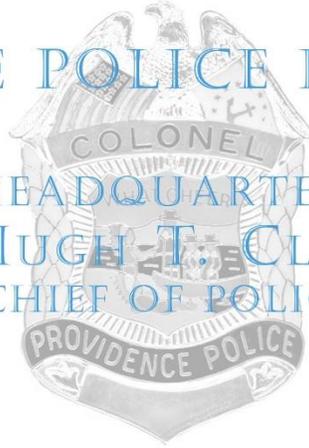


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS
COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	300.01	1/17/2019	1/17/2019
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Use Of Force		12/7/2018; 11/14/16; 1/15/2016; 9/25/2014; 6/5/2014; 3/28/2014; 2/8/2009; <u>Supersedes:</u> G.O. #40 Series 2004; G.O. #35 Series 2004; G.O. #10 Series 2003; G.O. #22 Series 2002; G.O. #41 Series 1996; G.O. #34 Series 1996; <u>Amends:</u> PPD Rules & Regulations Part II, Section 200, Paragraph 200.2	
REFERENCE		RE-EVALUATION DATE	
CALEA 1.3.1 - 1.3.7, 12.1.3		1/17/2020	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

PURPOSE

The purpose of this policy is to provide police officers with guidelines regarding the application of and the procedures and regulations relating to the use of force. All sworn personnel shall be issued a copy of, and instructed in, all aspects of this policy and any other policies relating to the application of force, prior to being allowed to carry/utilize any weapon.

POLICY

The primary duty of all police officers is to preserve human life. Officers shall use only that force which is objectively reasonable to accomplish lawful objectives. Officers shall exercise all safe and reasonable means of control and containment, using only the amount of force necessary to overcome resistance and/or gain control of an individual. Force options available to officers include, but are not limited to:

- Physical/command presence of police officer(s) - An officer's appearance may be enough to dissuade some persons from engaging in resistive behavior.

- Verbal persuasion/warnings/commands - Dialogue used by an officer can serve to diffuse potentially violent situations.
- Hands-on techniques/control holds.
- Oleoresin Capsicum Sprays (OC)/Baton.
- Less-Lethal Munitions (LLMs)/Conducted Electrical Weapons (CEWs).
- Lethal force.

The level of force used will be based directly upon the level of resistance exhibited by a subject, and will escalate and/or de-escalate in relation to that level of resistance. Justification for the use of force is guided by the principle of objective reasonableness, as defined within this policy. Under no circumstance shall any force be used as a means of interrogation, coercion or punishment.

In accordance with the law enforcement accreditation standards and best practices developed by the Commission on Accreditation of Law Enforcement Agencies (CALEA) and the Rhode Island Police Accreditation Commission (RIPAC), as well as several legal decisions that have been handed down by the United States Supreme Court, the Providence Police Department has implemented the policies and procedures outlined herein.

DISCUSSION

Officers are reminded that at all times they shall comply with Providence Police Department Rules & Regulations Part II, Section 200, "General Conduct and Responsibilities", Paragraph 200.2:

200.2 OBEDIENCE TO LAWS AND RULES:

1. *Department members shall comply with all Federal and State laws, City Ordinances, and all orders, rules, oaths, procedures and policies (i.e., all directives) of the Department and the City of Providence.*
2. *Verbal orders and written orders shall carry equivalent weight and authority.*
3. *All lawful orders of a superior, including any order relayed from a superior by a member of the same or lesser rank, shall be followed.*
4. *No superior officer shall knowingly or willingly issue any order that is in violation of any law, ordinance, or directive.*
5. *No member is required to obey an order that is in violation of any law, ordinance, or directive. However, any member who refuses to obey any order shall be required to justify their refusal via a typewritten report, signed and dated by the member in question. The report shall be submitted, as soon after the refusal as practicable, through the chain of command to the Chief of Police.*

For the purpose of this General Order and any other Department directives pertaining to the use of force, the following definitions shall apply:

Lethal Force: Any tactic or use of force that is likely to cause serious bodily injury or death.

Less-Lethal Force: Any use of force other than that which is considered lethal force.

Serious Use of Force: Lethal and less-lethal actions by officers (excluding scheduled weapons training); as follows:

1. Any incident involving the use of lethal force.
2. Any incident involving the discharge of a firearm, CEW, or LLM.
3. Any use of force by an officer, including but not limited to the use of a police canine, that results in serious bodily injury.
4. Any strike to the head with an impact weapon.
5. Any use of force by an officer that results in the loss of consciousness.
6. Any use of force by an officer that results in death.

Use of Force: Any physical effort used to control, overpower, restrain or overcome the resistance of an individual.

Objectively Reasonable Force: Objectively reasonable force is that level of force which is necessary and appropriate to bring a situation safely under control 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 upon the force to be used to apprehend or subdue a subject and/or bring a situation safely under control include, but are not limited to: the severity of the crime at issue; whether the subject poses an imminent or significant threat to the safety of the officers or others; the suspect's behavioral cues; the number of officers and/or offenders present; and whether the subject is actively or passively aggressive, actively or passively resisting arrest, or attempting to evade arrest by flight.

Active Resistance: Physically evasive movements made by a suspect with the intent to interfere with an officer's attempt at gaining or maintaining control of said suspect; including but not limited to bracing, tensing, pushing or pulling away, punching, kicking.

Passive Resistance: A lack of physical movement characterized by a suspect neither complying with an officer's command nor taking action to prevent being moved or taken into custody; including but not limited to lying down, purposefully going limp, refusing to walk and in turn dragging one's legs when being moved or escorted.

Reportable Use of Force: See Section V, below.

Reasonable Belief: Those facts and circumstances that would lead a normally prudent police officer to believe that an imminent threat of death or bodily injury exists.

Imminent: Such an appearance of an impending threat as would cause a reasonable police officer to immediately act to stop the threat.

Significant: Such an appearance of a highly probable threat as would cause a reasonable police officer to immediately act to stop the threat.

Bodily Injury: Injury to the human body that requires treatment by a doctor or other health professional.

Serious Bodily Injury: Bodily injury that, either at the time when the injury is sustained or at a later time, creates: (1) a substantial risk of death, or a substantial risk of serious permanent disfigurement; or (2) a substantial risk of protracted loss or impairment of the function of any part or organ of the body; or (3) breaks, fractures, or burns of the second or third degree.

Less-Lethal Weapons: Any apprehension or restraint device that, when used as designed and intended, has less potential for causing death or serious injury than conventional police lethal weapons.

After Incident Report (AIR): A post-incident reporting form upon which a use of force incident is documented.

Force Investigation Team (FIT): A three-person panel tasked with performing on-scene investigations of serious use of force incidents. The panel consists of: (1) a Providence Police Department training instructor of the type of force used; (2) an officer from within the Office of Professional Responsibility; and (3) a designee of the Chief of Police.

Use of Force Review Board: A three-person panel whose members are designated by the Chief of Police. The panel is tasked with reviewing all documentation submitted by the FIT.

Soft Empty-Hand Control Techniques: Weaponless joint manipulation, leverage, pressure point, control hold, gripping, and similar techniques aimed at inducing compliance while reducing the risk of injury to the suspect.

Hard Empty-Hand Control Techniques: Kicks, punches, weaponless striking techniques, tackling, wrestling, and similar techniques aimed at inducing compliance with only a moderate risk of injury to the suspect.

Special Response Unit (SRU): A critical incident/high risk response team composed of specially-trained, sworn law enforcement personnel from throughout the Department. The SRU is used whenever the resolution of a situation is assessed as requiring tactical executions and/or the use of specialized equipment that are beyond the training and/or capabilities of non-SRU officers.

Whenever practicable under the totality of the circumstances:

1. Officers will assess situations to determine if the de-escalation of a situation is possible, and if so, employ appropriate de-escalation tactics in order to reduce the potential need to use force.
2. Officers who are present and observing another officer using force that is clearly beyond that which is objectively reasonable shall safely intercede to prevent the use of such force and shall, as soon as practicable, report these observations verbally and in writing to their immediate supervisors.

It is important for officers who are recording and/or being recorded by Department issued/authorized body-worn cameras (BWCs) to understand that the parameters pertaining to any use of force remain exactly the same for them as they do for officers who are not recording and/or not being recorded by BWCs. The presence or absence of BWCs should neither accelerate nor decelerate, nor affect in any way, an officer's decision-making processes when determining either the appropriateness of a force option or the moment when that force option should be used. The fact that BWCs are or may be recording a use of force incident neither lessens nor heightens the requirement for officers to use only that force which is objectively reasonable, at all times.

PROCEDURE

I. PARAMETERS FOR USE OF LETHAL FORCE

- A. A police officer is authorized to use lethal force in order to:
 1. Protect himself/herself, another officer, or other person(s) when the officer has a reasonable belief that an imminent or significant threat of death or serious bodily injury exists to himself/herself, another officer, or other person(s).
 2. Effect the capture of, or prevent the escape of, a fleeing violent felon who the officer has probable cause to believe poses an imminent or significant threat of death or serious bodily injury to the officer or others.
- B. Officers shall not discharge their firearms as a warning, to frighten, or to garner attention. Such so-called "warning shots" are prohibited.
- C. Discharging a firearm **at** or **from** a moving vehicle shall be avoided. However, whenever a situation exists where an officer must consider discharging a firearm **at** or **from** a moving vehicle in order to stop an imminent or significant threat of death or serious bodily injury to

himself/herself, another officer, or others, the use of lethal force by the officer must not constitute a greater hazard to any persons other than the suspect(s) than does the imminent or significant threat posed by the suspect(s), 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 other officers/persons/innocent bystanders caused by such use.

1. When discharging a firearm at a moving vehicle, an officer's focus will be to stop the suspect posing the imminent or significant threat and not to disable the vehicle of which the suspect is an occupant.
 2. 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.
 3. This provision shall not preclude justifiable tactical responses in an SRU operation by SRU members.
- D. In regard to animals, officers are authorized to discharge a firearm in order to:
1. Destroy an animal that represents a threat to public safety, if less-lethal means of control are not feasible.
 2. Euthanize an animal that has been seriously injured.
- E. Except for maintenance purposes or during Department-authorized firearms training, officers shall not draw or exhibit their firearms unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.
- F. Techniques intended or designed to cut off blood flow and/or oxygen to the brain (e.g. choke holds) will not be implemented unless the use of lethal force is justified.
- G. Any deliberate strike to the head with an impact weapon constitutes lethal force.

II. PARAMETERS FOR USE OF LESS-LETHAL FORCE

- A. Whenever lethal force is not authorized, officers must assess the facts and circumstances pertaining to the incident at hand in order to determine if the use of less-lethal force is objectively reasonable, and if so, which less lethal force option will best de-escalate the incident and bring it under control in a safe manner.

- B. Officers are authorized to use Department-approved less lethal force options to accomplish lawful objectives, as follows:
 - 1. To protect themselves or another from physical harm or the imminent use of physical force.
 - 2. To effectively deal with an actively or passively resistant individual.
 - 3. To terminate an unlawful situation safely and effectively.
 - 4. To effect an arrest or prevent the escape of a suspect whom the officer reasonably believes has committed, is committing, or is about to commit an offense.
 - 5. To take persons into protective custody when authorized by law, including but not limited to persons who are a danger to themselves or others; persons incapacitated by foreign substances such as alcohol or narcotics; or runaway children/juveniles.
 - 6. To prevent someone from committing suicide or inflicting serious bodily injury upon themselves.
 - 7. To assist a licensed physician, psychologist, or other authorized medical personnel in providing necessary medical treatment.
- C. Less lethal force shall be utilized consistent with Department policy and by training.
- E. Oleoresin Capsicum Sprays (OC): Refer to General Order 310.03 *Oleoresin Capsicum Sprays (OC)*.
- F. Conducted Electrical Weapon (CEW): Refer to General Order 310.04 *Conducted Electrical Weapons*.
- G. Less Lethal Munitions (LMMs): Refer to General Order 310.05 *Less-Lethal Munitions & 37mm Launcher*.
- H. Police Batons: Refer to General Order 310.06 *Police Batons*.

III. VERBAL PERSUASION/WARNINGS/COMMANDS

- A. Whenever tactically feasible:
 - 1. Officers will identify themselves as police officers and issue verbal persuasion/warnings/commands prior to the use of force.
 - 2. Officers will allow the suspect an opportunity to comply with the officer's verbal persuasion/warnings/commands prior to the use of force.

- B. The issuance of verbal persuasion/warnings/commands is not required in circumstances when:
 - 1. The officer has to make a split-second decision.
 - 2. The officer reasonably believes that issuing the verbal persuasion/warnings/commands would place his/her safety or the safety of any persons other than the suspect(s) at risk.

IV. MEDICAL ATTENTION

- A. Appropriate medical attention will be summoned as needed and/or as requested by the arrestee, and as soon as is practicable, in all instances where the use of force results in injury, the appearance of injury, or an allegation of injury. Additionally:
 - 1. Any persons who have been subjected to an LLM or CEW discharge shall be examined by rescue personnel for evaluation/medical treatment.
 - 1. Any persons who have been subjected to O.C. spray shall undergo decontamination procedures in accordance with General Order 310.03 *Oleoresin Capsicum Sprays (OC)*.

V. DOCUMENTING REPORTABLE USE OF FORCE – OFFICER RESPONSIBILITIES

- A. Any time force is used, the officer who has used force must be able to articulate the facts, circumstances, and reasons pertaining to the type of force used.
- B. Officers will notify a 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.
 - 1. A reportable use of force incident is defined as an incident in which an officer exercises his/her police powers and uses a force option, with certain exclusions (see {2}, below). Reportable uses of force also include:
 - a. Drawing and pointing a firearm at, or in the direction of, another person.
 - b. The discharge of a firearm outside of scheduled weapons training.

- c. Any action that results in, or is alleged to have resulted in, bodily injury; the appearance of injury; or an allegation of injury to or the death of, another person.
 - 2. Unless (B)(1)(c) of this section applies (see above), the following force options are excluded from the reportable use of force definition:
 - a. Physical/command presence.
 - b. Verbal persuasion/warnings/commands.
 - c. Compliant handcuffing.
 - d. Soft empty-hand control techniques.
 - e. That force objectively reasonable to overcome passive resistance due to physical disability or intoxication (e.g., lifting an intoxicated person to a standing position).
- C. Any officer who engages in a reportable use of force option shall complete an After Incident Report (AIR) prior to the conclusion of the officer's shift.
- D. The primary officer for the incident or call for service that resulted in the reportable use of force will complete an incident report prior to the conclusion of the officer's shift, unless otherwise directed by the OIC.
- E. Copies of the documentation generated in (B) and (C), above, shall be forwarded immediately upon completion to the supervisor who has been designated to complete the Supervisor's Use of Force Inquiry form.

VI. DOCUMENTING REPORTABLE USE OF FORCE – SUPERVISOR RESPONSIBILITIES

- A. This section shall only apply to a reportable use of force incident that DOES NOT constitute a serious use of force incident AND that specifically falls within the following parameters:
 - 1. Any OC spray discharges, regardless of whether or not a person was actually contaminated by the spray and/or injured.
 - 2. Any baton/impact weapon usages, when such weapons are used in a striking technique, and regardless of whether or not a person was actually struck and/or injured.
 - 3. Any of the following uses of force, but only when an injury is sustained by a person other than the officer using the force:
 - a. Physical/command presence.

- b. Verbal persuasion/warnings/commands.
 - c. Compliant or non-compliant handcuffing.
 - d. Soft empty-hand control techniques.
 - e. Hard empty-hand control techniques.
- B. In response to any reportable use of force incidents specifically stipulated above, a supervisor who was not involved in or present at the incident will:
- 1. Respond to the incident scene without delay.
 - 1. Ensure that the incident scene is properly processed and that the evidence is secured and properly collected (e.g., photographs of injuries to suspects or officers).
 - 2. Attempt to speak with and identify all persons involved in the reportable force incident, including available independent witnesses, and obtain contact information and witness statements.
 - 4. Compile and analyze all documentation pertaining to the incident, including those documents referenced in Section V, (D), above.
 - a. Supervisors shall also analyze and evaluate any videos/images of the incident that were captured by Department-issued/authorized body-worn cameras.
 - b. The supervisor shall sign the AIR(s) in the space(s) provided upon receipt.
 - 5. Complete a Supervisor's Use of Force Inquiry form, documenting the facts and circumstances pertaining to the reportable use of force incident and communicating the supervisor's determination as to whether the use of force appears justified or if further review into the incident is necessary.
 - a. Whenever a supervisor determines that further review of a use of force incident is necessary, and unless otherwise directed by the OIC of the Patrol Bureau, the supervisor will obtain witness statements from the officer(s) who used reportable force as well as from all other officers who were on-scene at that time reportable force was used, prior to the conclusion of those officers' shifts.
 - 6. The supervisor conducting the review shall immediately forward all documentation to the Officer-in-Charge (OIC) of the officer who used reportable force.

- C. The OIC of the officer who has used reportable force shall immediately review the documentation and sign the Supervisor's Use of Force Inquiry form in the space provided.
 - 1. The OIC will refrain from signing the form whenever further items of clarification are necessary or the required documentation is missing or incomplete.
 - 2. The reviewing supervisor shall be responsible for obtaining the requested items and forwarding them to the OIC.
 - 3. The OIC shall forward all available documentation to the officer's Captain for further review prior to the conclusion of the OIC's shift.
- D. The officer's Captain shall review the documentation provided by the OIC and sign the Supervisor's Use of Force Inquiry form in the space provided.
 - 1. The Captain will refrain from signing the form whenever further items of clarification are necessary or the required documentation is missing or incomplete.
 - 2. The reviewing OIC shall be responsible for obtaining the requested items and forwarding them to the District Captain.
- E. The officer's Captain shall ensure that all documentation pertaining to the reportable use of force incident is forwarded to the Office of Professional Responsibility (OPR) within seventy-two (72) hours of the incident.

VII. ADMINISTRATIVE RESPONSIBILITIES

- A. The Commanding Officer of OPR shall be responsible for ensuring that all reportable use of force incidents that are received by OPR:
 - 1. Are entered into the IAPro™ or other appropriate tracking software in a timely manner;
 - 2. Are properly documented and investigated;
 - 3. Are brought to the attention of the Chief of Police in a timely manner whenever such incidents are deemed to be a matter of Department and/or public concern.
- B. At the end of each calendar year, the Commanding Officer of OPR or his/her designee shall conduct a documented annual analysis of all reportable use of force incidents that have resulted in the generation of a Supervisor Use of Force Inquiry; said analysis to be forwarded to the Chief of Police.

VIII. SERIOUS USE OF FORCE INCIDENTS

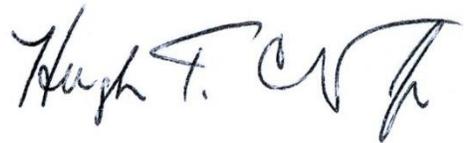
- A. Serious use of force incidents will be handled in accordance with General Order 310.02 *Investigations of Serious Use of Force Incidents*.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE