



**Portsmouth Police Department
2270 East Main Road
Portsmouth, RI 02871**

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USE OF FORCE		LAW ENFORCEMENT OPERATIONS	
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USE OF FORCE POLICY

I. PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of force.

II. POLICY

It is the policy of the Portsmouth Police Department to recognize and respect the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Therefore, it is the policy of this department that police officers will use only that force that is objectively reasonable to accomplish lawful objectives.

III. DEFINITIONS

- A. *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.
- B. *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.
- C. *Serious Bodily 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.
- D. *Imminent*: Such an appearance of threatened and impending injury as would cause a reasonable police officer to act to stop the threat.
- E. *Less Lethal Force Option*: Any use of force other than that which is considered lethal, or deadly force.
- F. *Objectively Reasonable Force*: Objectively reasonable force is that level of 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 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 officers 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.
- G. *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.

IV. PROCEDURES

A. PARAMETERS FOR USE OF LETHAL FORCE

1. Police officers are authorized to use lethal force in order to:

- a. Protect him/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).
 - b. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others.
2. When feasible, police officers will identify themselves and state their intent to use lethal force.
3. A police officer 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.
4. Police officers will adhere to the following restrictions when their firearm is exhibited:
 - a. Except for maintenance or during training, police officers 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. Warning shots are prohibited.
5. Discharging a firearm **from** a moving vehicle shall be avoided. However, whenever a situation exists where an officer 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 officer 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. Officers must weigh the need to use lethal force against the potential harm to innocent bystanders caused by such use.
6. Discharging a firearm **at** a moving vehicle shall be avoided unless a person in the vehicle poses an imminent threat of death or serious bodily injury to the officer or another person. 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.

7. In both sections 5 and 6 above, 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. (This provision will not preclude tactical responses in a tactical operation by its members.)

B. PARAMETERS FOR USE OF LESS LETHAL FORCE

1. Where lethal force is not authorized, officers 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. Police officers 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 officers to try each of the options before moving to another. The officer may employ that force option which he/she believes is objectively reasonable to accomplish lawful objectives.
4. Nothing contained in this policy limits an officer's ability to use those means objectively reasonable for self-defense, or to accomplish lawful objectives.

C. GENERAL REQUIREMENTS ON USE OF FORCE

1. De-escalation – When safe under the totality of the circumstances, and time and circumstances permit, officers will assess the situation to determine if a de-escalation tactic is in order and if so, which tactic is appropriate in order to reduce the potential need for force.
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 supervisor as soon as practicable.

3. Providing First Aid – Appropriate medical aid will be provided as needed 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.

D. TRAINING AND QUALIFICATIONS REGARDING LETHAL FORCE

1. Firearms

- a. While on and off-duty, police officers, acting within the course and scope of their employment with the Portsmouth Police Department, will carry and use only firearms and ammunition authorized by and documented with the department.
- b. Authorized firearms are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
- c. The department shall have a separate policy addressing the authorization of duty, off-duty and specialized firearms, weapons and ammunition. *Refer to General Order #310.01, entitled “Training and Use of Firearms, Impact Weapons and OC Spray.”*
- d. A police officer, qualified as a firearms instructor or armorer as per agency directive, will inspect and approve all firearms authorized for duty prior to issuance and annual qualifications. *Refer to General Order #310.01, entitled “Training and Use of Firearms, Impact Weapons and OC Spray “*
- e. Unsafe or defective department issued firearms will be replaced or repaired.
- f. At least annually, and in accordance with Rhode Island General Law, the police department 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. Any recent graduates of the Rhode Island Municipal Police Training Academy, or Rhode Island POST certified police officers that are transferring employment between agencies, shall be qualified by the hiring agency’s range officer(s) using that agency’s POST certified qualification course. This qualification shall take place prior to the officer carrying their department assigned weapon in any official capacity.

- h. Police officers who are unable to qualify with their duty firearm(s), in accordance with department testing procedures will be given individual training by the department's firearms training officer.

Upon successful completion of this training, the officer will again be tested. If after a second attempt, the officer does not qualify, a report will be forwarded to the Colonel/Chief of Police by the firearms training officer.

The Colonel/Chief of Police will then take such action, as he/she deems necessary, not inconsistent with this policy.

- i. A police officer will not be permitted to carry or use any firearm, while acting within the course and scope of their employment with the Portsmouth Police Department, with which he/she has not been able to qualify during the most recent qualification period.
- j. A police officer that has suffered an illness or injury that could affect his/her ability to use firearms will be required to re-qualify before returning to enforcement duties.
- k. At least annually, the department will ensure that each officer receives training on the department's use of force policies, and document same. This includes any recent graduates of the Rhode Island Municipal Police Training Academy, or Rhode Island POST certified police officers that are transferring employment between agencies, and who enter service into that agency prior to that agency's annual use of force training session.
- l. All officers will sign for and receive copies of the Use of Force policies and any revisions as they occur.

E. TRAINING AND QUALIFICATIONS REGARDING LESS LETHAL FORCE

Less Lethal Force Options:

The degree of force used by an officer is directly related to the facts and circumstances encountered by that officer. Force options currently available to officers include, but are not limited to:

Command Presence- *An officer's appearance may be enough to dissuade some persons from engaging in resistive behavior.*

Verbal Commands-Dialogue used by an officer can serve to diffuse potentially violent situations.

Physical Strength and Skills - Physical techniques used by an officer to diffuse potentially violent situations.

Chemical Spray- Used in compliance with General Order #310.06, entitled “OC Spray”.

Impact Tools- Striking tools used in compliance with General Order #310.05, entitled, “Police Baton”.

Electronic Control Devices - Used in compliance with General Order #300.02, entitled “Use of Tasers. “

Techniques intended or designed to cut off blood flow or oxygen to the brain will not be used unless lethal force is authorized.

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. Officers shall be subject to the policies and procedures of their employing agencies at all times.

Authorized less lethal weapons are those with which the police officer has received department approved training on proper and safe usage, and that comply with departmental specifications.

A certified instructor will inspect and approve all less lethal weapons authorized for duty prior to issuance.

1. Training and Proficiency.

- a. At least biennially, each sworn officer is required to demonstrate proficiency with Portsmouth Police approved less lethal force options, which he/she is authorized to use. This shall include the use of electronic control devices, i.e. Taser©. 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) Being familiar with recognized safe-handling techniques.

- (3) Knowledge of department directives pertaining to the use of less lethal force options;
 - (4) 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).
- b. The Department Training Officer will maintain training documentation to include lesson plans, attendance sheets, and proficiency records.
 - c. Officers requiring remedial training will be given personal instruction on the subject matter by a certified instructor as described in Section IV(E)(1)(a)(4) above, who will document the session and provide a subsequent opportunity to achieve proficiency standards.
 - d. Remedial training will be provided and proficiency standards satisfied prior to an officer being authorized to carry the less lethal force option(s).

F. REPORTING USES OF FORCE

- 1. Officers will notify a supervisor, without unnecessary delay, when reportable force is used. This includes instances where department 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. A reportable use of force is defined as any incident in which a sworn department member exercises their police powers and uses lethal force or any force option including physical force.
 - b. 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).
 - c. Personnel responsible for conducting use of force investigations under this section will receive training commensurate with the types and levels of investigations to be

conducted, as defined by the department. (The provisions set out in this sub-section shall become effective July 1, 2017)

2. Where officers respond to an incident involving reportable use of force, a “response to resistance/ non-compliance” form must be completed (*Refer to Appendix A for sample*). A single form will be submitted for the incident by the primary responding officer. The form will identify all officers applying a reportable use of force during this incident. Incidents of this nature will include:
 - a. Discharges, or displays a firearm on a person for the purpose of obtaining and/or maintaining control of that person.
 - b. Takes an action that results in, or is alleged to have resulted in, injury or death of another person
 - c. Applies force through the use of lethal or less lethal weapons
 - d. Applies weaponless physical force at a level as defined by the agency
3. A written report (other than a “response to resistance/ non-compliance” form) prepared according to departmental procedures will be required when the following have occurred:
 - a. A firearm is discharged outside of the firing range.
 - b. A firearm is discharged to euthanize an animal, as set forth in Section IV (A) (3) (b).

G. DEPARTMENTAL RESPONSE

1. Lethal force incident
 - a. Where a police officer's use of force causes death or serious bodily injury, the officer will be placed on a non-punitive administrative leave pending completion of an administrative review, and until a post-shooting intervention is conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel.

- b. The department will conduct both an administrative and criminal investigation of the incident.
 - c. All police-involved shootings, in-custody deaths, officers using less than deadly force that results in serious bodily injury, and if the department receives a complaint alleging a police officer used excessive during his/her interaction with a person and there is evidence, including but not limited to video or other electronic evidence, will be investigated in accordance with the *Rhode Island Attorney General's Protocol Regarding Use of Deadly Force , Excessive Force, and Custodial Deaths*. (See Appendix B)
2. Administrative review of use of force incidents:
- a. All reported uses of force will be reviewed by the Deputy Chief to determine whether:
 - (1) Departmental rules, policy, or procedures were violated.
 - (2) The relevant policy was clearly understandable and effective to cover the situation.
 - (3) Department training is currently adequate.
 - b. All findings of policy violations or training inadequacies will be reported to the appropriate unit for resolution and/or discipline.
 - c. All “response to resistance/ non-compliance” reports will be retained as required by department policy. There will be a documented annual analysis of those reports required under Section IV(F),(2) and (3) of this policy by the Deputy Chief.
 - d. The analysis identified in “C” above should, at a minimum, identify the following:
 - 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 patters resulting in injury to any person including employees
 - 5. Impact of findings on policies, practices, equipment, and training.
 - e. An annual summary report of this analysis will be compiled and made available to the public upon request.

By Order of:

A handwritten signature in black ink, appearing to read 'BP Peters', with a long horizontal stroke extending to the right.

Brian P. Peters
Chief of Police