



Community College of Rhode Island Campus Police Department

**Knight Campus, Warwick - Flanagan Campus, Lincoln – Liston
Campus, Providence - Newport County Campus, Newport, Rhode Island**

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USE OF FORCE

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 CCRI 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.

This Model Policy is Courtesy of the Rhode Island Interlocal Risk Management Trust.

III. DEFINITIONS

- A. *Administrative Review*: A documented review of an incident or occurrence prepared by or for the Chief of Campus Police 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 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 of the force necessary.
- F. *Imminent Threat*: Such an appearance of an impending threat as would cause a reasonable police 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 force.
- I. *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 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.

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 police officer to believe that an imminent threat of death or bodily injury exists and his/her actions are necessary.

K. *Serious Bodily Injury*: Physical injury that:

1. Creates a substantial risk of death or
2. Protracted loss or impairment of the function of any bodily part, member or organ, or
3. Causes serious permanent disfigurement.

L. *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) When safe under the totality of the circumstances, and time and circumstances permit, officers will assess the situation to determine if de-escalation is appropriate and if so, which tactic 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/her training and experience.
 - c) Whenever possible, and when such a 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.
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. **Providing First Aid** - Appropriate medical aid, consistent with police officer training, will be provided as needed as soon as 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. *A rescue will be called for the affected suspect in all applications of OC Spray.*

4. Use of physical force shall be discontinued when resistance ceases or when the incident is under control.
5. 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.
6. Choke holds and vascular neck restraints are prohibited unless lethal force is authorized.
7. 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.

B. 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 an objectively 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 subject 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, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
2. Where feasible, police officers will identify themselves as a police officer and state their intent to use force to effect an arrest. While CCRI Police do not currently carry firearms, it is understood that any physical encounter could become lethal.
3. Lethal force should not be used against persons whose actions are clearly a threat only to themselves.

C. PARAMETERS FOR USE OF LESS LETHAL FORCE

1. Less Lethal Force Options

The level 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 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 entitled "OC Spray" #300.02.

Impact Tools- Striking tools used in compliance with General Order entitled, "Police Baton" #300.03

2. 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.
3. 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.
 - d) To maintain control of a person or situation.
4. It is not the intent of this policy to direct officers to try each of the force options before moving to another. The officer may employ that force option that he/she believes is objectively reasonable to accomplish lawful objectives.
5. Authorized less lethal options are those with which the police officer has received department-approved training on proper and safe usage.
6. Nothing contained in this section limits an officer's ability to use those means objectively reasonable for self-defense, or to accomplish lawful objectives, including but not limited to items of opportunity.

D. TRAINING AND QUALIFICATIONS REGARDING LESS LETHAL FORCE

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.

1. Issuance and Inspection of Approved Weapons

- a) All less lethal weapon options must be approved by the Chief by type and specification.
- b) An accurate and updated inventory will be maintained of all less lethal weapons.
- c) A certified instructor will inspect for safe function and document by type and serial number all less lethal weapons authorized for duty prior to issuance and at the time of qualification, recertification or any other training involving their use.
- d) Any less lethal weapons found to be functionally unsafe by the instructor will be removed from issuance and reported to the Operations Captain. A functionally safe replacement will be issued in its place.

2. Training and Proficiency.

- a) At least biennially, each sworn officer is required to demonstrate proficiency with CCRI Police approved less lethal force options which he/she is authorized and issued to use. Proficiency standards are established as follows:
 - i) Attain minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods or trends.
 - ii) Proper demonstration of recognized physical skills.
 - iii) Being familiar with recognized safe-handling techniques.
 - iv) Knowledge of department directives pertaining to the use of less lethal force options.
 - v) Conducted by a qualified instructor who has achieved and maintained certification in the respective less lethal force option program of instruction.
- b) The CCRI Police will maintain training documentation to include lesson plans, attendance sheets, weapons inventory and proficiency records.

- c) Proficiency standards shall be satisfied prior to an officer being authorized to carry and/or utilize the less lethal force options(s).
 - d) Police officers who are unable to demonstrate proficiency with a less lethal force option in accordance with department test procedures will be given remedial training by the department's certified training instructor in that less lethal force option.
 - i) The officer will be retested upon successful completion of remedial training.
 - ii) If after remedial training and retesting the officer does not evidence proficiency, a report will be forwarded to the Chief of Campus Police by the certified instructor.
 - iii) The Chief of Campus Police will then take such action as he/she deems necessary and consistent with this policy.
3. Annually, all officers will be trained on the current Use of Force policy and sign for the receipt of same. As part of the training, each officer will be issued a copy of the policy, either in hard copy or digital format. No officer will be authorized to carry any less lethal weapon/tool unless trained on the Use of Force policy and issued a copy. Use of Force policy training and issuance will be documented.

E. REPORTING USES OF FORCE

1. Officers will notify a supervisor, without unnecessary delay, when reportable force is used. 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 any force option including physical force or an action taken that results in, or is alleged to have resulted in, either injury to, the appearance of injury to, complaints of pain by or the death of another person.
 - 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); 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); or compliant handcuffing which does not result in injury, the appearance of injury or the complaint of pain.

- c) All reportable uses of force shall undergo a documented initial review by the officer's immediate supervisor. This documentation shall be forwarded through the chain of command for operational review by the Operations Captain and administrative review by the Administrative Captain to determine whether further action, including but not limited to a follow-up investigation, is necessary. Personnel responsible for conducting use of force review investigations under this section will receive training commensurate with the types and levels of investigations to be conducted, as defined by the department.
2. Where officers respond to an incident involving reportable use of force, a "Response to Resistance/ Non-Compliance" form must be completed. This report shall set forth the specific use of force actions taken by each officer, the facts, circumstances and reason(s) for the use of said force. Each involved officer using force will submit a form for the incident. The form will identify all officers present and all officers applying a reportable use of force during this incident to the best of his/her knowledge. Incidents of this nature will include:
 - a) Displays of a baton or chemical spray to a person for the purpose of obtaining and/or maintaining control of that person.
 - b) Actions taken that result in, or is alleged to have resulted in, injury or death of another person.
 - c) Applications of force with less lethal weapons (baton or chemical spray).
 - d) Applications of weaponless physical force at a level as defined by the agency in section IV.E.1.a of this policy.
3. The form shall be completed accurately and in its entirety where applicable. Do not add any extra verbiage, commentary or descriptions beyond what is asked to be filled out. Anything not covered in the form shall be described in the police report.
4. The form shall be forwarded to the Operations Captain for review. The form will then be forwarded to the Administrative Captain for review where it will remain filed.
5. The form is not to be attached or filed with the police report.

F. DEPARTMENTAL RESPONSE

1. Use of Force Resulting in Death or Serious Bodily Injury

- 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-incident evaluation is conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel.
- b) The department will conduct both an internal affairs and criminal investigation of the incident.
- c) In accordance with the Rhode Island Attorney General's Protocols, all police incidents involving the use of deadly force, excessive force and custodial deaths will be reported to the Attorney General's Office for review and investigated in accordance to those protocols.
- d) Allegations of excessive use of force shall be reported immediately to the Chief of Campus Police.
- e) FBI's CJIS National Use of Force Data Collection*
Any use of force meeting the following criteria shall be reported to the CJIS database:
 - i) Force resulting in death or serious bodily injury to a person; or
 - ii) 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.

*Use of force reporting only applies to law enforcement agencies with valid UCR reporting capabilities. At the time of publication CCRI is not required to report UCR. This section applies if and when CCRI PD is required to report.

2. Administrative Review of Use of Force Incidents

- a) All reported uses of force will be reviewed by the Administrative Captain to determine whether, at a minimum:
 - i) If departmental rules, policy, or procedures were violated;
 - ii) If the relevant policy was clearly understandable and effective to cover the situation;
 - iii) If department training is currently adequate; and
 - iv) If department equipment needs to be addressed.

- b) All findings of policy violations, training inadequacies and/or findings of deficiencies will be reported to the Chief of Police for resolution and/or discipline.
- c) The Administrative Captain will complete the internal investigation and make a recommendation to the Chief of Campus Police of any and all findings. If the Officer disagrees with a finding of inappropriate force, the Officer can appeal to a board (three members) consisting of the VPBA or his/her designee, the ESPA President or his/her designee, and a third party that is mutually agreed upon. If the Officer disagrees with the finding of the review board, he or she has every right to file a grievance and follow that process as defined in the collective bargaining agreement.
- d) 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 by the Operations Captain.
- e) The annual analysis shall, at a minimum, identify the following:
 - i) Date and time of incidents
 - ii) Types of encounters resulting in use of force
 - iii) Trends or patterns related to race, age and/or gender
 - iv) Trends or patterns resulting in injury to any person including employees, and
 - v) Impact of findings on policies, practices, equipment and training
- f) An annual summary report of this analysis will be compiled and made available to the public upon request.



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Chief of Campus Police

Links:

Response to Resistance/Non-Compliance Report

<https://powerdms.com/docs/803107>