



NORTH PROVIDENCE POLICE DEPARTMENT



GENERAL ORDER 300.01

SUBJECT: USE OF FORCE		
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Subject Area: USE OF FORCE		RIPAC Standard: 2.9 – 2.23, 5.10
Amends/Rescinds: Policy Effective 03/29/19		Review Date: Annually Pages: 12
Per order of the Chief of Police: 		Approved by the Director of Public Safety: 
<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

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

II. POLICY

It is the policy of the North Providence 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. It is, therefore, the policy of this Department that police officers will use only that force that is objectively reasonable to accomplish lawful objectives.

III. DEFINITIONS

- A. **ADMINISTRATIVE REVIEW:** A documented review of an incident or occurrence prepared by or for the CEO 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. **CHOKER HOLD:** A physical maneuver applied to the neck that restricts an 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 without the use of force or with a reduction in 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 physical force.
- I. **OBJECTIVELY REASONABLE FORCE:** Objectively reasonable force is that 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 level 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;
 - 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; (2) causes 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 their brain.

IV. PROCEDURE

A. GENERAL REQUIREMENTS ON USE OF FORCE

1. De-escalation
 - a. When safe and appropriate under the totality of the circumstances:
 - i. Officers will assess the situation to determine if de-escalation is appropriate in order to reduce the potential need for force;
 - ii. Officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or 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
 - a. All officers present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances, shall intercede to prevent the use of such force when in a position to do so safely. Officers shall report these observations to a non-involved supervisor without unnecessary delay.
3. Providing First Aid
 - a. Appropriate medical aid, consistent with police officer training, will be provided **at scene** in all lethal force and less lethal force option usage resulting in injury, or allegation of injury, to include injuries incurred during apprehension and/or custody.
4. Use of physical force shall be discontinued when resistance ceases or when the incident is under control.
5. 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.

6. At least annually, the Planning and Training Unit shall ensure that each officer receives training on the Department's use of force policies and [General Order 310.05, entitled "Weapons Safety."](#)
 - a. All officers shall receive and sign for the receipt of the Department's use of force policy and any revisions there in hard copy or digital format.

B. PARAMETERS FOR USE OF LETHAL FORCE

1. Police officers are authorized to use lethal force in order to:
 - a. Protect himself/herself, another officer or other person(s) when the officer has an objectively 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 an 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 as a police officer and state their intent to use lethal force.
3. Lethal Force Restrictions
 - a. Lethal force should not be used:
 - i. To subdue persons whose actions are only destructive to property;
 - ii. Against persons whose conduct is injurious only to themselves.
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** or **at** 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. 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.
 - a. 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.

C. PARAMETERS FOR USE OF LESS LETHAL FORCE

1. 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.
2. Less lethal force options:
 - a. The level 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:
 - i. *Command Presence*: An officer's appearance may be enough to dissuade some persons from engaging in resistive behavior.
 - ii. *Verbal Commands*: Dialogue used by an officer can serve to diffuse potentially violent situations.
 - iii. *Physical Strength and Skills*: Physical techniques used by an officer to diffuse potentially violent situations.
 - iv. *Chemical Spray*: [Used in compliance with General Order 310.01, entitled "Oleoresin Capsicum \(O.C.\) Spray and Fogger"](#).
 - v. *Impact Tools*: Striking tools used in compliance with [General Order 310.02, entitled "Police Baton"](#).
 - vi. *Conducted Electrical Weapons*: Used in compliance with [General Order 310.03, entitled "Conducted Electrical Weapons \(TASER\)"](#).
 - vii. K9 used in compliance with [General Order 320.18 entitled "K9 Unit"](#).

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 and procedures 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 items of opportunity.

D. TRAINING AND QUALIFICATIONS REGARDING LETHAL FORCE-FIREARMS

1. While on and off duty, police officers, acting within the course and scope of their employment with the North Providence Police Department, will carry and use only firearms and ammunition authorized by and documented with the Department in compliance with [General Order 310.06, entitled "Weapons – Caliber and Ammunition"](#), [General Order 310.10, entitled "Off-Duty Handguns"](#) and [General Order 310.11, entitled "Service Pistol"](#).
2. A Department authorized and certified firearms instructor or armorer shall perform and document, on the ["Weapons Inspection and Service Report" \(Addendum 1\)](#), an inspection of all weapons;
 - a. Prior to issuance to an individual officer or made available for shared Department use; and
 - b. At the time of qualification or recertification of said weapon.

3. At least annually, in order to show proficiency and in accordance with Rhode Island General Laws (RIGL), the Officer in Charge (OIC) of the Firearms Training Unit will schedule training and qualification sessions for duty firearms to include specialized firearms and off-duty firearms.
 - a. The training sessions will be graded and documented on a pass/fail basis by a certified firearms instructor on the [“Annual Qualification” form \(Addendum 2\)](#) , [“Patrol Rifle Annual Qualification” form \(Addendum 3\)](#) or [“Off-Duty Weapon annual Qualification” form \(Addendum 4\)](#);
4. Authorized firearms are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are documented and comply with departmental specifications.
5. The Department shall have separate policies addressing the authorization of duty, off duty, weapons and ammunition. See General Order [310.06, entitled “Weapons – Caliber and Ammunition”](#), [General Order 310.07, entitled “Shotgun Procedures”](#), [General Order 310.08, entitled “Patrol Rifle”](#), [General Order 310.10, entitled “Off-Duty Handguns”](#), [General Order 310.11, entitled “Service Pistol”](#) and [General Order 310.12, entitled “Personally Owned Patrol Rifle”](#).
6. Unsafe or defective Department issued firearms will be replaced or repaired in accordance with [General Order 310.06, entitled “Weapons – Caliber and Ammunition”](#).
7. Recent graduates of the Rhode Island Municipal Police Training Academy or Rhode Island POST certified police officers that are transferring to the North Providence Police Department from another law enforcement agency, shall be qualified by a North Providence Police Department range officer(s) using the Department’s POST certified qualification course. This qualification shall take place prior to the officer carrying their Department issued weapon.
8. 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.
 - a. Upon successful completion of this training, the officer will be retested.
 - b. If after a second attempt the officer does not qualify, a report will be forwarded to the Chief of Police by the firearms training officer.
 - c. The Chief of Police will then take such action as he/she deems necessary, not inconsistent with this policy.
9. A police officer will not be authorized to carry or use any firearm, while acting within the course and scope of their employment with the North Providence Police Department, with which he/she has not been able to qualify with during the most recent twelve (12) month qualification period.

10. A police officer that has suffered an illness, injury or absence that could affect his/her ability to use a Department authorized firearm will be required to requalify before returning to enforcement duties.

E. TRAINING AND QUALIFICATIONS REGARDING LESS LETHAL FORCE

1. At least biennially, each sworn officer is required to demonstrate proficiency with Department approved less lethal force options which he/she is authorized to use. In the case of conducted electrical weapon (CEW), said demonstration will be on an annual basis. Proficiency standards are established as follows:
 - a. Attainment of minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods, and/ or trends;
 - b. Proper demonstration of recognized physical skills;
 - c. Demonstrated knowledge of Department directives on 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 Administrative Services 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).
 - a. The Administrative Services Division will be responsible for issuing all less lethal force option weapons and maintaining an inventory control log.
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 Chief of Police by the Department's less lethal force training instructor.
 - c. The Chief of Police will then take such action as he/she deems necessary, not inconsistent with this policy.

F. REPORTING USES OF FORCE

1. A reportable use of force is defined as any incident in which a sworn Department member exercises his/her police powers and uses a force option except for those actions set forth in Subsection 3 below.
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. Intentionally discharging a firearm, unless such discharge occurred during the course of training or annual qualifications;
 - c. Accidental discharge that results in, or allegedly result in, the injury or death of a person;
 - d. Taking an action that results in, or is alleged to have resulted in, either injury or death of another person;
 - e. Discharging a firearm to euthanize an animal;
 - f. Applies force through the use of lethal or less lethal weapons;
 - g. Applying weaponless physical force to:
 - i. Protect themselves or another from physical harm;
 - ii. Restrain or subdue a resistant individual;
3. Exceptions to reportable force:
 - a. Command presence;
 - b. Verbal commands;
 - c. Physical strength and skills which do not result in injury, the appearance of injury or complaint of pain (ex. the use of a grip to control a suspect's hand while searching or handcuffing);
 - d. Force objectively reasonable to overcome resistance due to physical disability or intoxication which does not result in injury or complaint of pain (ex. lifting an intoxicated person to a standing position).
4. Officers will notify a supervisor who is not involved in the incident without necessary 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. A firearm is discharged outside of the firing range, except as provided in Section 2(b) and 2(c) above.
9. Any police officer who is present and observes another officer use force as described in this policy, but does not use reportable force himself/herself, shall complete a supplemental narrative and attach it to the corresponding Response to Resistance/ Non-Compliance Form(s).
10. Whenever a Response to Resistance/ Non-Compliance Form is submitted in accordance with section **IV(F)(2)(a)** through **(f)** of this policy, a copy of the arrest or incident report will be attached to the Response to Resistance/ Non-Compliance Form and forwarded up the chain of command for an administrative review.
 - a. Photograph(s) of reported injuries shall accompany the Response to Resistance/ Non-Compliance Form.
11. Any police officer who is present and observes another officer use force as described in this policy, but does not use reportable force himself/herself, shall complete a supplemental narrative and attach it to the corresponding Response to Resistance/ Non-Compliance Form(s).

G. DEPARTMENTAL RESPONSE

1. Use of Force Resulting in Death or Serious Bodily Injury

- a. In accordance with [The Attorney General's Protocol for the Review of Incidents Involving the Use of Deadly Force, Excessive Force and Custodial Deaths \(Addendum 6\)](#), all police incidents involving the 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-incident evaluation is conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel.
 - i. While on administrative duty or administrative leave, Department personnel shall remain available at all times for official Department interviews and statements regarding the incident.
 - ii. Department personnel shall not discuss the incident with anyone, except the personnel assigned to the investigation, the employee's private attorney, bargaining union representative, psychologist, chosen clergy or the employee's spouse.
 - c. In incidents where an officer's firearm must be taken for evidentiary purposes, it should be replaced with another, or the officer should be advised when he/she can expect it to be returned or replaced.
2. Allegations of excessive use of force shall be reported to the Department's Office of Professional Standards or its equivalent in accordance with the Department's protocols.
 3. FBI's CJIS National Use of Force Data Collection
 - a. The Office of Professional Standards is responsible for submitting monthly reports to the FBI CJIS National Use of Force Data Collection.
 - b. Any use of force meeting the following criteria shall be reported to the CJIS database:
 - i. Force resulting in death or serious bodily injury to a person; or
 - ii. Where an officer discharges a firearm at or in the direction of a person.
 4. Administrative Review of Use of Force Incidents
 - a. All completed Response to Resistance/ Non-Compliance Forms, along with video (if applicable), associated arrest/ incident reports and witness statement(s) will be forwarded through the respective chain of command to the Office of Professional Standards.

- i. Supervisors/ Shift OICs will conduct a review of all Response to Resistance/ Non-Compliance Forms, the circumstances surrounding the use of force and submit a memo detailing their review.
 - ii. Supervisors are responsible for ensuring all submitted reports and forms attached are appropriate and complete.
 - b. The Office of Professional Standards shall:
 - i. Review all reported uses of force to determine whether:
 - (a) Departmental rules, policy or procedures were violated;
 - (b) The relevant policy was clearly understandable and effective to cover the situation;
 - (c) If Departmental training was/ is currently adequate;
 - (d) If Departmental equipment needs to be addressed.
 - ii. Forward all reviewed Response to Resistance/ Non-Compliance Forms to the Chief of Police or his/her designee for final review and approval.
 - iii. Report all findings of deficiencies to the appropriate unit for resolution and/or discipline.
 - iv. Retain all Response to Resistance/ Non-Compliance Forms as required by Departmental policy and complete an annual analysis on the compiled forms. The 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; and
 - (e) Impact of findings on policies, practices, equipment, and training.
 - (1) Each calendar year an annual summary report of this analysis will be made available to the public.