

Rhode Island State Police
General Order - 51A



Section:	Law Enforcement Operations - Field Operations
Article:	51 - Use of Force
Title:	Use of Force
Special Instructions:	

I. PURPOSE

74.3.1 To establish guidelines for sworn Division members regarding the use of force.

II. DEFINITIONS

- A. **LETHAL PHYSICAL FORCE** - Force resulting from the use of a firearm or other weapon or action likely to cause death or serious physical injury with its intended use.
- B. **LESS-THAN-LETHAL PHYSICAL FORCE** - Force used to cause less-than-serious physical injury with its intended use.
- C. **LESS LETHAL MUNITIONS** - Specialty impact projectiles that can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without a significant potential of causing death. Examples of less lethal munitions include beanbags, launchable foam or rubber batons, rubber pellets, launchable plastic projectiles and other like items.
- D. **REASONABLE BELIEF** - The facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- E. **SERIOUS PHYSICAL INJURY** - Injury that creates a substantial risk of death or causes protracted loss or impairment of the function of any bodily part, member or organ, or causes serious permanent disfigurement.
- F. **THE USE OF FORCE CONTINUUM** - escalating levels of force through which a Division member can affect an arrest. These levels of force begin with verbal communication and culminate with the use of lethal physical force. A Division member's own assessment of a particular situation will determine the level where he or she begins on the continuum.

POLICY

- 1.3.1 Division members shall use the lowest level of force necessary under the existing circumstances to perform their lawful duties. Members may only use such force as reasonably necessary to overcome the physical resistance of the person being arrested. No greater restraint than is necessary shall be used for the detention of any person, and no unnecessary or unreasonable force shall be used in making an arrest.

IV. USE OF LETHAL PHYSICAL FORCE:

- 1.3.2 A. A sworn Division member is authorized to use lethal physical force to protect him/herself, another Division member, or other person(s) when the member has a reasonable belief that an imminent threat of death or serious physical injury exists to himself/herself, another Division member or other person(s), to include affecting the capture or preventing the escape of a subject whose freedom represents an imminent threat of death or serious physical injury.
- B. A sworn Division member is authorized to use lethal physical force to dispatch dangerous or severely injured animals. Whenever practical, Division members should first obtain permission of the owner before using lethal physical force against a domestic animal or livestock, unless they pose a threat to life or safety.
- C. Do not use lethal physical force when it appears imminently likely that an innocent human being may be injured as a result of the use of such force.
- D. Where feasible, appropriate, and consistent with regard for human safety, use every reasonable alternative means, to include a verbal warning, i.e.: "Halt.....State Police," before using lethal physical force against another human being.
- 1.3.3 E. Warning shots pose a danger to Division members and other persons alike; therefore, members are prohibited from firing warning shots.

V. USE OF LESS-THAN-LETHAL PHYSICAL FORCE:

- 1.3.4 A. A sworn Division member is authorized to use less-than-lethal physical force in situations where lethal physical force is not authorized. These situations include, but are not limited to:
1. Defense of oneself, another Division member, or other person(s);
 2. Subduing a resisting subject, pursuant to arrest;

3. Affecting an arrest.
- B. Division-issued intermediate defense weapons, such as: CAP-STUN, CAS expandable baton, Monadnock expandable control device baton, PepperBall launcher and the riot baton, as well as portions of the sworn member's body, may be used to subdue a violent or resisting subject. Other implements may be used in emergency situations.
1. Authorized members of the Tactical Team may use less lethal munitions in a situation where the use of less-than-lethal force is intended.
- C. The use of intermediate defense weapons may, depending on the manner in which the weapon is employed, constitute the use of lethal physical force. In such circumstances, this policy's procedures pertaining to the use of lethal physical force are applicable, regardless or irrespective of the type of weapon used.

VI. USE OF FORCE CONTINUUM

- A. The Use of Force Continuum reflects the escalating and decreasing levels of force through which a Division member can affect an arrest. The levels of force begin with verbal communication and culminate with the use of lethal physical force. The Division member's own assessment of a particular situation shall determine the level where he or she begins on the continuum.
1. Verbal communication to affect an arrest: If in plain clothes, the member shall announce himself/herself as a Rhode Island State Police officer and, if circumstances allow, present the appropriate identification to include both the Division issued identification cards and badge.
 2. Physical strength and skills and/or the use of CAP-STUN aerosol spray. Use of either or both is at the discretion of the arresting Division member.
 3. The use of the CAS expandable baton, Monadnock expandable control device baton, wooden riot baton, and/or less lethal munitions.
 4. The use of a firearm.
 5. Other implements in emergency situations.

USE OF FORCE TRAINING

1.3.12 A. RECRUIT TRAINING

1. The Commanding Officer of the Training Academy shall establish a curriculum of an appropriate scope and detail in the use of force policy for the instruction of all recruits during each Division recruit training school. This instruction shall be documented in each recruit's training file, as well as on the Academy day sheet.
 - a. Recruits shall be issued copies of this policy during the recruit-training academy. This issuance shall be documented in each recruit's training file, as well as on the Academy day sheet.

B. IN-SERVICE TRAINING

1. The Commanding Officer shall also establish a block of instruction of appropriate scope and detail to provide annual in-service training in the use of force policy to all Division members. This instruction shall be documented in each member's training file.
 - a. Attendees shall be issued copies of this policy during use of force instruction. This issuance will be documented in annual in-service training files.

C. OTHER TRAINING

1. Prior to being authorized to carry lethal and less-than-lethal weapons not instructed during recruit training or in-service training, Members must receive instruction on the use of force policy.
 - a. Members shall be issued copies of this policy during their training. This issuance shall be documented in each member's training file.

X. PROVISIONS

- 1.3.8 A. Division members whose actions or use of force results in a death or serious physical injury shall be removed from line-duty assignment, pending administrative review, and assigned to administrative duties or placed on administrative leave, upon completion of their preliminary report of the incident, consistent with the provisions of General Order 58A, entitled, "Removal from Line of Duty Assignment."

B. When the need arises, Division members shall ensure appropriate medical aid after the use of lethal and less-than-lethal weapons, or other use of force incidents that caused or were likely to cause injury.

1. Appropriate medical aid procedures include:
 - a. Calling for immediate medical assistance;
 - b. Providing basic care, consistent with the American Red Cross First Aid and Safety Procedures taught during recruit and in-service training sessions, until professional medical assistance arrives;
 - c. Transporting the subject to a medical care facility if the injury appears minor;
 - d. Notifying your immediate supervisor.

XI. PROCEDURES

A. Whenever a sworn Division member is involved in a Use of Force incident, he or she shall notify his or her immediate supervisor of the full circumstances of the incident, as soon as possible. The immediate supervisor shall then notify the appropriate Patrol/District Commander who, in turn, shall notify the Division Staff Inspector of the Professional Standards Unit.

1.3.7

B. In the case of an on-duty Use of Force incident, a Use of Force Report will be completed before a Division member secures from duty on the date of the incident. In the case of an off-duty Use of Force incident, the report shall be completed immediately upon reporting to the nearest Division facility. The Use of Force Report will be submitted to the Barracks Commander or Unit Supervisor, then forwarded to the Staff Inspector - Professional Standards Unit who, in turn, will conduct a review of the incident reports involving the application of force through use of a weapon and submit the results to the Superintendent. This report will cite all of the relevant facts and circumstances surrounding the incident, and, in the case of a firearm discharge, arrive at a conclusion as to any violation of Division policy.

- C. Whenever a member discharges a firearm, intentionally or accidentally, the member shall, as soon as practical, notify his or her immediate supervisor, unless such discharge occurred during the course of training or annual qualifications. If such discharge occurs while off-duty, the member shall immediately notify the Patrol Commander or Acting Patrol Commander of the barracks having jurisdiction of the site who shall respond and investigate.

XII. USE OF FORCE REPORTS

- A. A Use of Force Report shall be submitted whenever a sworn Division member:

- 1.3.6c 1. Applies force through the use of a lethal or less-than-lethal weapon.
- 1.3.6a 2. Intentionally discharges a firearm, unless such discharge occurred during the course of training or annual qualifications;
- 1.3.6b 3. Takes an action that results in or is alleged to have resulted in the injury or death of a person;
- 1.3.c 4. Applies weaponless physical force, such as four point restraints, punches or kicks, upon another individual.
- 5. Is present and observes another member use force as described above.

- B. Each Division member meeting the above criteria in a Use of Force incident shall submit a separate Use of Force Report.

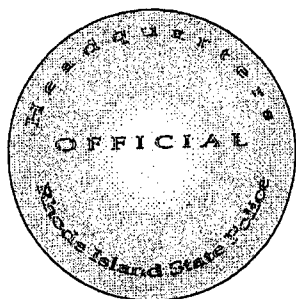
- C. The narrative section of each Use of Force Report shall contain all pertinent facts related to the incident.

- D. The Division Staff Inspector of the Professional Standards Unit may authorize an alternative reporting date, when appropriate.

- 1.3.13 E. The Division Staff Inspector - Professional Standards Unit shall conduct an annual analysis of all Use of Force reports and forward a copy of the analysis to the Superintendent for review.

II. INTENTIONAL AND ACCIDENTAL DISCHARGES OF FIREARMS

- 1.3.6a A. Members shall complete a Use of Force Report and a Discharge of Firearms Report for all intentional discharges of a firearm, except during the course of training or annual firearm qualifications.
- 1.3.6a B. Members shall complete a Use of Force Report for accidental discharges that result in or allegedly result in the injury or death of a person.
- C. Members shall complete a Discharge of Firearms Report for all accidental discharges of a firearm.



By Order of Colonel Paré

Steven M. Paré
Colonel
Superintendent