

<b>GENERAL ORDER</b>			
<b>NUMBER</b>	<b>POLICY NAME</b>	<b>RIPAC STANDARD</b>	<b>PAGES</b>
400.03	Use of Force	2.9, 2.10, 2.11, 2.13, 2.14, 2.15, 2.23	13
<b>SUBJECT AREA</b>		<b>REFERENCE</b>	<b>DISTRIBUTION</b>
Law Enforcement Operations			All
<b>DATES</b>			
<b>EFFECTIVE</b>	<b>ISSUING</b>	<b>REEVALUATION</b>	<b>PREVIOUSLY ISSUED</b>
06 APR 2021	06 APR 2021	As Needed	30 March 2009 1 May 2011 18 JAN 2013 01 Sept 2015

## **PURPOSE**

The purpose of this policy is to provide police officers with guidelines on the use of force.

## **I. POLICY**

It is the policy of the Pawtucket Police Department to recognize and respect the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Therefore, it is the policy of this department that police officers will use only that force that is objectively reasonable to accomplish lawful objectives.

## **II. DEFINITIONS**

A. *Administrative Review*: A documented review of an incident or occurrence prepared by or for the Chief of Police or his/her designee. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed.

B. *Analysis*: A systematic, structured process for dissecting an event into its basic parts to identify any patterns or trends. Analysis should reveal patterns or trends

that could be predictive or could indicate program effectiveness, training needs, equipment upgrade needs and/or policy modification needs.

- C. *Appropriate Medical Aid*: Appropriate medical aid may include; increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by rescue personnel, or for more serious or life threatening incidents, immediate aid by medical professionals.
- D. *Choke Hold*: A physical maneuver applied to the neck that restricts and individual's ability to breathe for the purpose of rendering the individual unconscious.
- E. *De-Escalation*: Taking action and/or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and/or resources can be called upon to resolve the situation a without the use of force or with a reduction of the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and/or tactical repositioning.
- F. *Imminent Threat*: Such an appearance of an impending threat as would cause a reasonable police officer to immediately act to stop the threat.
- G. *Less Lethal Force*: Any use of force other than that which is considered lethal or deadly force
- H. *Lethal Force*: Any use of force that is likely to cause death or serious bodily injury. Lethal Force is also referred to as deadly force.
- I. *Objectively Reasonable Force*: Objectively reasonable force is that level of force which is necessary and appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to:

1. The severity of the crime at issue;

2. Whether the subject poses an imminent threat to the safety of the officers or others; *and*
  3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight
- J. *Reasonable Belief*: Those facts and circumstances that would lead a normally prudent police officer to believe that his/her actions are necessary.
- K. *Serious Bodily Injury*: Physical injury that (1) creates a substantial risk of death, serious disfigurement or (2) protracted loss or impairment of the function of any bodily part, member, or organ, or (3) causes serious permanent disfigurement.
- L. *Vascular Neck Restraint*: A technique that can be used to incapacitate individuals by restricting the flow of blood to the brain.

#### **IV. PROCEDURES**

##### **A. PARAMETERS FOR USE OF LETHAL FORCE**

1. Police officers are authorized to use lethal force in order to:
  - a. Protect him/herself, another officer, or other person(s) when the officer has a reasonable belief that an imminent threat of death or serious bodily injury exists to himself/herself, another officer or other person(s).
  - b. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving serious bodily injury or death, and the officer reasonably believes that there is imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
2. When feasible, police officers will identify themselves and state their intent to use lethal force.
3. Lethal Force Restrictions: Lethal force should not be used against persons whose actions are clearly a threat only to themselves or property.
4. A police officer may also discharge a firearm under the following circumstances:

- a) During range practice or competitive sporting events.
  - b) To euthanize an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
5. Police officers will adhere to the following restrictions when their firearm is exhibited:
- a) Except for maintenance or during training, police officers will not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.
  - b) Warning shots are prohibited.
6. Discharging a firearm **from** a moving vehicle shall be avoided. However, whenever a situation exists where an officer must consider discharging a firearm from a moving vehicle in order to stop an imminent threat of death or serious bodily injury to himself/herself or others, the use of lethal force by the officer must not constitute a greater hazard to the public than does the imminent threat, and must be the most reasonable course of action under the circumstances. Officers must weigh the need to use lethal force against the potential harm to innocent bystanders caused by such use.
7. Discharging a firearm **at** a moving vehicle shall be avoided unless a person in the vehicle poses an imminent threat of death or serious bodily injury to the officer or another person. Officers shall avoid intentionally placing themselves in a position where a vehicle may be used against them. Escape from the path of an oncoming vehicle should be considered prior to, or in lieu of, the implementation of lethal force whenever escape is possible.
8. In both sections 6 and 7 above, the officer's focus will be to stop that person presenting the imminent threat, and not to disable the vehicle of which the suspect is an occupant.  
(This provision will not preclude tactical responses in a tactical operation by its members.)

## B. PARAMETERS FOR USE OF LESS LETHAL FORCE

### 1. Less Lethal Force Options:

- a) The degree of force used by an officer is directly related to the facts and circumstances encountered by that officer. Force options currently available to officers include, but are not limited to:

(1) **Command Presence**- *An officer's appearance may be enough to dissuade some persons from engaging in resistive behavior.*

(2) **Verbal Commands**-*Dialogue used by an officer can serve to diffuse potentially violent situations.*

(3) **Physical Strength and Skills** - *Physical techniques used by an officer to control potentially violent situations.*

(4) **Chemical Spray**- *Used in compliance with 410.05 Pepper Spray.*

(5) **Impact Tools**- *Striking tools used in compliance with 410.02 Expandable Baton.*

(6) **Conducted Energy Weapons**- *Used in compliance with 410.07 TASER.*

(7) **K9** *Used in compliance with 500.02 K-9 Police Dogs*

2. Where lethal force is not authorized, officers should assess the incident in order to determine which less lethal force option will best de-escalate the incident and bring it under control in a safe manner.

3. Police officers are authorized to use department-approved less lethal force options to accomplish lawful objectives, as follows:

- a) To protect themselves or another from physical harm.
- b) To restrain or subdue a resistant individual.
- c) To bring an unlawful situation safely and effectively under control.
- d) To maintain control of a person or situation.

4. It is not the intent of this policy to direct officers to try each of the force options before moving to another. The officer may employ that force option which he/she believes is objectively reasonable to accomplish lawful objectives.
5. Choke holds and vascular neck restraints are prohibited unless lethal force is authorized.
6. It is understood that when requesting mutual aid assistance, the available force options of the responding agency may differ from those of the requesting agency. Officers shall be subject to the policies of their employing agencies at all times.
7. Authorized less lethal options are those with which the police officer has received department approved training on proper and safe usage.
8. Nothing contained in this section limits an officer's ability to use those means objectively reasonable for self-defense, or to accomplish lawful objectives, including but not limited to items of opportunity.

### *C. GENERAL REQUIREMENTS ON USE OF FORCE*

#### 1. De-escalation

##### a) When safe and appropriate under the totality of the circumstances:

1. Officers will assess the situation to determine if de-escalation is appropriate in order to reduce the potential need for force;
2. Officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with his/her training and experience.

b) Whenever possible, and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

2. Duty to Intervene – All officers present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances, shall, when in a position to do so, safely intercede to prevent the use of such force. Officers shall report these observations to a non-involved supervisor without unnecessary delay.

3. Providing First Aid – Appropriate medical aid consistent with police officer training will be provided as soon as is practical in all lethal force and less lethal force option usage resulting in injury, or allegation of injury, to include injuries incurred during apprehension.
4. Discontinuing Use of Force – Use of physical force shall be discontinued when resistance ceases or when the incident is under control.
5. Individuals in Restraints – Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person.

#### *D. TRAINING AND QUALIFICATIONS REGARDING LETHAL FORCE*

##### 1. Firearms

- a) While on and off-duty, police officers, acting within the course and scope of their employment with the Pawtucket Police Department, will carry and use only firearms and ammunition authorized by and documented with the department.
- b) At least annually, and in accordance with Rhode Island General Law, the police department will schedule training and qualification sessions for duty, off duty and specialized firearms, which will be graded and documented on a pass/fail basis by a certified firearms instructor.
- c) Authorized firearms are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
- d) The department shall have a separate policy addressing the authorization of duty, off-duty and specialized firearms, weapons and ammunition.
- e) A police officer, qualified as a firearms instructor or armorer as per agency directive, will inspect and approve all firearms authorized for duty prior to issuance and annual qualifications.
- f) Unsafe or defective department issued firearms will be replaced or repaired.

- g) Any recent graduates of the Rhode Island Municipal Police Training Academy, or Rhode Island POST certified police officers that are transferring employment between agencies, shall be qualified by the hiring agency's range officer(s) using that agency's POST certified qualification course. This qualification shall take place prior to the officer carrying their department assigned weapon in any official capacity.
- h) Police officers who are unable to qualify with their duty firearm(s), in accordance with department testing procedures will be given individual training by the department's firearms training officer.
  - 1. Upon successful completion of this training, the officer will be re-tested.
  - 2. If after a second attempt, the officer does not qualify, a report will be forwarded to the Colonel/Chief of Police by the firearms training officer.
  - 3. The Colonel/Chief of Police will then take such action, as he/she deems necessary, not inconsistent with this policy.
- i) A police officer will not be permitted to carry or use any firearm, while acting within the course and scope of their employment with the Pawtucket Police Department, with which he/she has not been able to qualify during the most recent qualification period.
- j) A police officer that has suffered an illness or injury that could affect his/her ability to use firearms will be required to requalify before returning to enforcement duties.
- k) Officers who carry personally owned firearms and ammunition off-duty must have said firearms and ammunition authorized by the department and, at least annually, demonstrate proficiency and safe handling techniques to one of the department's certified firearms instructors.
- l) Prior to their initial assignment and at least annually, the department will ensure that each officer receives training on the department's use of force policies, and document receipt of same.
- m) All definitions contained in this policy will be included in said training.



- n) All officers shall receive and sign for the receipt of the department's Use of Force Policy and any revisions thereto in hard copy or digital format.

#### *E. TRAINING AND QUALIFICATIONS REGARDING LESS LETHAL FORCE*

1. At least biennially, each sworn officer is required to demonstrate proficiency with Pawtucket Police approved less lethal force options, which he/she is authorized to use. In the case of conductive energy weapon, i.e. Taser©, said demonstration of proficiency will be on an annual basis. Proficiency standards are established as follows:
  - a) Attain minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods, or trends;
  - b) Proper demonstration of recognized physical skills; and
  - c) Demonstrated knowledge of department directives pertaining to the use of less lethal force options;
2. The program of instruction will be conducted by a qualified instructor who has achieved and maintained certification in the respective less lethal force option(s).
3. The Planning & Training Division will maintain training documentation to include lesson plans, attendance sheets, and proficiency records.
4. Proficiency standards shall be satisfied prior to an officer being authorized to carry and/or utilize the less lethal force option(s).
5. Police officers who are unable to show proficiency with a less lethal force option in accordance with department testing procedures will be given remedial training by the department's less lethal force training instructor.
  - a) Upon successful completion of this training, the officer will be retested.
  - b) If after a second attempt the officer does not evidence proficiency, a report will be forwarded to the Colonel/Chief of Police by the department's less lethal force training instructor.

- c) The Colonel/Chief of Police will then take such action as he/she deems necessary and not inconsistent with this policy.
- d) A certified instructor will inspect and approve all less lethal weapons authorized for duty prior to issuance.

#### *F. REPORTING USES OF FORCE*

1. A reportable use of force is defined as any incident in which a sworn department member exercises their police powers and uses lethal force or any force option including physical force.
2. Reportable uses of force also include:
  - a) Drawing and pointing a firearm or CEW at a person for the purpose of obtaining and/or maintaining control of that person.
  - b) Taking an action that results in, or is alleged to have resulted in, either injury to or death of another person.
3. Exceptions to reportable force:
  - a) Command presence.
  - b) Verbal commands.
  - c) Compliance handcuffing which does not result in injury, the appearance of injury, or the complaint of pain.
4. Officers will notify an on-duty supervisor who is not involved in the incident without unnecessary delay and in accordance with department policy whenever a reportable use of force incident occurs either on-duty or off-duty.
5. An officer who has used force shall articulate in writing the force used and the facts, circumstances, and reasons for the use of said force.
6. All reportable uses of force resulting in death, serious bodily injury, or allegations of serious bodily injury shall be investigated by trained personnel.
  - a) All other reportable uses of force shall undergo a documented initial review by the officer's immediate supervisor. Said documentation shall

be forwarded through the chain of command for administrative review and to determine whether further action, including but not limited to a follow-up investigation is necessary.

7. Where officers respond to an incident involving a reportable use of force, a “response to resistance/ non-compliance” form must be completed for that incident setting forth the specific use of force actions taken by each officer.
8. In lieu of a “response to resistance/ non-compliance” form, an officer shall be required to prepare a written report in accordance with departmental procedures whenever any of the following actions have occurred:
  - a) The officer discharges a firearm under circumstances that are not otherwise classified as a reportable use of force, except for those times when said discharge occurs either during a weapons training or during lawful recreational activities where no report is necessary.
  - b) The officer discharges a firearm to euthanize an animal, as set forth in Section IV (B) (8).

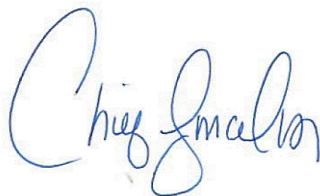
#### *G. DEPARTMENTAL RESPONSE*

1. Use of Force resulting in death or serious bodily injury:
  - a) In accordance with the Rhode Island Attorney General’s Protocols, all police incidents involving use of deadly force, excessive force and custodial deaths will be reported to the Attorney General’s office for review.
  - b) Where a police officer's use of force causes death or serious bodily injury, the officer will be placed on a non-punitive administrative leave pending completion of an administrative review, and until a post-shooting intervention is conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel.
  - c) The department will conduct both an administrative and criminal investigation of the incident.
2. Allegations of excessive force shall be reported to the Office of Professional Standards

3. Administrative review of use of force incidents:
  - a) All reported uses of force will be reviewed by the Office of Professional Standards to determine whether:
    1. Departmental rules, policy, or procedures were violated;
    2. The relevant policy was clearly understandable and effective to cover the situation;
    3. Department training is currently adequate;
    4. If department equipment needs to be addressed.
4. All findings of policy violations or training inadequacies will be reported to the appropriate unit for resolution and/or discipline.
5. The Pawtucket Police Department shall voluntarily participate in the FBI National Use-of-Force Data Collection. The Office of Professional Standards shall report use of force incidents that meet the following criteria:
  - a) When a fatality occurs to a person in connection to use of force by a law enforcement officer.
  - b) When there is serious bodily injury to a person in connection with use of force by a law enforcement officer.
  - c) In the absence of either death or serious bodily injury, when a firearm is discharged by a law enforcement officer at or in the direction of a person.

6. All “response to resistance/ noncompliance” reports will be retained as required by department policy and a documented annual analysis of those reports will be compiled by the Office of Professional Standards.
7. This analysis shall, at a minimum, identify the following:
  - a) Date and time of incidents;
  - b) Types of encounters resulting in use of force;
  - c) Trends or patterns related to race, age and gender;
  - d) Trends or patterns resulting in injury to any person including employees;  
and
  - e) Impact of findings on policies, practices, equipment, and training.
8. An annual summary report of this analysis will be compiled and made available to the public upon request.

Per Order Of:

A handwritten signature in blue ink that reads "Chief Gmalon". The signature is written in a cursive, flowing style.

---

Chief of Police