



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF LAW ENFORCEMENT**

Number	Policy Name	RIPAC Standard	Pages
300.01	Use of Force	2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23	12
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Law Enforcement Operations		DLE	Sworn Members
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I. PURPOSE

The purpose of this policy is to provide sworn members of the Division of Law Enforcement with guidelines on the use of force.

II. POLICY

It is the policy of the Rhode Island Department of Environmental Management, Division of Law Enforcement to recognize and respect the value and special integrity of each human life. In vesting sworn members with the lawful authority to use force to protect the public welfare, a careful balancing of all human interest is required.

Therefore, it is the policy of the Division of Law Enforcement that sworn members will use only that force that is reasonably necessary to accomplish lawful objectives.

III. DEFINITIONS

- A. Administrative Review: A document review of an incident or occurrence prepared by or for the Chief 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 the individuals 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 force necessary. De-escalation techniques may include; command presence, advisements, warnings, verbal persuasion, and/or tactical repositioning.
- F. Imminent Threat: Such an appearance of impending threat as would cause a reasonable and prudent sworn member 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 that is appropriate when analyzed from the perspective of a reasonable sworn member possessing the same information and faced with the same circumstances as the sworn member who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that the sworn member 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, the severity of the crime at issue, whether the subject poses an imminent threat to the safety of the sworn member or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all uses of force, including lethal force.
- J. Reasonable Belief: Those facts and circumstances that would lead a normally prudent sworn member to believe that his/her actions are necessary
- K. Serious Physical 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. Significant Threat: A level of threat in which the aggressor poses to civilian(s) and/or officer(s), a real or perceived imminent possibility of death or serious physical injury.
- M. Vascular Neck Restraint: A technique that can be used to incapacitate individuals by restricting the flow of blood to the brain

IV. PROCEDURE

A. Overall Parameters for Use of Force

1. De-escalation –When safe under the totality of the circumstances:
 - a. Officers will assess the situation to determine if de-escalation is appropriate in order to reduce the potential need for force;
 - b. Officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training and experience 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.
 - c. Use of Physical force shall be discontinued when resistance ceases or when the incident is under control.
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 as soon as practicable.
3. Appropriate medical aid consistent with police officer training will be administered 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 and/or custody. In addition, sworn members shall: Provide injured or potentially injured individuals with increased observation to detect obvious changes in condition, have individual(s) evaluated by an Emergency Medical Technician if needed or requested and in emergency/life threatening incidents, immediately transport individual(s) to a hospital for aid by medical professionals.
4. 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.
5. A department authorized and certified weapons instructor or armorer shall perform and document 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.
 - c. At least annually, the department shall ensure that each officer receives training on the department's use of force policies, and document receipt of same.

- d. 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.
6. It is understood that when requesting mutual aid assistance, the available force options of the responding agency may be different from those of the requesting agency. Sworn members shall be subject to the policies and procedures of their employing agencies at all times.

B. Parameters for use of lethal force

1. Sworn members are authorized to use lethal force in order to:
 - a. Protect him/herself, another sworn member, or other person(s) when the sworn member has an objectively reasonable belief that an imminent threat of death or serious bodily injury exists to himself or herself, another officer or other person (s),
 - b. Prevent the escape of a subject whose freedom represents an imminent threat of death or serious bodily injury or death to the officer or another if the subject is not immediately apprehended or 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,
 - c. When feasible, sworn members will identify themselves and state their intent to use lethal force.
 - d. Lethal force Restrictions: Lethal force should not be used against persons whose actions are clearly a threat only to themselves or property
2. A sworn member may also discharge a firearm under the following circumstances:
 - a. During range practice or competitive sporting events.
 - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
3. Officers will adhere to the following restrictions when their firearm is exhibited:
 - a. Except for maintenance or during training, sworn members 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. Discharge of "warning" shots is prohibited.

- c. Sworn members will not fire their firearms **at or from** a moving vehicle, except for the following:
 - (1) When firing their firearms at a moving vehicle is necessary to stop a threat as provided for Section IV, A (1) above and then the sworn member's focus will be to stop that person presenting the threat and not to disable the vehicle of which he/she is an occupant.
 - (2) Discharging a firearm **from** a moving vehicle shall be avoided. However, whenever a situation exists where a sworn member 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 sworn member 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. Sworn members must weigh the need to use lethal force against the potential harm to innocent bystanders caused by such use.

In both Sections of 3(c) above the sworn member's focus will be to stop the 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).

C. Parameters for use of less lethal force

1. Sworn members should assess the incident in order to determine if/which less lethal force option will best de-escalate the incident and bring it under control in a safe manner.
2. Sworn members 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.
3. It is not the intent of this policy to direct sworn members to try each of the options before moving to the next. The sworn members may employ that force option which he/she believes is objectively reasonable to accomplish lawful objectives.
4. Authorized less lethal options are those with which the police officer has received department approved training on proper and safe usage.

5. Nothing contained in this policy limits a sworn member's ability to use those means objectively reasonable for self-defense, or to accomplish lawful objectives.
6. Sworn Officers shall have at least two of three less lethal equipment options with them at all times.
7. Less lethal Force options currently available to sworn officers include:
 - a. *Command Presence*: A sworn member's appearance may be enough to dissuade some persons from engaging in resistive behavior.
 - b. *Verbal communication*: Dialogue used by an officer can defuse a potentially violent situation (if in plain clothes, a sworn member shall announce oneself as a Police Officer and, if circumstances allow, present identification as such).
 - c. *Physical strength and skills*- physical techniques used by an officer to control potentially violent situations
 - d. *Chemical Spray*-Oleoresin Capsicum (OC) aerosol spray
 - e. *Impact tools*- issued striking tools commonly referred to as a collapsible baton
 - f. *Conducted Energy Weapon (CEW)/Taser*- A less-lethal force option primarily designed to disrupt a subject's central nervous system by means of applying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses used in compliance with DLE Policy Number 300.02 entitled, "Taser"
 - g. *K9 deployment* (if applicable)
8. Choke hold and vascular neck restraints are prohibited unless lethal force is authorized.

D. Training and Qualifications Regarding Lethal Force

1. While on and off duty, sworn members will carry and use only firearms and ammunition authorized by and documented with this division. Division firearms approved for on duty use shall be:
 - a. Sig Sauer 229 chamber in sig .357;
 - b. Mossberg 590 Defender 12ga;
 - c. Colt AR-15 .223/556;
 - d. Ruger 10-22;

- e. Assorted .270 caliber rifles;
 - f. Approved personal weapons.
2. Ammunition for approved duty firearms shall be approved and issued by the division
 3. Off-duty/Secondary firearms shall be any firearm approved by the chief or his/her designee.
 4. Ammunition for off-duty firearms shall be provided by the sworn member and approved by the Chief
 3. Authorized firearms are those with which the sworn member has qualified and received divisional training on proper and safe usage and that are registered and comply with divisional specifications.
 - a. At least annually, and in accordance with the Rhode Island General Law, the members of the Division of Law Enforcement will undergo training and qualification's sessions for duty, secondary, off duty, and specialized firearms by a certified firearm's instructor.
 - b. A qualified firearm's instructor or armorer will conduct and document a safety inspection of all authorized firearms prior to annual qualifications.
 - c. Unsafe or defective division issued firearms will be replaced, repaired or disposed of by a Division certified firearms instructor.
 - d. Sworn members must achieve, at least, the minimum qualifying score on the Division prescribed course.
 - e. Sworn members who fail with their duty firearms in accordance with division testing procedures will immediately be reassigned to administrative duties.
 - f. Remedial training will be provided, and proficiency standards must be satisfied prior to a sworn member resuming full duties.
 - g. A sworn member will not be permitted to carry or use any firearm with which he/she has not been able to qualify during the most recent qualification period.
 - h. A sworn member 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.

- i. The head range officer shall submit on an annual basis a proposal for the training and qualification of officers on all firearms which they are authorized to carry. The trainings and qualifications shall cover all standards as set forth by R.I.G.L. §11-47-15.3. The standards will include but are not limited to:
 - (1) Decision shooting;
 - (2) Reduced light shooting;
 - (3) Moving targets;
 - (4) Use of cover;
 - (5) Non-dominate hand shooting;
 - (6) Alternate position shooting;
 - (7) Reloading drills;
 - (8) Malfunction drills.
3. When not on their person or in their immediate control all firearms shall be stored in a safe secure manner in accordance with R.I.G.L. §11-47-60.1.
4. An inventory list will be maintained and updated by the division armorer, or sworn member in charge of the armory, to control and audit the division's lethal weapons inventory and usage

E. Training and Qualifications Regarding Less Lethal Force

1. Training and Proficiency for less-lethal force options
 - a. At least biennially, each sworn member is required to demonstrate proficiency and have documented refresher training with approved less lethal force options, which he/she is authorized to use. Proficiency standards are established as follows:
 - (1) Attain minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods, or trends.
 - (2) Familiarity with recognized safe-handling techniques.
 - (3) Knowledge of division policies pertaining to use of less lethal force options.

- b. 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) as certified by the Rhode Island Police Office Commission on Standards and Training.
- c. The Division's Training Officer will maintain training documentation to include lesson plans, attendance sheets, and proficiency records.
- d. Sworn members requiring remedial training will be provided necessary training and proficiency standards satisfied.
- e. A certified less lethal weapons instructor will inspect, document and approve all less lethal weapons authorized for duty prior to issuance.
- f. If a less-lethal weapon is determined by a certified less lethal weapons instructor to be unsafe or defective, the instructor will safely decommission the less-lethal weapon and dispose of accordingly. The instructor will then notify the proper superior or division armorer of the deficiency and disposal.
- g. All less lethal weapons not assigned or commissioned to authorized sworn members will be held in a separate and secure locker(s) and/or container(s) reserved for less lethal weapons in the armory and will be clearly labeled.
- h. An inventory list will be maintained and updated by the division armorer, or sworn member in charge of the armory, to control and audit the division's less-lethal weapons inventory and usage.
- i. Authorized less lethal weapons are those with which the sworn member has received department approved training on proper and safe usage, and that comply with departmental specifications.
- j. There will be a documented safety inspection of all less lethal weapons in the Division's inventory during training and will be conducted by a certified less lethal weapons instructor.

F. Reporting Uses of Force

1. Officers will notify a supervisor, without necessary delay, when reportable force is used. This includes instances where sworn members take enforcement action while off-duty and a use of force occurs. The supervisor notified of a reportable use of force will comply with investigative procedures as required by the department. A written "Use of Force" report, (Appendix A attached separately and entitled Use of Force Report), shall be completed and submitted by the officer and to his/her superior prior to the officer's end of shift, unless that time is extended by the Chief. The report will be required in the following situations:

- a. When a firearm is discharged outside of the range.
 - b. When the use of force results in death or injury, other than in the case of a non-domestic animal, as referred to in IV, B, 2(b) of this policy.
 - c. When a sworn member draws a firearm on a person for obtaining/or maintaining control of that person.
2. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by the division in the following situations:
 - a. When a firearm is discharged outside the firing range
 - b. When the use of force results in death or serious bodily injury other than in the case of a non-domestic animal, as referred to in IV, B, 2(b) of this policy.
 - c. When a subject complains that an injury has been inflicted;
 - d. When a sworn member applies weaponless physical force at a level as defined by the agency
 3. In case of an off-duty use of force incident, the off-duty sworn member shall notify the shift supervisor and complete a "Use of Force" report, when required, as soon as practical.
 4. Exceptions to reportable force: command presence; verbal commands; physical strength and skills which do not result in injury, the appearance of injury or complaint of pain (e.g., the use of a grip to control a suspect's hand while searching or handcuffing); or, that force objectively reasonable to overcome resistance due to physical disability or intoxication, which does not result in injury, the appearance of injury or complaint of pain (e.g., lifting an intoxicated person to a standing position).

G. Division response

1. Lethal Force Incident
 - a. Where a sworn member's use of force causes death or serious bodily injury, the sworn member will be placed on administrative leave pending completion of all internal investigative requirements; and until a post-shooting intervention is conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel.
 - b. When the need arises, sworn members shall render appropriate medical aid after the sworn member(s) determine the scene is safe. Appropriate procedures

include: calling for immediate assistance and providing basic care until professional medical assistance arrives.


- c. The division will conduct both an internal affairs review and a criminal investigation of the incident.
 - d. All police-involved shootings that may or have resulted in a fatality, will be reported to the Rhode Island Attorney General's office for review and investigated in accordance with the *Rhode Island Attorney General's Protocol for the review of incidents involving the use of deadly force, excessive force and custodial deaths* (attached separately and retrieved from: <http://www.riag.ri.gov/documents/UpdatedUseofDeadlyForceProtocol2020.pdf>. The Division will promptly notify the Rhode Island State Police and the Rhode Island Attorney General's office of the incident.
2. Administrative review of use of force incidents: All reported uses of force, including excessive force incidents, will be reviewed by the Chief or his/her designee to determine whether, at a minimum:
- a. Division rules, policy or procedures were violated or followed
 - b. The relevant policy was clearly understandable and effective to cover the situation
 - c. The division has adequate training
 - d. The Division equipment needs to be addressed or is adequate.
 - e. All Use of Force reports will be retained by the Chief or his designee.
 - f. There will be an annual analysis of use of force incidents including "response to resistance/noncompliance" reports by the Division Chief or his/her designee to ascertain training needs, equipment upgrades, and/or policy modifications which includes:
 - (1) Date and time of incidents
 - (2) Types of encounters resulting in use of force
 - (3) Trends or patterns related to race, age and gender
 - (4) Trends or patterns related to use of force incidents resulting in injury to any person including employees and
 - (5) Impact of findings on policies, practices, equipment, and training.

g. An annual summary report of this analysis will be compiled and made available to the public upon request.

3. FBI's CJIS National Use of Force Data Collection

- a. Any use of force meeting the following criteria shall be reported to the CJIS database:
- b. Force resulting in death or serious bodily injury to a person; or
- c. Where an officer discharges a firearm at or in the direction of a person.
- d. Where in a given month there are no use of force incidents meeting this criteria, the department shall make a report of "0" incidents in the CJIS database.

By Order of:



F. Dean Hoxsie, Chief
Division of Law Enforcement



Date