



# Rhode Island State Police General Order - 51A

<i>Section:</i>	<b>Law Enforcement Operations - Field Operations</b>
<i>Article:</i>	<b>51 - Use of Force</b>
<i>Title:</i>	<b>Use of Force</b>
<i>Special Instructions:</i>	

## I. PURPOSE

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

## II. POLICY

It is the policy of the Rhode Island State Police to recognize and respect the value and special integrity of each human life. In vesting sworn Division members with the lawful authority to use force to protect the public welfare and officer safety, a careful balancing of all human interests is required.

Therefore, it is the policy of the Division that sworn members 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 Superintendent 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:** 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 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 law enforcement 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. **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.
- J. **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; and
  - 3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
- K. **REASONABLE BELIEF:** Those facts and circumstances that would lead a normally prudent law enforcement officer to believe that his/her actions are necessary.
- L. **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.
- M. **VASCULAR NECK RESTRAINT:** A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

#### IV. PROCEDURES:

##### A. GENERAL REQUIREMENTS ON USE OF FORCE

1. De-escalation:
  - a. Division members shall use de-escalation techniques and other alternatives to higher levels of force consistent with his/her training whenever possible and appropriate before resorting to force and to reduce the need for force.
  - 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, a Division member shall allow an individual time and opportunity to submit to verbal commands before force is used.
2. Duty to Intervene – All members present and observing another member 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. Members shall report these observations to a supervisor as soon as practicable.
3. Use of physical force shall be discontinued when resistance ceases or when the incident is under control.
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 law enforcement officer, or another person.

##### B. PARAMETERS FOR USE OF LETHAL FORCE

1. Division members are authorized to use lethal force in order to:
  - a. Protect him/herself, another law enforcement officer, or other person(s) when the member has an objectively reasonable belief that an imminent threat of death or serious bodily injury exists to himself/herself, another law enforcement officer or other person(s), to include effecting the capture of, or preventing the escape of a subject whose freedom represents an imminent threat of death or serious bodily injury to the officer or another if not immediately apprehended.
2. When feasible, Division members will identify themselves and state their intent to use lethal force.

3. Lethal Force Restrictions: Lethal force should not be used against persons whose actions are clearly a threat only to themselves or property.
4. Division members 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. Division members will adhere to the following restrictions when their firearm is exhibited:
  - a. Except for maintenance or during training, members will not draw or exhibit their firearm unless circumstances create a reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.
  - b. Warning shots are prohibited.
  - c. Division members will not discharge 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 in *Section IV, B1* above, and member's focus will be to stop that person presenting the threat, not to disable the vehicle of which he/she is an occupant. The use of lethal force by a 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.
    - (2) Members 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 will not preclude tactical responses in a SWAT operation by its members.

#### C. PARAMETERS FOR USE OF LESS LETHAL FORCE

1. Where lethal force is not authorized, Division members 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. Division members are authorized to use Division 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. Less Lethal Force Options: The degree of force used by a member is directly related to the facts and circumstances encountered by that member. Force options currently available to members include, but are not limited to:
  - a. *Command Presence* - A Division member's appearance may be enough to dissuade some persons from engaging in resistive behavior.
  - b. *Verbal Commands* - Dialogue used by a member can serve to control potentially violent situations.
  - c. *Physical Skills* - Physical techniques used by a member to diffuse potentially violent situations.
  - d. *Chemical Spray* - Used in compliance with General Order 57A entitled "Use of Oleoresin Capsicum Spray."
  - e. *Impact Tools* - Striking tools used in compliance with General Order 57B entitled "Use of Batons."
  - f. *Conducted Energy Weapon (CEW)* used in compliance with General Order 57I entitled "Use of Electrical Weapons (CEW), Tasers."
  - g. *Canine (K9)* used in compliance with General Order 103A entitled "Canine Policy."
4. Choke holds and vascular neck restraints are prohibited unless lethal force is authorized. Any technique(s) intended or designed to cut off blood flow or oxygen to the brain will not be used unless the parameters regarding the Use of Lethal Force set forth in Section IV, B1 above have been met.
5. Authorized less lethal weapons are those with which the Division member has received approved training on proper and safe usage and that comply with Division specifications. A certified instructor will inspect and approve all less lethal weapons authorized for duty prior to issuance.

6. It is not the intent of this policy to direct Division members to try each of the force options before escalating to the next. Members may employ that force option which he/she believes is objectively reasonable to accomplish lawful objectives.
7. Nothing contained in this policy limits a Division member's ability to use those means reasonably necessary, to include means the member has not received formal training, for self-defense or to accomplish lawful objectives.

D. PROVIDING FIRST AID

1. Appropriate medical aid consistent with a member's training will be provided as soon as practical in all law enforcement actions resulting in injury, or allegation of injury, to include injuries incurred during apprehension and/or custody. The Division member will notify their immediate supervisor.
2. Appropriate medical aid procedures may 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. Observation to detect obvious changes in condition;
  - d. Flushing chemical agents from the eyes;

V. CARRYING AND USE OF FIREARMS WHILE OFF-DUTY

- A. There are times when Division members may be involved in certain situations or attending certain events where the carrying of a firearm is impractical, inadvisable, or inappropriate. Therefore, the carrying of a firearm while off-duty, by a Division member authorized to do so will be optional and up to the discretion of the respective member.
1. If a Division member chooses to carry a firearm while off-duty, it shall be carried in a secure, concealed, and discrete manner so as not to cause public alarm.
  2. Division members are prohibited from the carrying of a firearm while under the influence of intoxicating liquor and/or drugs as mandated by RI General law 11-47-52 - Carrying of weapon while under the influence of liquor or drugs; which reads, "It is unlawful to carry or transport any firearm in this State when intoxicated or under the influence of intoxicating liquor or narcotic drugs."

3. Division members who chose to carry a firearm while traveling outside the State of Rhode Island shall familiarize themselves with the provisions of the Federal Law Enforcement Officer Safety Act and [GO 57H "Law Enforcement Officer Safety Act."](#)
- B. When a Division member, authorized to carry a firearm, is required to draw or utilize that firearm while off-duty, that member shall announce himself/herself as a Rhode Island State Police Trooper and, if circumstances allow, present the appropriate identification to include both the Division issued identification cards and badge.
1. If circumstances allow, Division members shall immediately notify, or have someone at the scene notify, the local law enforcement agency having jurisdiction over the incident. This can best be accomplished by utilizing the 911 emergency telephone systems. The information to be provided to the local law enforcement agency should include:
    - a. Name, rank and the fact that you are a member of the Rhode Island State Police;
    - b. The nature of the incident;
    - c. Description of your clothing and the clothing of any suspect(s), if applicable;
    - d. The fact that you have a firearm and have or may be required to draw and/or utilize it.
  2. If circumstances allow, and when applicable, Division members shall also make notification to the Division barracks having jurisdiction over the location of the incident in the same manner providing the same information as described in above *Section V, B1.*
- C. Upon the arrival of uniformed members of the local law enforcement agency, or area Division barracks, the off-duty Division member shall immediately identify themselves utilizing their Division identification cards and badge. Division members shall comply with all commands from responding uniformed local or state police troopers, i.e., place the firearm down, place hands behind their head, etc., provided that complying does not put them in immediate danger with the suspect(s) on scene.
- D. It is imperative for the safety of all involved that Division members use good judgment and common sense if involved in incidents of this nature while off-duty.

## VI. TRAINING

- A. The Director of Training shall approve a curriculum of appropriate scope and detail regarding Use of Force policy for the instruction of all recruits during each Division recruit training school and for Division members during annual in-service training.

1. All instruction will be documented appropriately in each recruit's training file, Division member's training file as well as on the Academy day sheet.
2. Recruits shall be issued copies of the Use of Force policy during the recruit training academy which shall be documented in each recruit's training file, as well as on the Academy day sheet.
3. The Commanding Officer of the Training Academy will maintain all training documentation to include lesson plans, attendance sheets, and proficiency records.

B. TRAINING AND QUALIFICATIONS REGARDING LETHAL FORCE

1. Firearms

- a. While on and off-duty, Division members will carry and use only firearms and ammunition authorized by and documented with the Division.
- b. Authorized firearms are those with which the Division member has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
- c. Authorized duty, off-duty and specialized firearms, weapons, and ammunition are addressed in [GO 57F "Firearm Specifications and Qualifications."](#)
- d. A qualified firearms instructor or armorer will inspect and approve all firearms authorized for duty prior to issuance and annual qualifications.
- e. Unsafe or defective Division issued firearms will be replaced.
- f. At least annually, and in accordance with Rhode Island General Law, the Division will schedule training and qualification sessions for duty, off duty, and specialized firearms, which will be graded and documented on a pass/fail basis by a certified firearms instructor.
- g. Division members who are unable to qualify with their duty firearm(s), in accordance with Division testing procedures, will be given individual training by the firearms training officer. Upon successful completion of this training, the Division member will again be tested. If, after a second attempt, the Division member does not qualify, a report will be forwarded to the Director of Training by the firearms training officer. The Director of Training will then take such action, as he/she deems necessary, not inconsistent with this policy.
- h. A Division 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.



- i. A Division member who 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.
- j. At least annually, the Division will ensure that each Division member receives training on the Division's Use of Force policies and document the training.
- k. All Division members will sign for and receive copies of the Use of Force policies and any revisions as they occur.

#### C. TRAINING AND QUALIFICATIONS REGARDING LESS LETHAL FORCE

1. At least biennially, each Division member is required to demonstrate proficiency with approved less lethal force options, which he/she is authorized to use. In the case of electronic control devices, i.e. TASER, said demonstration of proficiency will be on an annual basis. Proficiency standards are established as follows:
  - a. Attain minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods, or trends.
  - b. Being familiar with recognized safe-handling techniques.
  - c. Knowledge of Division directives pertaining to the use of less-lethal force options.
  - d. 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).
2. Division members requiring remedial training will be given personal instruction on the subject matter by a certified instructor who will document the session and provide a subsequent opportunity to achieve proficiency standards.
3. Remedial training will be provided, and proficiency standards satisfied prior to a Division member being authorized to carry the less-lethal force option(s).

D. SUPPLEMENTAL WEAPONS TRAINING: Prior to being authorized to carry lethal and less-lethal weapons not instructed during recruit training or in-service training, Members must receive instruction on the use of force policy with regard to that weapon.

#### VII. INTENTIONAL AND ACCIDENTAL DISCHARGES OF FIREARMS

- A. Members shall complete a Response to Resistance/Non-Compliance Report and a Discharge of Firearms Report for all intentional discharges of a firearm, except during the course of training or annual firearm qualifications.

- B. Members shall complete a Response to Resistance/Non-Compliance Report and a Discharge of Firearms 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.

## VIII. SUPERVISOR NOTIFICATION/PROCEDURES

### A. MEMBER REQUIREMENTS - Division members shall:

- 1. Without delay, notify their immediate supervisor of the full circumstances of any use of force incident, unless such force occurred during the course of training or annual qualifications, AND;
- 2. If such use of force or discharge occurs while off-duty, the member shall immediately notify the Patrol Commander or Acting Patrol Commander at the barracks having jurisdiction over the incident.

### B. SUPERVISOR REQUIREMENTS/PROCEDURES

- 1. Supervisors notified/advised of Use of Force incidents shall:
  - a. Respond to the scene, without delay, unless a response is impractical, poses a danger, or where officers' continued presence creates a risk. When more than one supervisor responds, the responsibility shall fall on the senior supervisor;
  - b. Ensure the scene is secure;
  - c. Observe and note injuries to subjects, witnesses or Division members;
  - d. Ensure that all witnesses, including other Division members or law enforcement officers, are identified and interviewed;
  - e. Ensure photographs of injuries are taken and all other evidence is collected;
  - f. Notify the appropriate Patrol/Unit Commander and District/Detective Commander who, in turn, shall notify the OIC - Professional Standards Unit.

2. Supervisor Review of Reports:

- a. All police-involved shootings, in-custody deaths, uses of lethal force, and uses of force resulting in death or serious bodily injury will be investigated in accordance with [GO 77G "Investigation of Officer-Involved Shootings by Division Member\(s\)"](#) and the Rhode Island Attorney General's Protocol Regarding Use of Deadly Force Incidents and Custodial Deaths.
- b. All reported Use of Force incidents, except those involving police-involved shootings, in-custody deaths, uses of lethal force, and uses of force resulting in death or serious bodily injury, shall be reviewed by responding/advised supervisor(s) before securing from duty.
- c. Supervisors shall conduct a preliminary review of all reports and indicate whether the force used appears reasonable, necessary, and proportional and complies with the requirements as set forth in this policy. Reports reviewed shall include, but not be limited to:
  - (1) Response to Resistance Report(s)
  - (2) Incident/arrest report(s)
  - (3) Witness statement(s)
  - (4) Physical evidence collected
- d. The findings of the preliminary review shall be to determine whether the force used appears reasonable, necessary, and proportional and complies with the requirements as set forth in this policy, and shall be reported accordingly:
  - (1) Does not comply with requirements set forth by Division policy - immediate notification of OIC - Professional Standards Unit, through the chain of command and articulate findings on an Interdepartmental Communication.
  - (2) Complies with requirements set forth by Division policy - shall be articulated and submitted on an Interdepartmental Communication and forward all materials related to the event through the chain of command to OIC - Professional Standards.
- e. No supervisor who used, participated in, or ordered reportable force, will conduct the review of the incident. When a supervisor uses, participates in, or orders reportable force, the next level supervisor shall determine who will conduct the review.

3. If applicable, the supervisor shall include in the Interdepartmental Communication the reason for not responding to the scene.
4. Supervisors shall document all reported Use of Force incidents in the Guardian Tracking system as soon as practical, but no later than twenty-four (24) hours from the incident. The narrative within this entry should be limited to the arrest and/or incident number. No reports shall be attached.

## IX. USE OF FORCE REPORTING

A. [Response to Resistance/Non-Compliance Report Form](#) shall be submitted whenever a sworn Division member:

1. Applies force through the use of lethal or less-lethal options;
2. Intentionally discharges a firearm, unless such discharge occurred during training or annual qualifications;
3. Takes an action that results in or is alleged to have resulted in the injury or death of a person;
4. Applies weaponless physical force to include forcing a non-compliant suspect to the ground to effectuate an arrest whether the suspect was injured or not injured, four-point restraints, and punches or kicks, to effectively gain compliance of an individual.
5. Draws a firearm on a person for the purpose of obtaining and/or maintaining control of that person.

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 lift or assist an intoxicated person or a physically disabled person to a standing or seated position.

- B. Each Division member meeting the above criteria in a Use of Force incident shall submit a separate Response to Resistance/Non-Compliance Report Form.
- C. A copy of the arrest/incident report and applicable statements shall be attached to the Response to Resistance / Non-Compliance Report Form.
- D. Any Division member who is present and observes another member use force as described in this policy shall complete and submit a Witness Statement attached to a

Response to Resistance/Non-Compliance Report Form in accordance with the applicable provisions of this General Order.

- E. With regard to Tactical Team deployment, the following reporting procedures will be followed:
  - 1. Team member's actions during deployment within the scope of Tactical Team standard operating procedures, to include the display of a firearm(s) to gain compliance, will be documented within the Tactical Team After Action Report.
  - 2. A Response to Resistance/Non-Compliance Report will be submitted with the Tactical Teams After Action Report attached whenever:
    - a. An individual member of the Tactical Team utilizes force outside of the scope of Tactical Team standard operating procedures and which fall within the parameters outlined in Section IX, A, 1 through 5,
    - b. The Tactical Team deploys chemical munitions.
- F. In the case of an on-duty Use of Force incident, a Response to Resistance/Non-Compliance Report Form 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 Response to Resistance/Non-Compliance Report Form will be submitted to the respective Patrol Commander or Unit Supervisor.

#### X. OIC - PROFESSIONAL STANDARDS

- A. OIC - Professional Standards will receive all Response to Resistance/Non-Compliance Report Forms, associated arrest/incident reports, witness statements and other related materials and:
  - 1. Conduct a review of the reports to determine whether:
    - a. Division rules, policy or procedures were violated;
    - b. The relevant policy was clearly understandable and effective to cover the situation;
    - c. Division training was/is adequate.
  - 2. Submit the results of this review to the Superintendent. Results will cite all the relevant facts and circumstances surrounding the incident.
  - 3. May authorize an alternative reporting date, when appropriate.

- B. OIC - Professional Standards shall conduct an annual analysis of all Response to Resistance/Non-Compliance Reports and forward a copy of the analysis to the Superintendent for review.
- C. All material related to a Use of Force incident, to include but not limited to the Response to Resistance/Non-Compliance Report Form(s) and supervisor findings, shall be considered "confidential" and retained within the Professional Standards Unit files as required by [GO 2D "Records Retention."](#) Absent a court order or subsequent litigation related to the incident, any public release must be approved by the Superintendent.

XI. DIVISION RESPONSE TO CERTAIN USE OF FORCE INCIDENTS

- A. Where a Division employee's use of force causes death or serious bodily injury, the employee will be removed from line-duty and assigned administrative duties or placed on a non-punitive administrative leave pending completion of an administrative review, and until a post-incident intervention is conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel in accordance with the provisions of [GO 58A, "Relief from Duty After Deadly Physical Force."](#)
- B. The Division will conduct both an administrative and criminal investigation of the incident.
- C. All police-involved shootings, in-custody deaths, uses of lethal force, and uses of force resulting in death or serious bodily injury will be investigated in accordance with [GO 77G "Investigation of Officer-Involved Shootings by Division Member\(s\)"](#) and the Rhode Island Attorney General's Protocol Regarding Use of Deadly Force Incidents and Custodial Deaths.
- D. In accordance with the Rhode Island Attorney General's Protocol, all cases involving excessive use of force will be reported to the Attorney General's Office for review.

By order of Colonel Manni



James M. Manni  
Colonel  
Superintendent