



## Rhode Island Airport Corporation

<b>Rhode Island Airport Corporation Police Department General Order 300.01</b>	
<b>Law Enforcement Operations</b>	
<b>SUBSECTION: Use of Force</b>	<b>POLICY NAME: Use of Force</b>
<b>PAGES:10</b>	<b>RIPAC STANDARD: 2.14, 2.15, 2.16, 2.19, 2.20, 2.21</b>
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<b>PREVIOUSLY ISSUED:</b>	<b>Joseph C. Ottaviano Chief of Police</b>

### I. PURPOSE

To establish guidelines for Sworn Department members regarding the use of force.

### II. POLICY

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

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

### III. DEFINITIONS

- A. LETHAL PHYSICAL FORCE – Force resulting from the use of a firearm or other weapon or action likely to cause death or serious physical injury with its intended use.
- B. LESS THAN - LETHAL PHYSICAL FORCE – Force used to cause less-than serious physical injury with its intended use.
- C. REASONABLE BELIEF - The facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent law enforcement officer to act or think in a similar way under similar circumstances.
- D. SERIOUS PHYSICAL INJURY – Injury that creates a substantial risk of death or causes protracted loss or impairment of the function of any bodily part, member or organ, or causes serious permanent disfigurement.

- E. THE USE OF FORCE CONTINUUM – Escalating levels of force through which a sworn Department member can affect an arrest. These levels of force begin with verbal communication and culminate with the use of lethal physical force. A sworn Department member’s own assessment of a particular situation will determine the level where he or she begins on the continuum.
- F. SIGNIFICANT THREAT – Based on all the information available at the time, an officer reasonably believes that a subject could inflict substantial bodily harm, to any person, including himself or herself.
- G. IMMEDIATE DANGER - A situation that would lead an officer to believe that death or serious bodily injury is impending due to a subject’s potential actions.

#### IV. USE OF LETHAL PHYSICAL FORCE

- A. A sworn Department member is authorized to use lethal physical force to protect him/herself, another Department member, or other person(s) when the member has a reasonable belief that an imminent threat of death or serious physical injury exists to himself/herself, another Department member or other person(s). To include affecting the capture or preventing the escape of a subject whose freedom represents an imminent threat of death or serious physical injury.
- B. A sworn Department member is authorized to use lethal physical force to dispatch dangerous or severely injured animals. Whenever practical, Department members should first obtain permission of the owner before using lethal physical force against a domestic animal or livestock, unless they pose a threat to life or safety. A sworn Department member is authorized to use lethal physical force to dispatch any animal that poses an imminent danger while being in or around the runway or aeronautical operational area.
- C. Do not use lethal physical force when it appears imminently likely that an innocent human being may be injured as a result of the use of such force.
- D. When feasible, appropriate, and consistent with regard for human safety, use every reasonable alternative means to include a verbal warning, i.e.: “Stop... Police,” before using lethal physical force against another human being.
- E. Warning shots pose a danger to sworn Department members and other persons; therefore, members are prohibited from firing warning shots.
- F. A sworn department member is prohibited from the use of chokeholds -- a physical maneuver that restricts an individual's ability to breathe for the purposes

of incapacitation -- except in those situations where the use of lethal physical force is allowed by law.

- G. The Rhode Island Airport Corporation Police Department must constantly assess and improve on its practices and policies to ensure transparent, safe, and accountable delivery of law enforcement services. Therefore, the Rhode Island Airport Corporation Police Department will make every effort to adhere to the Use of Force standards set forth in the Rhode Island Police Accreditation Commission.

#### V. USE OF LESS – THAN LETHAL PHYSICAL FORCE:

- A. A sworn Department member is authorized to use less – than lethal physical force in situations where lethal physical force is not authorized. These situations include, but are not limited to:

1. Defense of oneself, another Department member, or other person(s);
2. Subduing a resisting subject, pursuant to arrest;
3. To bring an unlawful situation safely and effectively under control.

- B. Less Lethal Force Options: The degree of force used by a member is directly related to the facts and circumstances encountered by that member. Force options currently available to members include, but are not limited to:

Command Presence: A department member’s appearance may be enough to dissuade some persons from engaging in resistive behavior.

Verbal Commands: Dialogue used by a member can serve to diffuse a situation.

Physical Strength and Skills: Physical techniques used by a member to diffuse potentially violent situations.

Chemical Spray: Used in compliance with General Order “Use of Oleoresin Capsicum Spray.”

Impact Tools: Striking tools used in compliance with General Order “Use of Batons.”

- C. Techniques intended or designed to cut off blood flow or oxygen to the brain will not be used unless parameters regarding the Use of Lethal Force set forth in Section A above have been met.
- D. Authorized less lethal weapons are those with which the Department member has received approved training on proper and safe usage and all that comply with Department specifications.

- E. It is not the intent of this policy to direct Department members 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.
- F. Nothing contained in this policy limits a Department member's ability to use those means reasonably necessary, to include means the member has not received formal training, for self-defense or to accomplish lawful objectives.

## VII. CARRYING AND USE OF FIREARMS WHILE OFF-DUTY

- A. There are often times when sworn Department members may be involved in certain situations or attending certain events where the carrying of a firearm is impractical, inadvisable or inappropriate. Therefore, the carrying of a firearm while off-duty, by a sworn Department member authorized to do so, will be optional and up to the discretion of the respective member.
  - 1. If a sworn Department member chooses to carry a firearm while off-duty, it shall be carried in a secured, concealed and discrete manner so as not to cause public alarm.
  - 2. Sworn Department members are prohibited from the carrying of a firearm while under the influence of intoxicating liquor as mandated by RI General Law 11-47-52 entitled, "Carrying of a Weapon while Under the Influence of Liquor or Drugs;" which states, "It is unlawful to carry or transport any firearm in this state when intoxicated or under the influence of intoxicating liquor or narcotic drugs."
- B. When a sworn Department member, authorized to carry a firearm, is required to draw or utilize that firearm while off-duty, that member shall announce himself/herself as a Police Officer and, if circumstances allow, present the appropriate identification to include both the Department issued identification card and badge.
  - 1. If circumstances allow, sworn Department members shall immediately notify or have someone at the scene notify the local law enforcement agency having jurisdiction over the incident. This can be best accomplished by utilizing the 911 emergency telephone system. The

information to be provided to the local law enforcement agency should include:

- a. Name, rank and the fact that you are a member of the RIAC PD;
  - b. The nature of the incident;
  - c. Description of your clothing and the clothing of any suspect(s) if applicable;
  - d. The fact that you have a firearm and have or may be required to draw and/or utilize it.
2. If circumstances allow, and when applicable, sworn Department members shall also make notification to the Rhode Island Airport Corporation Police Department providing the same information given to the local law enforcement agency.
- C. Upon the arrival of a uniformed local or state law enforcement officer, the off duty sworn Department member shall immediately identify themselves utilizing their Department identification card and badge.
1. Sworn Department members shall comply with all commands from responding uniformed local and state police officers, i.e.; place the firearm down, place hands behind their head, etc. provided that complying does not put them in immediate danger with the suspect(s) on scene.
- D. It is imperative for the safety of all involved that sworn Department members use good judgment and common sense if involved in incidents of this nature while off-duty.

## VIII. USE OF FORCE TRAINING

### A. IN-SERVICE TRAINING

1. The Training officer shall establish a block of instruction of appropriate scope and detail to provide annual in-service training in the use of force policy to all sworn Department members. This instruction shall be documented in each member's training file.
  - a. Attendees shall be issued copies of this policy during the use of force instruction. This issuance will be documented in annual in-service training files.

### B. OTHER TRAINING

1. Prior to being authorized to carry lethal and less-than-lethal weapons not instructed during recruit training or in-service training, sworn Department

members must receive instruction on the use of force policy and receive instruction in the intermediate weapon that they may be carrying.

- a. Members shall be issued copies of this policy during their training. The issuance shall be documented in each member's training file.

## IX. PROVISIONS

- A. Sworn Department members whose actions or use of force results in a death or serious physical injury shall be removed from line of duty assignment, pending administrative review, and assigned to administrative duties or placed on administrative leave upon completion of their preliminary report of the incident consistent with the "Removal from Line of Duty Assignment" policy.
- B. When the need arises, sworn Department members shall ensure appropriate medical aid after the use of lethal and less-than-lethal weapons, or other use of force incidents that caused or were likely to cause injury.
  1. Appropriate medical aid procedures include:
    - a. Calling for immediate medical assistance,
    - b. Providing basic care until professional medical assistance arrives;
    - c. Transporting the subject to a medical care facility if the injury appears minor;
    - d. Notifying your immediate supervisor.

## X. PROCEDURES

- A. Whenever a sworn Department member is involved in a Use of Force incident, he or she shall notify their immediate supervisor of the full circumstances of the incident as soon as possible. The supervisor will then notify the Chief of Police who will in turn notify the Vice President of Public Safety up to and including the CEO.
- B. In the case of an on-duty Use of Force incident, a Use of Force report will be completed before a sworn Department member secures from duty on the date of the incident. In the case of an off-duty Use of Force incident, the report shall be completed immediately upon reporting for duty to the RIAC PD. The Use of Force report will be submitted to the shift supervisor, who will review the incident reports involving any and all applications of force. The shift supervisor will then submit a report to the Chief with the findings. This report will cite all of the relevant facts and circumstances surrounding the incident and, in the case of

a firearm discharge, arrive at a conclusion as to any violation of Department policy.

- C. Whenever a member discharges a firearm, intentionally or negligently, the member shall, as soon as practical, notify his or her immediate supervisor, unless such discharge occurred during the course of training or annual qualifications. If such discharge occurs while off-duty, the member shall immediately notify the Supervisor on duty, who will immediately notify the Chief.

#### XI. USE OF FORCE REPORTS

- A. A Use of Force Report shall be submitted to the Shift Supervisor whenever a sworn Department member:
  - 1. Applies force through the use of a lethal or less-than-lethal weapon whether or not death or injury of any person results.
  - 2. Intentionally discharges a firearm, unless such discharge occurred during the course of training or annual qualifications;
  - 3. Takes an action that results in or is alleged to have resulted in serious bodily injury to any person;
  - 4. Applies weaponless physical force such as punches or kicks upon another individual;
  - 5. Is present and observes another member use force as described above.
  - 6. A person dies while in police custody or dies during the apprehension or attempted apprehension of a person.
  - 7. As immediately as practically possible upon completion of the incident or before the end of the officer's tour of duty.
- B. Each sworn Department member meeting the above criteria in a Use of Force incident shall submit a separate Use of Force Report.
- C. The narrative section of each Use of Force Report shall contain all pertinent facts related to the incident.
- D. The Department Inspector may authorize an alternative reporting date, when appropriate.

- E. The Department Inspector shall conduct an annual analysis of all Use of Force reports and forward a copy of the analysis to the Chief for review.

### XIII. USE OF FORCE REPORTING

- A. The RIAC PD will follow any reporting protocol issued by the US Attorney General or Rhode Island Attorney General's offices.
- B. In accordance with the protocols of the Rhode Island Attorney General's office the RIAC PD will report a use of force when:
  - 1. A police officer uses deadly force, whether or not death or injury of any person results.
  - 2. A person dies while in police custody or dies during the apprehension or attempted apprehension of a person.
  - 3. A police officer uses less than deadly force that results in serious bodily injury to any person.
  - 4. A police 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.
  - 5. Whenever a person dies or is injured as a result of a police interaction even if the police did not intentionally use force or deadly force. For example, motor vehicle accidents involving the police where there is a fatality or serious injury.
  - 6. In any situation, not explicitly addressed above, where the police department and the Attorney General jointly agree that review by the Attorney General would be in the public interest.
- C. Whenever a police officer uses less than deadly force that results in serious bodily injury to a person, or is alleged to have used excessive force and the evidence supporting such allegation, including but not limited to video or other electronic evidence, is sufficient to warrant additional investigation, the RIAC Officer in Charge shall:
  - 1. Promptly notify the Attorney General; and
  - 2. Provide the Office of the Attorney General with copies of all non-compelled statements and any other evidence pertaining to the matter.
- D. The Attorney General and the RIAC PD will jointly review the evidence pertaining to the matter and pursue any follow up investigation as necessary. It is strongly



preferable that members of the RIAC PD Professional Standards Unit or equivalent be assigned to the investigation.

- E. The Attorney General will determine whether criminal charges are appropriate, and, if charges are appropriate, the nature of such charges, including whether the appropriate charge or charges constitute a misdemeanor or felony or both. The Attorney General will determine whether presentation to a grand jury is necessary to obtain additional evidence or develop the testimony of witnesses.

### XIII. USE OF FORCE INVESTIGATIONS

- A. Where a RIAC police officer uses deadly force, regardless of whether death or injury results, or where a person dies in police custody or during apprehension or attempted apprehension by police, the investigative team will be comprised of members of the Attorney General's Office, the Rhode Island State Police and the Employing Police Department. The investigative team will respond to the scene immediately after notification of the incident initiating application of this Protocol.
- B. The RIAC Police, whose officer's actions prompts the application of the RI AG Protocol shall immediately notify the Office of the Attorney General (after hours, an Assistant Attorney General may be reached through the Bureau of Criminal Identification at 401-732-7629) and, in situations involving the use of deadly force or a custodial death, the Rhode Island State Police (401-444-1000). Where the action of a member of the Rhode Island State Police prompts the application of this Protocol, notification shall include the police department of the city or town where the action occurred.
- C. The RIAC Police shall limit the investigative steps taken prior to assembly of the multi-agency investigative team to those measures necessary to secure the scene, preserve evidence, identify witnesses, and any other measures necessary to address exigent circumstances.
- D. The Rhode Island Airport Police shall immediately collect, preserve, and turn over to the multi-agency investigative team all video and audio recordings that pertain to the incident in question. Any public release of video and audio recordings in the possession of law enforcement shall be done in accordance with the law and in a manner that preserves the integrity of the criminal investigation, protects the rights of the accused, and respects the privacy of civilians captured on the recording. Absent extraordinary circumstances, video and audio recordings should not be released until all witness statements have been collected and the criminal investigation has concluded.
- E. The Chief of the RIAC Police in coordination with the Director of Media and Public Relations, shall serve as the primary point of contact for media inquiries, coordinating all responses with the Attorney General and other members of the multiagency investigative team and the Rhode Island Airport Corporation

Director of Media and Public Relations. The Chief of Police may also refer such inquiries to the Attorney General.

#### XIV. INTENTIONAL AND NEGLIGENT DISCHARGES OF FIREARMS

- A. Members shall complete a Use of Force Report and a Discharge of Firearms Report for all intentional discharges of a firearm, except during the course of training or annual firearm qualifications.
- B. Members shall complete a Use of Force Report for negligent discharges that result in or allegedly result in the injury or death of a person.
- C. Members shall complete a Discharge of Firearms report for all negligent discharges of a firearm.

By Order of the Chief

A handwritten signature in cursive script that reads "Joseph C. Ottaviano". The signature is written in dark ink and includes a long, sweeping horizontal flourish extending to the right.

Joseph C. Ottaviano  
Chief of Police  
Rhode Island Airport Corporation Police Department