

UNIVERSITY OF RHODE ISLAND

POLICE DEPARTMENT



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I. PURPOSE

The purpose of this policy is to provide the University of Rhode Island police officer with guidelines on the use of force. This policy will also inform the University of Rhode Island community - students, faculty and staff - of the training all University of Rhode Island police officers will receive regarding the new guidelines.

II. POLICY

It is the policy of the University of Rhode Island Police Department (URIPD) to recognize and respect the value and special integrity of each human life. Consistent with that policy is a commitment to service to the entire University community and a commitment to the principles of community policing. The decision to utilize deadly force is among the most difficult that a police officer will be called upon to make, and it is clearly recognized that this decision will impact the officer involved, the suspect, and the University community as a whole. Therefore, a careful balancing of all human interests is required when police officers are invested with the lawful authority to use force to protect the public welfare.

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. **The Use of Force Continuum:**

The Use of Force Continuum reflects the escalating and decreasing levels through which an officer can effect an arrest or contain a situation. The levels of force begin with the officer's presence and culminate with the use of lethal physical force. **The officer's own assessment of a particular situation shall determine the level at which he or she begins on the continuum.** The principle of escalation and de-escalation shall be applied where feasible. When a subject's resistance or aggression decreases or stops, the amount of force applied by the officer should also de-escalate. Officers should use the amount of force that is proportional to, and necessary to overcome, the resistance or aggression offered by the subject. The amount and type of force that is reasonable depends on the nature of the circumstances in each incident, including but not limited to:

1. The type of incident;
2. The existence of alternative methods of control;
3. The physical size, strength, special knowledge, and weaponry of the subject as compared to that of the officer;
4. The availability of back-up and the number of persons involved, and
5. The conduct of the subject or subjects against whom force is contemplated and prior knowledge by the officer of contact or experience with the subject, e.g. the subject is known to be armed and dangerous or combative. Since a police officer's actions are driven by the subject's actions or conduct, it is constructive to examine the subject's levels of resistance in conjunction with an officer's response.

B. **Officer's Response within the Use of Force Continuum**

1. **Officer Presence:** The control manifested by the presence of a uniformed officer or a plainclothes officer who has identified himself/herself as a police officer.
2. **Verbal Direction:** The use of persuasive language, tone, and/or body language to de-escalate and elicit cooperation.
3. **Soft Empty-Hand Control:** The use of empty-hand techniques that are unlikely to result in physical injury. Examples include control holds and use of pressure points.
4. **Soft Intermediate Weapon Control:** The use of an implement to effect control in a manner that is unlikely to result in physical injury. Examples include handcuffs and aerosol oleoresin capsicum devices.
5. **Hard Empty-Hand Control:** The use of empty-hand techniques that have an increased likelihood of resulting in physical injury. Examples include punches, strikes and kicks.
6. **Hard Intermediate Weapon Control:** The use of an implement to effect control in a manner that manifests an increased likelihood of physical injury. An example would include use of impact weapons such as collapsible batons.
7. **Conducted Electrical Weapon (CEW):** The use of this implement to effect control in a manner that manifests an increased likelihood of physical injury. This tool is to

be used to temporarily incapacitate a suspect who is resisting and or in possession of a weapon. This tool is to be used in compliance with Chapter 2.12.1.

- 8. Lethal Force:** The use of an implement or technique in a manner that is reasonably likely to result in death or serious bodily harm. Examples include firearms, motor vehicles, and impact weapon strikes to the head or throat, or any force that is likely to cause death or serious bodily injury. Lethal force is also referred to as deadly physical force.

NOTWITHSTANDING THE DEFINITIONAL DISTINCTION BETWEEN LETHAL AND NON-LETHAL FORCE, IT MUST BE CLEARLY NOTED THAT THE USE OF ANY FORCE, INCLUDING NON-LETHAL FORCE, CAN HAVE UNINTENDED LETHAL CONSEQUENCES AND RESULT IN DEATH OR SERIOUS BODILY INJURY UNDER CERTAIN CIRCUMSTANCES.

C. Definitions of Levels of Resistance by the Subject's Actions or Conduct

- 1. Nonverbal Noncompliance:** Nonverbal cues indicating a subject's unwillingness to comply with an officer's attempt at control, through apparent resistive attitude, appearance, and/or physical readiness to resist.
- 2. Verbal Noncompliance:** Verbal cues indicating a subject's unwillingness to comply with an officer's attempt at control, including resistive statements, threatening statements, and/or other "fighting words."
- 3. Passive Resistance:** Physical actions that do not prevent an officer's attempt at control, but fail to assist in that control. An example is "dead weight."
- 4. Active Resistance:** Physical actions that interfere with an officer's attempts to control the subject, but are not intended to harm the officer. Examples include pulling away or locking the body in a fetal posture.
- 5. Active Aggression:** Unarmed physical actions that are intended to harm the officer. Examples include punches and kicks.
- 6. Aggravated Active Aggression:** Armed assault upon the officer or a member of the public.

D. Other Definitions

- 1. Reasonable Belief:** The facts and 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.
- 2. Serious Bodily Injury:** Physical injury that creates a substantial risk of death, serious disfigurement, or protracted loss or impairment of the function of any bodily part, member, or organ, or that causes serious permanent disfigurement.
- 3. Imminent Danger:** The appearance of threatened and impending injury as would cause a reasonable police officer to act to stop the threat. Impending or about to occur: Imminent does not mean immediate or instantaneous, but that an action is pending. Thus, a subject may pose an imminent danger even if the subject is not at that very moment pointing a weapon at a person. For example, imminent danger may exist if officers have probable cause to believe any of the following:
 - a. That the subject possesses a weapon or is attempting to gain access to a weapon under circumstances indicating an intention to use it against the officer or others;
 - or

- b. That the subject is armed and running to gain the tactical advantage of cover; or
 - c. That a subject with the capability of inflicting death or serious physical injury or otherwise incapacitating officers without a deadly weapon, is demonstrating an intention to do so; or
 - d. That the subject is attempting to escape from the vicinity of a violent confrontation in which s/he inflicted or attempted the infliction of serious bodily injury or death upon another.
- 4. Less-Than-Lethal Force:** Any use of force other than that which is considered lethal or deadly.
- 5. Objectively Reasonable Force:** A level of force that is 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 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. See, *Graham v. Connor* 490 U.S. 396 (1989).

IV. PROCEDURES

A. Parameters for Use of Lethal Force

1. A police officer is authorized to use lethal force in order to 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), to include effecting the capture of or the prevention of the escape of a subject whose freedom represents an imminent threat of death or serious bodily injury.
2. When feasible, police officers will identify themselves and state their intent to use lethal force.
3. A police officer may discharge a firearm under the following circumstances:
 - a. During range practice or competitive sporting events, or
 - 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 a 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.
 - c. Police officers will not discharge their firearms from or at a moving vehicle, except for the following:
 - i. 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.

- ii. 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(s) 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.
- iii. This provision will not preclude tactical responses in a tactical operation by its members.

B. Parameters for Use of Less-Than-Lethal Force

1. Where lethal force is not authorized, officers should assess the incident in order to determine which less-than-lethal force option will best de-escalate the incident and bring it under control in a safe manner.
2. Situations in which less-than-lethal force may be needed include, but are not limited to, those in which an officer must:
 - a. Effect a lawful arrest, control a person, or effect a protective custody;
 - b. Prevent escape or recapture an escapee;
 - c. Restrain or apprehend a person attempting to effect self-inflicted harm;
 - d. Disperse an unlawful assembly;
 - e. Suppress a riot or breach of peace;
 - f. Defend him or herself or another from physical aggression;
 - g. Overcome an impediment when responding to an emergency (e.g. persons obstructing officers from responding to a call for assistance).
3. The primary purpose of less-than-lethal weapons is to provide officers with an advantage when defending against or apprehending a suspect.
4. Officers cannot and should not rely on these weapons and techniques to protect themselves from an imminent threat of serious bodily injury or death, or to overcome armed resistance. They are not intended for such use.
5. Only the amount of force reasonably necessary to effect an arrest or control a person shall be used.
6. It is not the intent of this policy to direct officers to try each of the Use of Force Continuum options before escalating to the next. The officer may employ the level of force that he/she believes is objectively reasonable to accomplish lawful objectives.
7. 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. Use of Force Prohibitions

1. The use of any force, up to and including lethal force, not reasonably necessary is expressly forbidden. Officers shall not unreasonably endanger themselves or the public in applying this policy.

2. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
3. While off duty and off campus, officers are not authorized to use University-issued weapons. See General Order 2.17(IV) for exceptions.
4. The use of chokeholds is prohibited.
5. No person taken into custody will be hog-tied or transported in a face down, prone position due to the risk of positional asphyxia.
6. As a matter of policy, the use of any restraints, techniques, or instruments as weapons for which training has not been provided (flashlights or keys for example) are not authorized for use by members of this department. Officers are only authorized to carry weapons sanctioned by the department.
7. This language shall not be construed as preventing an officer from utilizing any force, tool or technique reasonably necessary to protect him/herself or a third person from serious bodily injury or death when the use of such tool or force is an option of last resort for the officer. The use of any unconventional tool or technique must be reasonably justifiable as an option of last resort and the level of force consistent with other requirements imposed by this directive.
 - a. For example, a flashlight is not an authorized defensive weapon, and any use of a flashlight as a weapon is outside of policy and authorization. However, an officer facing a use-of-force situation in which the only tool s/he may have at his/her ready disposal is not an authorized defensive weapon, may be forced to use the tool in a manner for which it was not intended. Depending upon the circumstances, such use may be justified.
 - b. Similarly, chokeholds, neck restraints, and other similar techniques have been documented to cause unintended death and serious unintended bodily injury when used by police officers. As such, their use is prohibited by this policy. However, an officer facing a deadly force situation where such a technique is an option of last resort may be justified in utilizing a choke hold or any other technique or tool necessary to prevent the situation from continuing. For an officer to use any choke or strangulation hold, the situation must be one that reasonably calls for the use of deadly force by the officer.
8. Suspicion and Flight - An officer may not use lethal force:
 - a. Upon mere suspicion that a crime has been committed;
 - b. Upon mere suspicion that a threat exists or that a suspect may be armed;
 - c. Merely because a suspect is fleeing from an officer;
 - d. When effecting the capture or preventing the escape of a subject whose freedom does not represent an imminent threat of death or serious physical injury.
9. Risk to Innocent Persons - When employing lethal force, the officer shall not endanger innocent persons if it can be reasonably and foreseeably avoided.
10. Crimes - An officer may not use lethal force to apprehend or subdue persons whose illegal actions are not a threat to human life or do not constitute an imminent danger of serious physical injury to another.
11. Self-Inflicted- Harm Situations - An officer may not use lethal force to apprehend or subdue persons whose actions are injurious only to themselves.
12. Officers are prohibited from the following uses of firearms:

- a. Firing warning shots. This activity poses a danger to officers and other persons.
- b. Firing at or from a moving vehicle. See IV, A, 4, (c), (i) and (ii) for exceptions.
- c. Firing without clear target identification and field of fire.
- d. Firing into buildings or through doors, windows or other openings, unless the situation becomes one of self-defense or defense of other lives.

D. Use of Force in Hostage Situations

1. In a hostage situation, it is the policy of this department to preserve the lives of hostages, citizens and law enforcement personnel and to attempt to safely apprehend the hostage taker or barricaded person. In the event of a hostage or barricaded subject situation, the University of Rhode Island Police Department will call upon the Rhode Island State Police or the local municipal police for assistance. URI Police Officers will attempt to avoid confrontations in favor of controlling and containing the situation until the arrival of trained tactical and hostage negotiation personnel.
2. In exceptional circumstances, such as in life-threatening active shooter situations in which a hostage situation is fluid and an officer must make an immediate use-of-force decision outside of any planned response, the following policy shall be controlling:
 - a. Any use of force against the hostage taker must be in the immediate defense of human life or to prevent serious physical injury. This means that the officer has the option of using lethal force against the hostage taker only in cases where the dangers associated with this use of force are outweighed by the actions of the hostage taker relative to the safety of the hostage/s or other persons.

E. Appropriate Medical Aid

1. Any time use of force is used by a police officer, an immediate well-being evaluation of the suspect will be conducted. If there is any type of injury or alleged injury to the suspect URI Emergency Medical Services (EMS) will be requested for treatment of the suspect at the scene or in the detention area.
2. When requesting URI EMS, inform the dispatcher the extent of the injury.
3. Anytime Oleoresin Capsicum (OC) is used URI EMS will be called for decontamination of all persons exposed to the chemical agent.
4. Prisoners will be monitored for any change in their existing condition or medical state either by the officers in the detention area or the dispatchers.
5. All serious or life-threatening incidents require an immediate transport to the hospital. Anytime a use of force requires the immediate transport to the hospital of a suspect the involved officer will respond to the hospital with the suspect.

F. Training and Qualifications Regarding Lethal Force

1. Firearms
 - a. While on duty, police officers, acting within the course and scope of their employment with URIPD, 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 as required by Rhode Island state law.

- c. See policy 2.17 addressing the authorization of duty, off-duty and specialized firearms, weapons and ammunition.
- 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 department-issued firearms will be replaced. Officers are required to report any problems with a duty firearm immediately to a supervisor in the absence of a department armorer.
- f. At least annually, and in accordance with Rhode Island General Law, the department range officer(s) will schedule training and qualification sessions for duty and specialized firearms, which will be graded and documented on a pass/fail basis by a certified firearms instructor.
- g. Recent graduates of the Rhode Island Municipal Police Training Academy and any in-state lateral transfer officers having graduated from either the Rhode Island Municipal Police Training Academy or the Providence (RI) Police Academy who enter service with the URI Police Department prior to the department's semi-annual qualification session, shall be qualified on the department's course of fire prior to deployment.
- 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 Director of Public Safety by the firearms training officer. The Director of Public Safety 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 URIPD, with which he/she has not been able to qualify during the most recent qualification period.
- j. A police officer 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.
- k. The department will ensure that each officer receives training on the department's Use of Force policies upon hire and annually thereafter, and will document the training.
- l. All officers will be trained and will sign for and receive copies of the Use of Force policies and any revisions as they occur.

G. Training and Qualifications Regarding Less-Than-Lethal Force

1. Training and Proficiency

- a. At least biennially, each sworn officer is required to demonstrate proficiency with URIPD approved less-than-lethal force options that he/she is authorized to use. Proficiency standards are established as follows:
 - i. Attaining minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods, or trends.
 - ii. Being familiar with recognized safe-handling techniques.

- iii. Knowledge of department directives pertaining to the use of less-than-lethal force options.
 - iv. The program of instruction will be conducted by a qualified instructor who has achieved and maintained certification in the respective less-than-lethal force option(s).
 - b. The Professional Standards and Training Unit 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(G)(1)(a)(iv) 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-than-lethal force option(s).
- 2. Techniques intended or designed to cut off blood flow or oxygen to the brain will not be used unless lethal force is authorized.
- 3. It is understood that when requesting mutual aid assistance, the available force options of the responding agency may be different from those of URIPD. URIPD Officers shall be subject to the policies and procedures of this department at all times on or off campus.
- 4. Authorized less-than-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. The training officer will inspect and approve all less-than-lethal weapons authorized for duty prior to issuance.

H. Reporting Uses of Force

- 1. Officers will notify a supervisor, without unnecessary delay, when reportable force (defined below) 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 level of force option including physical force.
 - b. Exceptions to reportable force: officer presence; verbal commands; physical strength and skills that 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 level of 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.
- 2. A "Response to Resistance/Non-Compliance" form will be prepared by those officers who employ force when any of the following have occurred:
 - a. The use of force resulting in death, injury, or an allegation of injury to a person.

- b. The discharge or display of a firearm on a person for the purpose of obtaining and/or maintaining control of that person.
 - c. The use of lethal force or less-than-lethal force implements on any person.
 - d. The application of weaponless physical force that causes injury or the complaint of injury to a person.
3. A written report prepared according to departmental procedures will be required when any of 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).
 - c. A firearm is removed from the holster while on duty excluding the following:
 - i. Retrieving or returning duty weapon to the gun locker in the armory.
 - ii. During firearms training.
 - iii. Securing weapon while processing and/or interviewing a suspect or detainee.

I. Departmental Response

- 1. Lethal Force Incident
 - a. When police or non-sworn Public Safety personnel use force that causes death or serious bodily injury, that person will be placed on a non-punitive administrative leave pending completion of an administrative review and until a post-shooting/incident intervention is conducted by a licensed mental health professional, preferably one experienced in working with law enforcement/Public Safety personnel.
 - b. The department will conduct both an administrative and criminal investigation of the incident.
 - c. All police-involved shootings and in-custody deaths will be investigated in accordance with the Rhode Island Attorney General's Protocol Regarding Use of Deadly Force Incidents and Custodial Deaths. (See Attachment)
- 2. Administrative Review of Use-of-Force Incidents:
 - a. All reported uses of force will be reviewed by the Professional Standards and Training Unit to determine whether:
 - i. Departmental rules, policy, or procedures were violated.
 - ii. The relevant policy was clearly understandable and effective to cover the situation.
 - iii. Department training is currently adequate.
 - b. All findings of policy violations or training inadequacies will be reported to the Major 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(H) (2) and (3) of this policy by the URIPD Professional Standards and Training Unit to ascertain training needs, equipment upgrades and/or policy modifications. An annual summary report of this analysis will be compiled and made available to the public upon request.
 - d. The analysis identified in "C" above should, at a minimum, identify the following:
 - i. Date and time in incidents;

- ii. Types of encounters resulting in use of force;
 - iii. Trends or patterns related to race, age and gender;
 - iv. Trends or patterns resulting in injury to any person including employees;
and
 - v. 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.

J. Addendums

1. Attorney General's Protocol Regarding Use of Deadly Force Incidents and Custodial Deaths.
2. Response to Resistance/Non-Compliance Form

By order of:

Michael A. Jagoda
Director of Public Safety & Chief of Police
All Policies have an associated signed copy on file.