable, or illegal use of force against a person shall notify a supervisor and submit a written incident report to a supervisor in a timely fashion; and*
 - j) A prohibition against retaliation for any officer that intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation.*



July 28, 2020

To: The East Hampton Town Council,

The documentation for the tax refunds listed below is available in the Office of the Collector of Revenue for your review. There are four (4) refunds totaling \$554.11.

Respectfully Submitted,

Kristy L. Merrifield, CCMC

Kristy L. Merrifield, CCMC
 Collector of Revenue

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	61.80	☒
	66.28	☒
	316.15	☒
	109.88	☒
004	554.11	☒