



Cranston Police Department

General Order 310.01

SECTION	EFFECTIVE DATE	PAGES
300 – Law Enforcement Operations	April 5, 2021	9
SUBSECTION	SPECIAL INSTRUCTIONS	
10 – Use of Force		
TITLE	CALEA STANDARD	
310.01 – 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 Cranston 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. Authority

- a. Rhode Island General Law
- b. The Chief of Police is vested by and subject to the provisions of the City Charter and the laws of the State of Rhode Island, with the authority to approve, issue, modify, or rescind all departmental general orders, special orders, personnel orders, and memoranda.

IV. Definitions

Administrative Review: A documented review of an incident or occurrence prepared by or for the Colonel/Chief of Police or his/her designee. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed.

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.

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.

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.

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. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and/or tactical repositioning.

Imminent Threat: Such an appearance of an impending threat as would cause a reasonable police officer to immediately act to stop the threat

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:

- A. The severity of the crime at issue;
- B. Whether the subject poses an imminent threat to the safety of the officers or others;
and
- C. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

Reasonable Belief: Those facts and circumstances that would lead a normally prudent police officer to believe that his/her actions are necessary.

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.

Vascular Neck Restraint: A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

V. Procedures

A. GENERAL REQUIREMENTS

- 1. De-Escalation
 - a. When safe and appropriate under the totality of the circumstances
 - i. officers will assess the situation to determine if de-escalation is appropriate in order to reduce the potential need for force;
 - ii. officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training and experience.
 - 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, 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 intercede to prevent the use of such force when in a position to do so safely. Officers shall report these observations to a non-involved supervisor without unnecessary delay.
3. Appropriate medical aid consistent with police officer training will be provided as soon as is practical in all lethal force and less lethal force option usage resulting in injury, or allegation of injury, to include injuries incurred during apprehension and /or custody.
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. A department authorized and certified weapons instructor or armorer shall perform and document an inspection of all weapons:
 - a) Prior to issuance to an individual officer or made available for shared department use; and
 - b) At the time of qualification or recertification of said weapon.
7. Prior to their initial assignment, and at least annually thereafter, the department shall ensure that each officer receives training on the department's use of force policies, and document receipt of same.
 - a) All definitions contained in this policy will be included in said training.
 - b) All officers shall receive and sign for the receipt of the department's Use of Force Policy and any revisions thereto in hard copy or digital format.

B. PARAMETERS FOR USE OF LETHAL FORCE

1. A police officer is 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. When feasible, police officers will identify themselves as a police officer 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. Police officers will adhere to the following restrictions:

- 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. However, whenever a situation exists where an officer must consider discharging a firearm at 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.
 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.)
 8. A police officer may discharge a firearm to euthanize an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

C. PARAMETERS FOR USE OF LESS LETHAL FORCE

1. Less Lethal Force Options:

- a) 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 are not limited to:
 - (1) *Command Presence* - An officer's appearance may be enough to dissuade some persons from engaging in resistive behavior.
 - (2) *Verbal Commands* - Dialogue used by an officer can serve to diffuse potentially violent situations.
 - (3) *Physical Skills* - Physical techniques used by an officer to control potentially violent situations.
 - (4) *Chemical Spray* - Used in compliance with General Order 310.20 entitled "Use of Oleoresin-Capsicum Spray".
 - (5) *Impact Tools* - Striking tools used in compliance with General Order 310.40 entitled "Use of Police Baton".

(6) *Conducted Electrical Weapon (CEW)* - Used in compliance with General Order 310.06 entitled "Use of Conducted Electrical Weapon (CEW)."

(7) *K9* - Used in compliance with General Order 320.60 "Canine Unit".

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.
 - d) To maintain control of a person or situation.
3. It is not the intent of this policy to direct officers to try each of the force options before moving to another. Officers may employ that force option which they believe is objectively reasonable to accomplish lawful objectives
4. Choke holds and vascular neck restraints are prohibited unless lethal force is authorized.
5. It is understood that when requesting mutual aid assistance, the available force options of the responding agency may differ from those of the requesting agency. Officers shall be subject to the policies and procedures of their employing agencies at all times.
6. Authorized less lethal options are those with which the police officer has received department approved training on proper and safe usage.
7. Nothing contained in this section limits an officer's ability to use those means objectively reasonable for self-defense or to accomplish lawful objective, including but not limited to items of opportunity.

D. TRAINING AND QUALIFICATIONS REGARDING LETHAL FORCE – FIREARMS

1. While on duty, police officers will carry and use only firearms and ammunition authorized by and documented with the Training Division
2. At least annually and in accordance with Rhode Island General Laws, the department shall conduct training and qualifications for all department authorized duty firearms to include specialized firearms.
3. Authorized firearms are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are documented and comply with departmental specifications.
4. The department shall have a separate policy addressing the authorization of duty, off-duty and specialized firearms, weapons, and ammunition.
5. Unsafe or defective department-issued firearms shall be replaced or repaired.
6. All recent hires of the department shall be qualified by the hiring agency's certified firearms instructor using that agency's POST certified qualification course. This qualification shall take place prior to the officer carrying their department authorized duty firearms in any official capacity.
7. Police officers who are unable to qualify with their duty firearm(s), in accordance with department testing procedures will be given remedial training by the department's authorized certified firearms instructor.
 - a) Upon successful completion of this training, the officer will be retested.

- b) If after a second attempt the officer does not qualify, a report will be forwarded to the Colonel/Chief of Police by the department's authorized and certified firearms instructor.
 - c) The Colonel/Chief of Police will then take such action as he/she deems necessary and not inconsistent with this policy.
- 8. A police officer will not be authorized to carry or use any duty firearm which he/she has not been able to qualify with during the department's most recent qualification period.
 - 9. A police officer that has suffered an illness, injury or absence that could affect his/her ability to use a department authorized firearm will be required to requalify before returning to enforcement duties.
 - 10. Officers who carry personally owned firearms and ammunition **off-duty** must have said firearms and ammunition authorized by the department and, at least annually, demonstrate proficiency and safe handling techniques to the department's certified firearm instructor.

E. TRAINING AND QUALIFICATIONS REGARDING LESS LETHAL FORCE

- 1. Annually each sworn officer is required to demonstrate proficiency with department approved less lethal force options which he/she is authorized to use. Proficiency standards are established as follows:
 - a) Attainment of minimum qualification requirements in accordance with performance standards as determined by current training doctrine, methods, and/or trends;
 - b) Proper demonstration of recognized physical skills; and
 - c) Demonstrated knowledge of department policies pertaining to the use of less lethal force options.
- 2. 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).
- 3. The Training Division will maintain training documentation to include lesson plans, attendance sheets, and proficiency records
- 4. Proficiency standards shall be satisfied prior to an officer being authorized to carry and/or utilize the less lethal force option(s).
- 5. Police officers who are unable to show proficiency with a less lethal force option in accordance with department testing procedures will be given remedial training by the department's less lethal force training instructor staff.
 - a) Upon successful completion of this training, the officer will be retested.
 - b) If after a second attempt the officer does not evidence proficiency, a report will be forwarded to the Colonel/Chief of Police by the department's lead less lethal force training instructor.
 - c) The Colonel/Chief of Police will then take such action as he/she deems necessary and not inconsistent with this policy.

F. REPORTING USES OF FORCE

- 1. A reportable use of force is defined as any incident in which a sworn department member exercises his/her police powers and uses a force option *except* for those actions set forth in Subsection 3 below.
- 2. A Non-Compliance Report shall be submitted when an officer:

- a. Discharges a firearm outside of the firing range, but not including the dispatching of a critically wounded or dangerous animal.
 - b. Takes action that results in or is alleged to result in, injury or death to another person(s).
 - c. Applies weaponless physical force to suspect(s) whether or not injury occurs.
 - d. Apply force through the use of less-lethal weapons to include, but not limited to oleoresin capsicum, impact tools, CEW and K-9 bites to a subject.
 - e. Points a firearm at a person(s).
 - f. Is involved in an off-duty arrest. (Refer to General Order 310.02)
3. Exceptions to reportable force:
 - a) Command presence.
 - b) Verbal commands.
 - c) Compliance handcuffing which does not result in injury, the appearance of injury, or the complaint of pain.
 4. Officers will notify a supervisor who is *not* involved in the incident without unnecessary delay and in accordance with department policy whenever a reportable use of force incident occurs either on-duty or off-duty.
 5. A supervisor shall respond to the scene of an incident whenever the use of force results in physical injury or death, or when the officer either accidentally or intentionally discharges a firearm in other than training capacities and animal euthanasia. The supervisor shall survey the area where the use of force occurred to identify the presence of any video surveillance equipment (to include personally owned cellular telephones that may have recorded the incident) and to collect and preserve all video footage with the permission of the owner. In addition, the supervisor will ensure that photographs of the scene and any subject or officer injury are taken then attached to the report.
 6. When any use of force incident occurs inside of, or within the curtilage of headquarters, or any department facility equipped with surveillance cameras, the OIC shall review all in-house video and, regardless of whether the use of force incident was captured, ensure that the video is secured, via a written request to the IT Unit Commander, and submitted as evidence in the applicable offense/arrest report.
 7. An officer who has used force shall articulate in writing the force used and the facts, circumstances, and reasons for the use of said force.
 8. The non-involved immediate supervisor will conduct a documented initial review of the use of force and sign the non-compliance form. The original form will be forwarded through the appropriate chain of command for administrative review. The supervisor conducting the initial review shall also forward a copy of the non-compliance form to the Training Division.
 9. All reportable uses of force resulting in death, serious bodily injury, or allegations of serious bodily injury shall be investigated by **trained personnel**.
 10. In lieu of a non-compliance form, an officer shall be required to prepare a written report in accordance with departmental procedures whenever any of the following actions have occurred:
 - a) The officer discharges a firearm under circumstances that are not otherwise classified as a reportable use of force, except for those times when said discharge

occurs either during a weapons training or during lawful recreational activities where no report is necessary.

- b) The officer discharges a firearm to euthanize an animal, as set forth in Section IV (B) (8).

G. DEPARTMENTAL RESPONSE

1. The Chief of Police or his designee will conduct an administrative documented review of non-compliance forms and indicate whether policy, training, equipment or disciplinary issues should be addressed.
2. All non-compliance forms will be reviewed and documented in the performance tracking system (General Order 230.30) by the officer's supervisor to ensure completeness and to determine that the use of force was appropriate in accordance with policy, training, and equipment.
3. Whenever an officer's use of force results in the injury or death of another person, or when a department employee is directly involved in any traumatic incident resulting in the death or serious bodily injury of another, that employee will be reassigned at the direction of the Chief of Police to a non-operational assignment or placed on a non-punitive administrative leave, pending completion of an administrative review. During this period, the Chief of Police and the Peer Support Team will ensure that the employee undergoes a post incident evaluation conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel.
4. At the end of each calendar year, the Training Division will conduct a documented annual analysis of all Use of Force Reports, to be forwarded to the Chief of Police. At the minimum the report will include:
 - a) Total number of incidents for the year.
 - b) Names of Department members involved.
 - c) Date, time, nature, and location of each incident.
 - d) Injuries that were sustained by officers and/or suspects, to include medical treatment.
 - e) Criminal charges filed, if applicable.
 - f) Levels and types of force utilized.
 - g) Trends or patterns related to age, race, and gender of suspects.
 - h) Training, equipment, and policy needs.
5. At the end of each calendar year, the Training Division will conduct a documented annual analysis of assaults on officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy or address training issues.
6. Each calendar year an annual summary report of this analysis will be made available to the public.
7. FBI CJIS National Use of Force Reporting Data Collection
 - a) Any use of force meeting the following criteria shall be reported to the CJIS database:
 1. Force resulting in death or serious injury to a person; or
 2. Where an officer discharges a firearm at or in the direction of a person.

3. Where in a given month there are no use of force incident meeting this criteria, the department shall make a report of "0" incidents in the CJIS Database.

H. ATTORNEY GENERAL NOTIFICATION PROTOCOL

1. The protocol shall be followed whenever

- a) A police officer uses deadly force, whether or not death or injury of any person results.
- b) A person dies while in custody or dies during the apprehension or attempted apprehension of a person.
- c) A police officer uses less than deadly force that results in serious bodily injury to any person.
- d) The department receives a complaint alleging that a police officer used excessive force during his/her interaction with a person, and there is evidence, including but not limited to video or other electronic evidence, to warrant additional investigation.

2. The protocol may also be followed

- a) Whenever a person dies or is injured as a result of a police interaction even if the police did not use force or deadly force. For example, motor vehicle accidents involving the police where there is a fatality or serious injury.
- b) In any situation, not explicitly addressed above, where the police department and the attorney General jointly agree that the review by the Attorney General would be in the public interest.

VI. Responsibility

- a. It is the responsibility of all personnel to familiarize themselves and comply with this order.