



HOPKINTON POLICE DEPARTMENT

USE OF

406 Woodville Road, Hopkinton, RI 02833

FORCE

POLICY

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	NOVEMBER 11, 2014	300.01	June 6, 2017
SUBJECT TITLE		SUBJECT AREA	
USE OF FORCE	LAW ENFORCEMENT OPERATIONS		
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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 Hopkinton 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 shall use reasonable force when force is necessary to affect 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 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 only:
 - 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).
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.
- A. 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.
- B. 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.
- C. In both sections A and B 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 escalating to the next. The officer may employ that force option which he/she believes is objectively reasonable to accomplish lawful objectives.

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 Hopkinton 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 Appendix A for sample.*
 - d. A qualified firearms instructor or armorer will inspect and approve all firearms authorized for duty prior to issuance and annual qualifications. *Refer to Appendix A for further guidance regarding off-duty firearms.*
 - e. Unsafe or defective department issued firearms will be replaced.
 - 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 RIMPTA, 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. The 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 Captain and Chief of Police by the firearms training officer.

The Captain and 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 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 requalify 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 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. Prior to being authorized to carry any lethal or less lethal weapon, officers will be instructed on and issued copies of the Use of Force policies. The instruction and issuance shall be documented.
- m. The Captain and Armorer shall keep documentation of the following:
 - 1. Documentation that officers qualify at least once each calendar year with any firearm and electronic control weapon they are authorized to use;
 - 2. Documented refresher training biennially for any issued or authorized weapons other than firearms; and
 - 3. Procedures for addressing duty status for those who fail to qualify with any issued or authorized weapon to include remedial training.

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 entitled "OC Spray".*

Impact Tools- *Striking tools used in compliance with department policy.*

Electronic Control Device (Taser) - *Used in compliance with General Order entitled Taser (ECD).*

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 and shall be documented.

1. Training and Proficiency.

- a. At least every two years, each sworn officer is required to demonstrate proficiency with Hopkinton Police approved less lethal force options, which he/she is authorized to use. Officers shall qualify with ECD's annually. 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). All less lethal weapons will be inspected and documented during training periods.

- b. The Captain and the Accreditation Manager 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).
- e. Any faulty less lethal weapons will be immediately taken out of service by any member of the department and an email shall be sent to the instructor as well as a supervisor.
- f. All less lethal weapons shall be stored properly in either the lock boxes or on employees duty belts in approved holsters.

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 this department. (The provisions set out in this subsection shall become effective July 1, 2017.)
2. Where officers respond to an incident involving reportable use of force, a "Use Of Force Report Form" (Refer to Attached for sample) must be completed. 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 defined by the agency.
3. If the agency establishes a use of force review committee composed of senior leadership and other appropriate practitioners, as defined by the Chief of Police, it reviews such incidents and makes recommendations on corrective or adverse actions, to include non-disciplinary actions such as training or tactical improvement.
4. A written report
- 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 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 Appendix C)

2. Administrative review of use of force incidents:

- a. All reported uses of force will be reviewed by the Captain 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 “Use of Force” 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 Captain and Accreditation Manager.
- d. The analysis identified in “C” above should, at a minimum, identify the following:
 - 1. Date and time of incidents
 - 2. Type of encounters resulting in use of force
 - 3. Trends or patterns related to race, age and gender
 - 4. Trends or patterns resulting in injury to any person including any employees; and
 - 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. to ascertain training needs, equipment upgrades and or policy modifications.

Attachments:

Attorney General’s Protocol – Use of Deadly Force and Custodial Death
Use of Force Report Form

Per Order,



David S. Palmer
Chief of Police

The Attorney General’s Protocol Regarding
Use of Deadly Force Incidents
And Custodial Deaths

Background

Two of the most sensitive investigations that law enforcement agencies are called upon to conduct are the investigation of the use of deadly force by a police officer, or the investigation of the death of person in police custody. Experience has shown that these investigations frequently pose complex factual and legal issues, and are closely followed by the public we serve. This model protocol publishes existing policies and practices of the Office of Attorney General in such investigations.

When the Protocol should be utilized:

- This Protocol should be used whenever the use of deadly force by police results in the death or injury of any person.
- This Protocol should be used whenever any person dies while in police custody, or during the apprehension or attempted apprehension of any person.
- It is recommended that Protocol be used whenever deadly force is used that does not result in any injury.
- The Protocol may be used to review any incident in which the action or conduct of police has resulted, directly or indirectly, in the injury to any civilian whose conduct was not the focus of police activity.
- Whenever deadly force is used, whether or not a person is injured, the police department utilizing the force should immediately notify the Attorney General and either the Rhode Island State Police (if deadly force was used by a municipal law enforcement agency) or the appropriate municipal law enforcement agency (if deadly force was used by the Rhode Island State Police). This notification should occur regardless of whether a multi-agency investigative team is utilized.

What the Office of Attorney General will do:

- As a general rule, present to a grand jury every police-involved deadly force incident resulting in a fatality. Our review of non-fatal incidents and custodial deaths may be concluded without a formal grand jury presentation.
- Utilize multi-agency investigative teams to review officer-involved deadly force and custodial death incidents. Ordinarily, the Rhode Island State Police and the police department in whose jurisdiction the incident took place will comprise the investigative team.
- Assign a senior prosecutor (or prosecutors) to work with your investigators and to provide legal advice throughout the course of your investigation.

- Make available other office resources including assistance with public information and public records requests.

What the law enforcement agency should do when an officer involved deadly force incident occurs:

- Promptly notify the Rhode Island State Police (444-1000) and the Office of Attorney General. (After hours, a prosecutor may be reached through the Attorney General’s BCI Unit at 421-5268.) In the case of incidents involving the Rhode Island State Police, they will notify the municipal law enforcement agency having jurisdiction over the location of the incident.
- Keeping in mind the value of a multi-agency investigation, investigative steps taken prior to assembly of the multi-agency team should be limited to those necessary to preserve evidence or those required due to other exigent circumstances.
- The Chief of law enforcement agency whose officer utilized deadly force should normally serve as the primary point of contact for media inquiries, and coordinate responses with the investigative team.

What the Investigative Team will do:

- The Investigative Team will be made up of experienced investigators working together to conduct the most informed and efficient review possible, and will work with the Office of Attorney General to review the circumstances of the incident. For grand jury investigations, the investigators will be sworn as grand jury investigators subject to the rules governing grand jury investigations.

/ / Date of Incident	_____ Officer’s Name & Rank	_____ Incident No.
Officer Status: <input type="checkbox"/> On Duty <input type="checkbox"/> Off Duty <input type="checkbox"/> Uniform <input type="checkbox"/> Plainclothes <input type="checkbox"/> Other		
Location of Incident:		Time:

Initial Reason for Contact: _____

Force Used Against: Individual Property Animal

Name of Person Force was Used Against	Sex	Race	Date of Birth	Ht.	Wt.

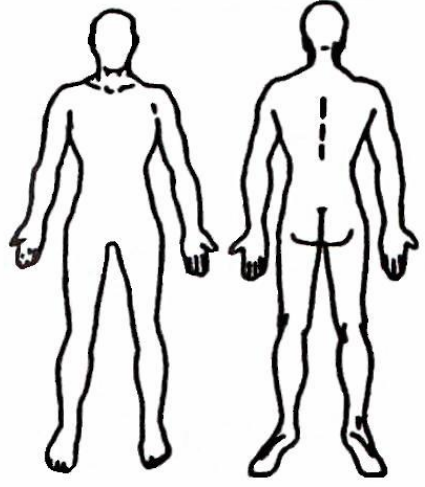
Address: _____

INITIAL AND SECONDARY FORCE: Type of Force used (Check all that apply below)

Indicate below and on diagram the location on the person's body force was used. Diagrams are not to take place of photos. At least three (3) photos are to be taken of injuries and submitted to Evidence.

Location on Body

- Physical _____
- Taser # of deployments _____
- Pepper Spray _____
- Canine _____
- FIREARM _____
- Other _____



Subject Armed: YES NO **If Armed, Check Weapon Type:** Knife Club Firearm Other: Describe _____

Subject Charged: YES NO *H. List Charges:* _____

Was Subject Under Influence: YES NO UNABLE TO DETERMINE

Original to: Accreditation Manager	Copies to: Captain – Internal Affairs
Officer's Signature: _____	Date: _____
Reviewed and Approved by: _____	Date: _____
Immediate Supervisor	

This Use of Force Report has been reviewed and approved by:

Internal Affairs Officer: _____ Date: _____ IA Case #: _____