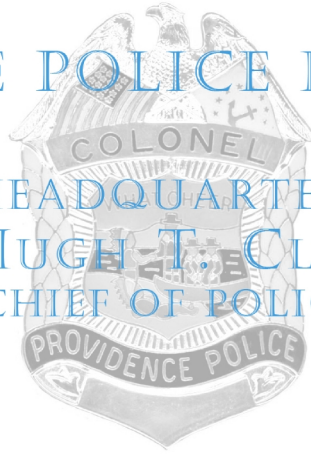


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	300.01	9/25/2014	9/25/2014
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Use Of Force		6/5/2014; 3/28/2014; 2/8/2009; <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		9/25/2015	
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 will 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 will use only that force that is objectively reasonable to accomplish lawful objectives. Officers will 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. The applications of force by a police officer are guided by the principles found in the "Providence Police Department Use of Force Continuum", which are:

- Physical presence of police officer(s).
- Verbal persuasion/warnings/commands.
- Hands-on techniques/control holds.
- Oleoresin Capsicum Aerosol Spray (OC)/Baton.
- Less-Lethal Munitions (LLMs)/Conducted Electrical Weapons (CEWs).
- Deadly (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. Under no circumstance shall any force be used as a means of interrogation, coercion or punishment.

In recognition of several 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, hereby amended, as follows:

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 application 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 - also called "*deadly force*".

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.

Active Aggression: A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, where a reasonable officer believes that an assault or injury to any person is imminent.

Active/ Escape Resistance: Physically evasive movements designed to defeat an officer's attempt at control, and/or verbally signaling an intention to avoid or prevent being taken into or retained in custody; including, but not limited to: bracing, tensing, or pushing.

Objectively Reasonable Force: Objectively reasonable force is that level of force which is 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 threat to the safety of the officers or others, and whether the subject is actively aggressive, actively resisting arrest, or attempting to evade arrest by flight.

Reportable Use of Force: See Section IV, 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.

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.

Providence Police Department Use of Force Continuum: The Providence Police Department's training model and operational philosophy that supports the progressive and reasonable escalation and de-escalation of force applied by police officers in proportional response to the actions and level of resistance offered by a subject.

Force options include, but are not limited to: clear, concise verbal commands; soft, empty hand control techniques; hard empty hand control techniques; OC Spray; baton; canine; CEW; LLM; and firearms.

Clear, concise verbal commands should be given at all points in the continuum whenever doing so is tactically feasible, so as to encourage compliance and afford the officer the opportunity to use lesser levels of force while maintaining control of the subject.

Nothing herein states or implies that use of force tactics must be used in any specific order; rather, the minimum amount of force necessary to effectively respond to the level of resistance encountered by the officer should always be used.

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.

PROCEDURE

I. PARAMETERS FOR USE OF LETHAL FORCE

- A. Police officers are 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 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 suspect whose freedom represents an imminent threat of death or serious bodily injury.
- B. Whenever tactically feasible and whenever doing so does not place the officer or any persons other than the suspect(s) at risk, officers should identify themselves and state their intent to use lethal force.
- C. Officers shall not discharge their firearms under the following conditions:
 - 1. As a warning. So-called "warning shots" are prohibited.
 - 2. At or from a moving vehicle, except for the following:
 - a. When firing their firearms at a moving vehicle is necessary to stop a threat as provided for in (I)(A), above; and in such cases 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.
 - i. This provision will not preclude tactical responses in an SRU operation by SRU members.
 - 3. Officers shall avoid tactics that will place them in a position where a vehicle may be used against them.
 - 4. Escape from the path of an oncoming vehicle should be the first priority and course of action prior to, or in lieu of, the implementation of lethal force, whenever escape is possible.
- D. In all cases, 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 action under the circumstances. Officers must weigh

the need to use deadly force against the potential harm to innocent bystanders caused by such use.

- E. 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. Destroy an animal which has been seriously injured.
- F. Techniques intended or designed to cut off blood flow 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 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.
 - 2. To restrain or subdue a resistant individual.
 - 3. To terminate an unlawful situation safely and effectively.
- C. Any time force is used, the officer must be able to articulate the facts, circumstances, and reasons pertaining to the type of force used.
- D. Less lethal force shall be utilized consistent with Department policy and by training.
- E. Oleoresin Capsicum Spray (OC): Refer to General Order 310.03, "*Oleoresin Capsicum Aerosol Spray*".
- 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. MEDICAL ATTENTION

A. Appropriate medical attention will be summoned as needed or requested, and as soon as is practicable, in all instances where the use of force results in 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.
2. Any persons who have been subjected to O.C. spray shall undergo decontamination procedures in accordance with General Order 310.03, "*Oleoresin Capsicum Aerosol Spray*".

IV. DOCUMENTING REPORTABLE USE OF FORCE – OFFICER RESPONSIBILITIES

A. 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 a sworn Department member 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 (A)(1)(c) of this section applies (see above), the following force options are excluded from the reportable use of force definition:
 - a. Command presence.
 - b. Verbal 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).
- B. 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.
- C. 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.
- D. 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.
 - 1. The original AIR will be placed in the Weapon's Bureau mailbox, located in the Patrol Bureau office. A copy of the AIR will be forwarded to the supervisor conducting the inquiry.

V. DOCUMENTING REPORTABLE USE OF FORCE – SUPERVISOR RESPONSIBILITIES

- A. This section shall apply to reportable use of force incidents that do not result in a serious use of force incident and that fall within the following parameters:
 - 1. All OC spray discharges, regardless of whether or not a person was actually contaminated by the spray and/or injured.
 - 2. 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. Command presence.
 - b. Verbal commands.
 - c. Compliant or non-compliant handcuffing.
 - d. Soft empty-hand control techniques.
 - e. Hard empty-hand control techniques.

- B. Any time a reportable use of force incident occurs as delineated in (V)(A), above, that does not result in a serious use of force, a supervisor who is not involved in the incident will:
1. Respond to the incident scene without delay.
 2. 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).
 3. 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 (IV)(D), above.
 - a. 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 District Captain for further review prior to the conclusion of the OIC's shift.
- D. The District 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 District 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 District Captain shall ensure that all documentation pertaining to the reportable use of force incident is forwarded to the Office of Professional Responsibility (OPR) within 24 hours of the incident occurrence.
1. Every reportable use of force incident will be assigned an independent reporting number by the Legal Coordinator within the Patrol Bureau prior to forwarding the incident documentation to OPR.

VI. ADMINISTRATIVE RESPONSIBILITIES

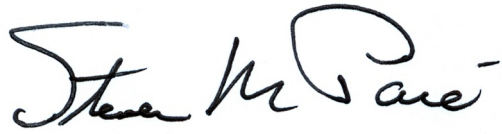
- A. The Commanding Officer of OPR shall be responsible for ensuring that all reportable use of force incidents are properly documented and investigated, and that the Chief of Police is notified in all instances.
- B. At the end of each year, the Commanding Officer of OPR, or his designee, will conduct a documented annual analysis of all reportable use of force incidents, to be forwarded to the Chief of Police.

VII. SERIOUS USE OF FORCE INCIDENTS

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

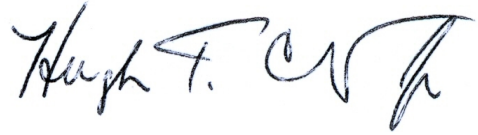
NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE