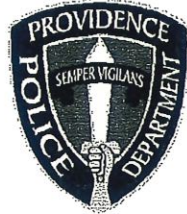


Jorge O. Elorza  
Mayor

Hugh T. Clements Jr.  
Chief of Police

Steven M. Pare  
Commissioner



Providence Police Department  
325 Washington Street  
Providence, Rhode Island 02903

*"Building Pride in Providence"*

August 12, 2021

Major Oscar Perez  
Office of Professional Responsibility  
Providence Police Department  
325 Washington Street  
Providence, RI 02903

Major:

Per the request of Det. Sgt. Elizabeth Romano (OPR) and Det. Stephen Vinton (RISP), I was able to determine the following information related to "Use of Force" training for Officer(s) M. Voyer and D. Diaz:

- **Ptln. Mitchell Voyer**
  - Graduated from the 68<sup>th</sup> PPPD Recruit Training Academy on 08-07-2017
    - Refer to Use of Force academy curriculum previously provided to Det. Sgt. Romano.
  - *General Order 300.01 – Use of Force* – annual policy review via Power DMS requires individual electronic signature from officers. The Power DMS system logged signatures for Ptln. Voyer on the following dates/times:
    - 2021-05-09 @ 23:19:00 hrs
    - 2020-02-26 @ 02:38:33 hrs
    - 2019-02-21 @ 23:08:59 hrs
    - 2017-05-05 @ 18:33:49 hrs
  - *In-Service Training* – Ptln. Voyer attended an eight (8) hour in-service training on 03-18-2021 in the PPD Auditorium, of which approximately one of the blocks of instruction was a "Use of Force" refresher training (approximately 45-50 minutes).
  - Ptln. Voyer has not attended any external training courses/classes that have been identified as "Use of Force" type training.
  - Ptln. Voyer is a previous graduate of the RI Municipal Police Academy, when he attended as a recruit for the Woonsocket Police Department.
  - Ptln. Voyer also served as a member of the Warwick Police Department prior to becoming a member of the PPD.

- **Ptlm. Domingo Diaz**

- Graduated from the 69<sup>th</sup> PPD Recruit Training Academy on 06-2-2019
  - Refer to Use of Force academy curriculum previously provided to Det. Sgt. Romano.
- *General Order 300.01 – Use of Force* – annual policy review via Power DMS requires individual electronic signature from officers. The Power DMS system logged signatures for Ptlm. Diaz on the following dates/times:
  - 2021-04-11 @ 03:35:57 hrs
  - 2020-03-18 @ 20:08:10 hrs
  - 2019-08-08 @ 09:59:57 hrs
- *In-Service Training* – Ptlm. Diaz attended an eight (8) hour in-service training on 03-25-2021 in the PPD Auditorium, of which approximately one of the blocks of instruction was a “Use of Force” refresher training (approximately 45-50 minutes).
- Ptlm. Diaz has not attended any external training courses/classes that have been identified as “Use of Force” type training.

Respectfully,



Lt. Michael Fallon  
Training Bureau – Director  
Providence Police Department  
[mfallon@providenceri.gov](mailto:mfallon@providenceri.gov)  
(401) 243-6011 / (401) 641-660

**68<sup>th</sup> PROVIDENCE POLICE  
TRAINING ACADEMY**

**DEFENSIVE TACTICS / OFFICER SURVIVAL**

**Prepared by: Sgt. Robert K. Boehm**

## **Content:**

The following syllabus contains the *basic categories* of which will be taught to the recruit class of the 68<sup>th</sup> Providence Police Training Academy. Material contained herein will be explained and in some cases demonstrated to the recruits who in-turn will be tested on the knowledge they retained by providing a written exam as well as having their performance evaluated by their instructor. Recruits will also be tested on both their knowledge and their ability to perform during their scenario-based evaluations. During such evaluations the recruits will have to show their adeptness in their composure, attention to detail and performance in their decision-making skills.

A lesson plan will follow this syllabus; this lesson plan will be more detailed as to the day-to-day teachings, questions, topics and any new training philosophies that may arise during the process of training. Current Department Rules / Regulations and General Orders as well as those that will be written and or changed during the training period will also be noted in the lesson plan.

The contents of this syllabus and lesson plan is not intended to be written as a direct order of teaching or a stand alone presentation. The content of this syllabus is a guideline for the instructor to reference for an order of the presentation(s). The lesson plan will be written to keep the history of what was taught and when.

## Courses

Introduction to Defensive Tactics	
Psychological Understanding of Police Defensive Tactics	
Officers Variable Force Options (Continuum)	
Suspects Variable Force Options (Continuum)	
Use of Force Considerations	
Department Rules and Regs / General Orders	13.2.25
Safety Rules for Individual / Class Participation	
Officer Body Movements / Center / Extension	
Pressure Points	
Come-Along	13.2.13 - C
Handcuffing	13.2.3 thru 13.2.9
Takedowns	13.2.13 - B
Empty Hand Strikes / Blocks / Pare	13.2.10,11,13D
Expandable Baton	13.2.18 - 21
Oleoresin Capsicum Spray	13.2.23
Searching Subjects	13.2.1&2 - 13.2.24
Single Officer Techniques / Multiple Officer Techniques	
Single Attackers / Multiple Attackers	
Countering Attacks	13.2.13 - A
Defense against Edged Weapon Attacks	13.2.17
Firearm Disarming Techniques	13.2.15&16
Defensive Ground Techniques	13.2.13 - E

## **Introduction**

Students will be introduced to the instructors who will be participating in the Defensive Tactics portion of the Training Academy.

Refer to Power Point document A-intro.ppt

## **Officers Variable Force Options (Continuum)** 13.2.25

This section is commonly referred to as the Officers Force Continuum. The recruit will be instructed on their use of force options, when such force will be acceptable and how to escalate and de-escalate from any level of force safely.

- Rhode Island State Law Title 12, Chapter 7, Paragraph 9
- Tennessee v. Garner, 471 U.S 105 S Ct. (1985)
- Department General Order on Use of Force
- Body Alarm Reactions
- Color Codes of Danger
- Principles of Personal Defense

Refer to Power Point document B-ForceCont.ppt

## **Suspects Variable Force Options (Continuum)**

This section is commonly referred to as the Suspects Force Continuum. The recruit will be instructed on possible attacks they may expect when encountering a suspect and how they can quickly de-escalate the attack.

Refer to Power Point document D-BehavePosit.ppt /

## **Use of Force / Considerations**

This section will explain the officers use of force and the measures that should be considered before using any / all levels of force.

Refer to Power Point document E-factors.ppt

## **Pressure Points**

The following will be covered in this block of instruction:

- The purpose for pressure points in police defensive tactics
- How to properly apply pressure to the pressure point(s)
- The definition / mechanics of pain compliance
- Reward System v. pain administration
- Pressure Points and the Officers Variable Force Options

Refer to Power Point document

## **Handcuffing**

13.2.3 thru 13.2.9

The following will be covered in this block of instruction:

- Nomenclature of the handcuffs
- Dangers of improper / no handcuffing
- Department Policy
- Proper carry of and loading of handcuffs
- General arrest procedures
- Positioning of self in relationship to subject / Positioning Subject
- Speed-cuffing
- Searching Patterns (on scene / detention area / strip searches)
- Takedown with and without handcuffs
- Escorting / Come-along / Transporting suspect(s)
- Un-cuffing suspects
- Multiple Officer Handcuffing
- Radial Palsy / Positional Asphyxia

Refer to Power Point document

## **Empty Hand Strikes / Blocks / Kicks / Pare** 13.2.10,11,13D

The following will be covered in this block of instruction:

- How to deliver a strike with minimal injury to officer
- Different types of strikes
- Reason for strikes / Kicks
- Target areas of the body

Refer to

## **Baton** 13.2.18 - 21

The following will be covered in this block of instruction:

- Proper carry of the Baton / ASP
- Tactical uses of the Baton – strikes, blocks, pare', takedowns
- Target areas of the body
- Recruits proficiency in the proper use of the baton

Refer to

## **Oleoresin Capsicum Spray**

The following will be covered in this block of instruction:

- Proper carry of the OC
- Tactical uses of the OC
- When to and not to deliver OC
- Hazards of OC for suspect and/or officer
- Transporting / Securing / Monitoring
- Decontamination of suspect / area

Refer to



## **Suspect Searches**

13.2.1 – 13.2.2

The following will be covered in this block of instruction:

- What constitutes a search of a suspect
- Different types of searches
- Procedures for each type of search
- Dangers of poor, improper searches
- Dangers of performing searches

Refer to: G.O. 330.03 / CALEA 1.2.4  
G.O. 390.03 / CALEA 1.2.8

## **Countering Attacks**

13.2.13 – A

The following will be covered in this block of instruction:

- Joint Locks / Manipulation
- Body Weight v. Strength
- Using Momentum both Offensively & Defensively
- Pain Compliance / Reward System
- Fighting to Win v. Fighting to Survive
- Defensive Movements against unarmed strikes (lateral, horizontal, straight)
- Single Attacker / Multiple Attackers
- Handgun Retention

## **Defense against Edged Weapon Attacks**

13.2.17

The following will be covered in this block of instruction:

- Describe edge weapons
- Manners of attack using an edge weapon
- 21 foot rule (theory)
- Decision making on Deadly Force Options
- Empty Hand Defensive Techniques

## **Firearm Disarming Techniques**

13.215&16

The following will be covered in this block of instruction:

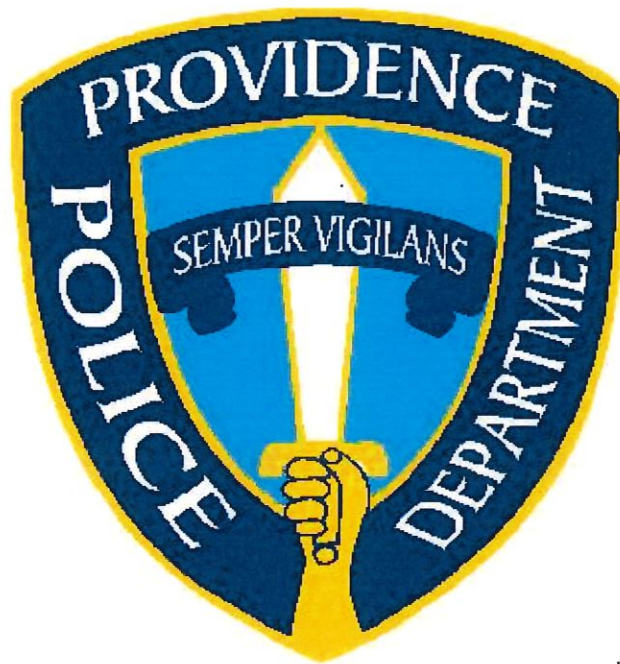
- Don't Allow the Grab / Movement
- Safe Zone regarding firearms / Barrels
- Defensive Technique for grabbing of the sidearm
- Defensive Technique when sidearm breaks leather
- Defensive Technique when sidearm is presented
- Defensive Technique when sidearm is pointed:
  - At Head – front, side, back
  - At Chest
  - At Back

## **Defensive Ground Techniques**

13.2.13 - E

The following will be covered in this block of instruction:

- Prevention from being taken to the ground
- Safe Falling
- Defensive Kicks from Ground / Performing / Target
- Sidearm / Head Protection
- Multiple Attackers
- Being Mounted / Arms Free / Arms Not Free
- Strikes Available
- Arm locks / Joint Manipulation
- Surviving Chokes



**Providence Police Department  
Defensive Tactics**



**PROVIDENCE POLICE DEPARTMENT**  
**Defensive Tactics**  
**Lesson Plan**

<b>COURSE TITLE:</b> <i>Defensive Tactics</i>	<b>HOURS:</b> <i>8 Classroom</i> <i>240 practical</i>
<b>COURSE LOCATION:</b> Providence Police Training Academy	
<b>DATE FIRST PREPARED:</b> 1985	<b>PREPARED BY:</b> Sergeant Kenneth J. Vinacco
<b>DATE REVISED/REVIEWED:</b> 1999	<b>BY:</b> Sergeant Kenneth J. Vinacco
<b>DATE REVISED/REVIEWED:</b> May 2014	<b>BY:</b> Sergeant Kenneth J. Vinacco
<b>DATE REVISED/REVIEWED:</b>	<b>BY:</b>
<b>DATE REVISED/REVIEWED:</b>	<b>BY:</b>
<b>LIST ANY PREREQUISITES:</b>	
<b>INSTRUCTOR(S):</b> Sergeant Kenneth J. Vinacco	
<b>COURSE DESCRIPTION:</b> Through lectures, demonstrations and practical applications, the student will be introduced to the proper methods for arrest, defense, restraint and control. Emphasis will be placed on an approach system through blocking and joint manipulation, to control. The use of handcuffs and baton, weaponless defense, vehicle extrication <i>chemical agents</i> searching, counter movement, transporting, and body mechanics.	
<b>INSTRUCTOR REFERENCES:</b> (Included in lesson plan under "References")	<b>TRAINING AIDS, EQUIPMENT, MATERIALS:</b> Power Point Hand-outs Batons Training Bags Monadnock Expandable batons (MEB) Handcuffs Redman Suits Hit suits
	<b>PRE-TEST:</b> No <b>POST-TEST:</b> No
<b>METHOD OF INSTRUCTION:</b> Lecture, power point presentation, demonstrations, practical application, role-play scenarios, critique	
<b>SUCCESS CRITERIA:</b> Officer is able to demonstrate the proper method of defending themselves, and subduing hostile subjects.	

**TRAINING OBJECTIVES:** After this course, the officer will be able to:

Identify proper procedure to conduct field search of arrested persons.

Identify proper procedures to conduct a frisk or pat down in a "Terry Type" stop.

Recognize circumstances which influence strategy in effecting an arrest.

Identify proper procedure to handcuff suspects or prisoners.

Define legal requirements regarding strip searches and refer cadets to department rules and regulations.

Demonstrate, at an acceptable level of proficiency, the proper approach, verbal contact and interview position with respect to a:

A. Unknown Risk Suspect

B. A High-Risk suspect

Demonstrate at an acceptable level of proficiency, the following skills:

A. The proper methods used by one officer in the personal search of a male and/or female:

1. Unknown Risk suspect
2. High-Risk suspect

- The proper methods used by two officers in the personal search of male and/or female:

1. Unknown Risk suspect
2. High-Risk suspect

- Demonstrate at an acceptable level of proficiency, handcuffing:

A. A single suspect.

B. Two suspects with a single pair of handcuffs.

- Demonstrate at an acceptable level of proficiency, the removal of handcuffs from one and/or two suspects by:

A. Maintaining control of the suspect(s).

B. Maintaining control of the restraining device.

- Identify the basic concepts of weaponless defense.
- Identify the areas of the body which are vulnerable to physical attack.
- Identify those parts of the body which are capable of delivering a strike which would minimize danger and/or pain to another person.

Demonstrate at an acceptable level of proficiency in the following techniques:

- A. "Counter and escape holds".
- B. "Take-down" tactics.
- C. Control holds.
- D. Blocks.
- E. Ground Defensive Techniques.

Given a practical exercise with an armed or unarmed suspect, demonstrate at an acceptable level of proficiency with at least one of the techniques listed in the above

Given a practical exercise simulating a suspect with a semiautomatic and/or revolver, demonstrate at an acceptable level of proficiency front and rear gun take-aways.

Given a practical exercise simulating a suspect with a shotgun and/or rifle, disarm the suspect who has him/her "covered" with a long barreled firearm from the front or rear.

Given a practical exercise wherein he/she is faced with a single simulated suspect attacking him/her with a knife, disarm the attacker.

Identify whether or not the utilization of the police baton would be appropriate and/or justified in given situations.

- Identify the vital body points and bone edges that affect police baton "target" areas.
- Identify those body points that are potentially lethal when struck by a baton.
- Demonstrate at an acceptable level of proficiency, the proper use of the baton, including:
  - A. Methods of gaining positions.
  - B. Methods of attack.
  - C. Methods of release.
  - D. Baton parries.
- Demonstrate at an acceptable level of proficiency, with techniques utilizing physical means for removing:

A. A seated male and/or female suspect from a vehicle.

- Demonstrate proper use of chemical agents, e.g., mace, cap stun in subduing a subject. Each cadet will experience the effect of their department issued chemical agent, or if none available, a Academy provided chemical agent, demonstrate decontamination procedures, and participate in a practical exercise
- Identify proper procedures to transport prisoners.
- Identify the proper procedures for detention of arrested persons for an extended period (1-5 hours) at each of the following:
  - D. Station house (booking and interviewing).
  - E. Temporary detention.
  - F. Hearing or courtroom.
- Arrest scene (inside and outside of vehicle).
- Identify need to seize evidence discovered during a custodial search including weapons, contraband, and fruits of a crime and proper procedures for handling same.
- Identify the importance of the knowledge of the student's specific departmental policy relating to all Use of Force issues regardless of techniques or procedures in the Mechanics of Restraint and Control Manual or those taught in the practical MARC program

**Signature**

**Name (Type or Print)**

**Date**

**Name (Type or Print)**

**Signature**

**Date**

:

## Classroom Lecture

### **Use of Force**

**Objective:** The purpose of this policy is to provide police officers with guidelines regarding the application, procedures, and regulations relating to the use of force, deadly and less-lethal force. All sworn personnel will be issued a copy of, and instructed in, all aspects of this policy prior to being allowed to utilize any weapon.  
(1.3.12)

### **Use of Force Policy**

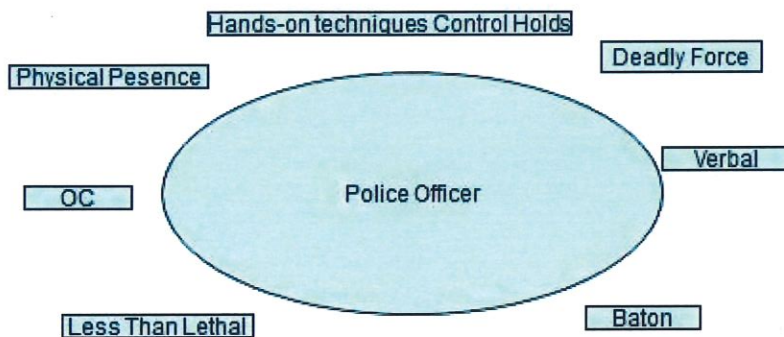
- The primary duty of all police officers is to preserve human life. Only the minimal amount of force necessary to protect life or effect an arrest will be used by an officer.
- Excessive, unnecessary, unreasonable or unlawful force will not be tolerated.
- Officers will exercise all safe and reasonable means of control and containment, using only the amount of force necessary to overcome resistance.
- The applications of force by a police officer are guided by the principles found in the Force Continuum

### **Use of Force**

- **Physical presence of police officer(s)**
- **Verbal persuasion/warnings/commands**
- **Hands-on techniques/control holds**
- **Oleoresin Capsicum (OC)/Baton**
- **Less-lethal force**
- **Deadly force**



# Force Continuum



**Use of Force:** The level of force used will be based directly upon the level of resistance exhibited by a subject, and will escalate and de-escalate in relation to that level of resistance. Under no circumstance shall any force be used as a means of interrogation, coercion or punishment. Therefore, once a subject has been handcuffed and is compliant, no further force techniques will be employed, unless the subject becomes actively resistant or actively aggressive. (1.3.1)

## DEFINITIONS:

- A. Deadly Force: Any tactic or use of force that has a natural, and probable consequence of serious bodily injury or death.
- B. Less-Lethal Force: A concept of planning and force application that meets an operational and tactical objective, with less potential for causing death or serious injury than conventional more-lethal police tactics.
- C. Serious Use of Force: Lethal and less-lethal actions by Officers including:
  - Any firearms discharge by an Officer, with the exception of range training.
  - Any use of force by an Officer resulting in broken bones or serious bodily injury requiring treatment at a medical facility.
  - Any head strikes with an impact weapon.
  - Any use of force by an Officer resulting in the loss of consciousness, or that creates substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ.
  - Any incidents where a person receives a bite from a Police canine resulting in seriously bodily injury.
  - Any other uses of force by an Officer resulting in a death.
  - Any incident where a person has been subjected to a Conducted Energy Device (CED) activation.

- **POLICY: The primary duty of all police officers is to preserve human life.**
- Only the minimal amount of force necessary to protect life or effect an arrest will be used by an officer.
- Excessive, unnecessary, unreasonable or unlawful force will not be tolerated.
- Officers will exercise all safe and reasonable means of control and containment, using only the amount of force necessary to overcome resistance.
- **D. Use of Force:** Any physical effort used to control, overpower, restrain or overcome the resistance of an individual. The term shall not include compliant handcuffing or soft, empty hand control techniques that do not result in injury.
- **E. Active Aggression:** A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, where a reasonable officer believes that an assault or injury to any person is imminent.
- **Active Resistance:** Physically evasive movements including but not limited to; bracing, tensing, or pushing, to defeat an officer's attempt at control.
- **Escape Resistance:** Physically evasive movements including but not limited to; bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
- **H. Objective Reasonableness:** Reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting the officer, without regard to the officer's underlying intent or motivation.
- **I. Bodily Injury:** Injury to the human body that requires treatment by a doctor or other health professional.
- **J. Serious Bodily Injury:** Bodily injury that, either at the time of the actual injury or at a later time, involves a substantial risk of death, or a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.
- **Note:** This definition differs from Rhode Island General Laws definition for Serious Bodily Injury in that it has a broader application.
- **K. Less-Lethal Weapons:** Any apprehension or restraint device that, when used as designed and intended, has less potential for causing death or serious injury than conventional police lethal weapons.
- L. **After Incident Report (A.I.R.):** A post-incident report documenting use of force.
- **M. Providence Police Defensive Action Continuum:** The Providence Police Department's training model and philosophy that supports the progressive and reasonable escalation and de-escalation of Officer applied force, in proportional response, to the actions and level of resistance offered by a subject. The level of response is based on the situation encountered at the scene and the actions of the subject, in response to the commands of the Officer. Such response may progress from the Officer's physical presence at the scene to the application of deadly force. The Providence Police Department's use of force continuum includes, but is not limited to the following force options; clear, concise verbal commands, soft empty

hand control techniques, hard empty hand control techniques, OC Spray, baton, CED, less-lethal munitions and 37 mm launcher, firearm (deadly force). If tactically feasible, clear verbal commands should be given at all points in the continuum, to encourage compliance, and afford the Officer the opportunity to use lesser levels of force while maintaining control of the subject.

- **Force Investigation Team (FIT):** A three person panel consisting of the Training Instructor of the type of force used, an Internal Investigations and Inspections officer, and a designee of the Chief of Police responsible for investigating weapons discharges and serious use of force incidents, which will be reported to the Use of Force review Board.
- **Use of Force Review Board:** A three person panel designated by the Chief of Police, whose findings will then be reported to the Chief of Police.

• **PROCEDURES:**

- In recognition of the United States Supreme Court decision, *Tennessee V. Garner*, the Providence Police Department will adhere to the following procedures.
- **Officers shall not discharge their firearms under the following conditions:**
  - As a warning. (1.3.3)
  - From a moving vehicle or at a suspect in a moving vehicle unless the suspect poses an imminent threat to the officer or another, by the use or threatened use of a weapon and in situations where a vehicle itself has the ability to inflict death or serious bodily injury to the officer or another, and the use of deadly force by the officer does not constitute a greater hazard to the public and is the most reasonable action under the circumstances. Officers shall avoid tactics that will place them in a position where a vehicle could be used against them. When possible, escape from the path of an on coming vehicle should be the first priority and course of action.
  - Officers must weigh the need to use deadly force against potential harm to innocent bystanders caused by such use. Therefore, he/she must be aware of their surroundings and shall not discharge their firearms if it appears that an innocent person may be injured. (e.g. into a crowd) Passengers in a motor vehicle will be considered uninvolved persons unless they are actively engaged in actions that would justify a deadly force response from the Officer.
- Officers shall not draw and point a firearm at, or in the direction of a person, unless there is a reasonable perception that the situation may escalate to the point where lethal force would be justified and the active pointing of a firearm at a person may prevent further escalation. When it is determined that the use of lethal force is not necessary, as soon as practicable, firearms shall be secured or holstered.
- Officers shall not, in the normal exercise of their responsibilities, carry, use, or discharge any firearm or other weapon, except those trained in and approved by the Department, under the direction of the Chief of Police.
- Officers shall not carry, use or discharge any unauthorized ammunition in their issued/approved service weapons. Members of the Department are prohibited from obtaining service ammunition from any source, except through the Department.

Further, members will carry only the requisite amount of ammunition authorized for the weapon they are utilizing.

- . The use of any weapon or other instrument in a manner that is likely to cause serious bodily harm or death (for example, striking a suspect in the head) is deadly force. Thus, an officer using this force must be able to justify his or her actions based on the standards for deadly force listed in this policy.
- In regard to animals, Police officers are authorized to discharge a firearm in order to:
  - a. Destroy an animal that represents a threat to public safety, if less lethal means of control are not feasible.
  - b. Destroy an animal which has been seriously injured.

- **Departmental parameters for use of less-lethal force:**

- Any time force is used, the Officer must be able to articulate the facts and circumstances surrounding the force used. The parameters for training, use and documentation for weapons identified as Less-Lethal or Impact weapons, including but not limited to, Oleoresin Capsicum (OC), CED, Combined Tactical Systems 37 mm Super-Sock Round and rubber pellet munitions, are addressed in General Orders, #17 of 2005, #18 of 2005 and #19 of 2005, respectively. (1.3.4)
- When there is an alternative, officers should assess the incident in order to determine which less-lethal technique or weapon will best de-escalate the incident, and bring it under control in the safest manner.
- Officers are trained in and authorized to use department-approved less-lethal force techniques and issued equipment to resolve incidents as follows:
  - When there is an alternative, officers should assess the incident in order to determine which less-lethal technique or weapon will best de-escalate the incident, and bring it under control in the safest manner.
  - Officers are trained in and authorized to use department-approved less-lethal force techniques and issued equipment to resolve incidents as follows:
    - To protect themselves and/or another from physical harm; or
    - To restrain, control or subdue a resistant individual; or
    - To bring an unlawful situation safely and effectively under control.
- **Medical Attention:** Any time any member uses force and injuries are visible or the subject makes complaint of any injuries, medical attention shall be given without any delay and a supervisor will be immediately notified.
- Such medical aid may include but not be limited to: (1.3.5)
  1. Evaluation of suspect by on duty Providence Rescue or an on duty Out of Town authorized rescue.
  2. Transportation to a medical facility.

**Documentation:**

- **Officer's responsibilities:**
  - All officers involved in using force at a level higher than normal handcuffing of a compliant subject, or soft empty hand control

techniques, will immediately contact a supervisor to respond to the scene to conduct an inquiry. The After Incident Report (AIR) will be completed prior to the end of their tour of duty. Examples will include, but not be limited to: (1.3.6.d)

- Drawing and pointing a firearm at or in the direction of another person or the discharge of a firearm outside of the firing range. (1.3.6.a)
- Any action that results in, or is alleged to have resulted in, any complaint of injury, or death of another person. (1.3.6.b,c)
- - All officers involved shall complete an A.I.R. form. The primary officer will also complete an incident report. (1.3.6)
  - Every Incident report and A.I.R. will be completed prior to the conclusion of the officer's shift. Copies will be forwarded to: (1.3.7)
    - The Weapons Bureau for review of training issues.
    - The Internal Investigations Division for review of policy compliance
    - The Inspections Division for auditing.
    - Every A.I.R. will be assigned an independent reporting number for record keeping purposes.
- **E. Supervisor's Responsibilities for Use of Force Review and Documentation**
- Any time force greater than normal handcuffing or soft, empty hand control technique is used by an officer (e.g. the use of O.C. spray, baton strikes, etc.) a supervisor who is not involved in the incident will: (1.3.6.d)
  - Respond to the scene without delay.
  - Ensure that if there is an incident scene, it is properly processed and that the evidence is secured and properly collected (e.g. photographs of suspect/ officer injury).
  - Attempt to speak with and identify all persons involved including available independent witnesses, and obtain contact information and statements.
  - Complete a Supervisor's Use of Force Inquiry form, documenting all facts and indicating whether further review is needed. The inquiry form will be turned over to the Internal Investigations and Inspections Division before the end of the supervisor's tour of duty.
- In addition to the above requirements, when force has been used and a suspect has a visible injury or complaint of injury, the supervisor will:
  - Ensure that medical attention is given without any unnecessary delay.
  - Respond to any medical facility where the suspect is being treated and obtain the name of attending physician.
  - Obtain whatever information possible to detail the type and extent of injury.
  - When possible, photograph area of injury or complained area of injury.
  - Complete a report documenting all facts before the end of the supervisor's tour of duty and forward it to the Internal Investigations and Inspections Division. This will include the A.I.R. completed by the officers involved.
  - In cases involving any weapons discharge and/or a serious use of force causing serious bodily injury, the supervisor will immediately notify the O.I.C. who will in turn notify the Force Investigation Team (FIT) and the Chief of Police.
- In all instances where there is an incident involving serious bodily injury or death, the ranking superior officer on duty will notify the Chief of Police, immediately.

- The procedures for documentation, investigation and review of any weapons discharge or serious injury incident resulting from a use of force will be addressed in GO # 16 of 2005.
- At the end of each year, the Internal Investigations and Inspections Division Commander, or his designee, will conduct a documented annual analysis of all Use of Force Reports, including all uses of Conducted Energy Device (CED), to be forwarded to the Chief of Police. (1.3.13)

## **I. Instructor Guidelines**

The instructor(s) should use the following guidelines when Training Recruits

- b) Exercise Conditions
- c) Personnel and Equipment
  - (1) One (1) primary instructor and at least three (2) assistant instructors will help to facilitate training.
- d) Procedures for Conducting the Exercises
  - (4) Assign "***SAFETY WORD OR PHRASE or Action***" *Tap out, real world*

## **Power Point Presentation**

### **DEFENSIVE TACTICS OFFICER SURVIVAL**

#### **INTRODUCTION**

- **Instructor:** Sgt. Kenneth J. Vinacco
- **Objectives:** To give each recruit the confidence and understanding of how to protect others as well as themselves in situations that may require the use of force extending from police presence to deadly force.

#### **CLASSES COVERED**

- Use of Force
- Pressure Points
- Handcuffing
- Searching
- Come-along
- Takedowns
- Strikes / Blocks
- Expandable baton Training

- Vulnerable areas of the body
  
- Defensive Tactics
- OC Training
- Vehicle Stops
- Firearms Training
- Entries
- Riot Training
- Less-Lethal Options

## **Introduction to DT / OS**

### **Self Defense**

**“The right to use whatever means reasonably necessary to protect oneself against violence or threatened violence”**

### **There are three main styles of self defense**

- Military – to kill before or during an attack
- Sport – to receive points when attacking or being attacked
- Police Defensive Tactics – to effectively restrain another from doing harm to himself, another, or the officer while at the same time using reasonable and minimum amount of force necessary to effect and arrest.

### **Key Points**

- Not one police defensive tactic technique works on 100% of the subjects 100% of the time.
- There are no “blanket policies” regarding police defensive tactics.

### **When can police use defensive tactics?**

- To defend themselves
- To effect an arrest.
- When the officer has no doubt the subject will do harm to himself, the officer or others.
- In an attempt to de-escalate a situation.



## **Types of Suspects**

- Cooperative – A subject that can be directed with verbal commands. A subject will do what the officer directs the subject to do.
- Uncooperative – A subject that could not be directed with verbal commands. A subject that will not do as told. Coercion in the form of verbal or physical control is used.
- Suicidal – A subject that wishes to take their own life (suicide by police).

### **COMMON SENSE**

The ability to think and behave in a reasonable way and to make good decisions

#### **DT / OS**

#### **Rules and Regulations**

#### **Learning Defensive Tactics**

■The following behavioral standards are to be enforced during all self- defense classes and exams:

#### **Learning Defensive Tactics**

■The following behavioral standards are to be enforced during all self- defense classes and exams:

#### **A. LEARNING DEFENSIVE TACTICS**

■Proficiency in defensive tactics is attained in the same manner as proficiency in any other type of physical skill.

■*First:* A clear understanding of the principles or fundamentals governing that particular skill.

■*Second:* Application of these principles as you practice the skill.

#### **LEARNING DEFENSIVE TACTICS cont.**

■The more you practice the more proficient you become. Ideally you should strive for the ability to perform the techniques rather instinctively with little or no aforethought. With sufficient practice, this is possible. However, you must always remember that mere practice does not make perfect, but rather **PERFECT PRACTICE MAKES PERFECT.**

■

#### **B. SAFETY PRECAUTIONS**

■A cautious approach must be taken in learning and practicing defensive tactics. Many of the techniques are dangerous and, if performed in a haphazard manner, could result in serious injury. The risk of injury can be reduced to a minimum by observing the following safety procedures:

#### **SAFETY PRECAUTIONS cont.**

■All techniques must be first practiced slowly and accelerate only after the mechanics have been thoroughly learned. Speed comes with practice.

■The person being “worked on” should offer only passive resistance. The individual should permit his partner to execute the technique and should always be ready to “give with the pressure”. Active resistance not only leads to injury, but also impedes learning.

#### **SAFETY PRECAUTIONS cont.**

■The person performing the technique should **ALWAYS APPLY THE PRESSURE SLOWLY** and be extremely careful to simulate the striking of all blows. The slow application of pressure allows his/her partner to give with the pressure and thus avoid being injured.

■Each technique will be divided into two phases. By practicing these two phases separately and then in sequence, the technique can be mastered with comparative safety.  
**SAFETY PRECAUTIONS cont.**

■*First Phase* – This consists of all the steps, or maneuvers and actions, necessary to place your opponent in a position where he/she can be either thrown or hurt by the application of pressure.

■*Second Phase* – This consists of actually throwing your opponent or applying pressure, so as to inflict temporary pain.

#### **Conclusion**

■From an analysis of the two phases, it is apparent that the first phase of any technique is the most important. Once you have your partner in the proper position, it is relatively easy to apply pressure or throw him/her. Once the mechanics have been mastered, the first phase can be practiced “full speed”, however, the second phase must always be done slowly.  
**QUESTIONS?**

#### **Ten Fatal Errors**

■**The Ten Fatal Errors That Have Killed Experienced Lawmen**

##### **Attitude**

■If you fail to keep your mind on the job while on patrol, or carry home problems into the field, you will start to make errors. It can cost you or other fellow officers their lives.

##### **Tombstone Courage**

■No one doubts that you are all man (or woman), but in any situation where time allows, wait for back-up. There are few instances where alone and unaided you should try and make a dangerous apprehension.

##### **Not Enough Rest**

■To do your job you must be alert. Being sleepy or asleep on the job is not only against regulations, but you endanger yourself, the community and all your fellow officers.

##### **Taking A Bad Position**

■Never allow the subject you are questioning or about to stop get in a better position than you. There is no such thing as a routine stop or call

#### **Danger Signs**

■In time you will recognize the “danger signs”. Know your post, your community and watch for what is “out of place”.

#### **Failure To Watch Hands Of The Suspect**

■Is he or she reaching for a weapon or getting ready to strike you?

#### **Relaxing To Soon**

■The “rut” of false alarms that are accidentally set off. Walking in and asking if the place is being held up. Observe the activity. Never take any call as a routine call or just another false alarm.

#### **Improper Use or Not Using Handcuffs**

■Once you have made an arrest, handcuff the prisoner properly. Check to see if the hands that can kill you are safely secured.

#### **■Six Steps to handcuffing**

■Immobilize

■Control

■Handcuff

■Search

■Monitor

■Transport

#### **No Search or Poor Search**

■There are so many places to hide weapons. Your failure to search is a crime against fellow officers. Many criminals carry SEVERAL weapons and are able and prepared to use them against you.

#### **Dirty or Inoperative Weapon**

■Is your weapon clean? Is your weapon working properly? Will your weapon fire? What about ammo? When did you last practice firing your weapon in a combat scenario? Why carry a firearm you know nothing about?

#### **Which of the Ten Fatal Errors Will You Perform?**

#### **Which of the Ten Fatal Errors Will Get You Killed?**

## **The Force Continuum**

### **Rhode Island State Law**

#### **Title 12, Chapter 7, Paragraph 9**

**-A police officer may use force dangerous to human life to make a lawful arrest for committing or attempting to commit a felony, whenever he or she reasonably believes that such force is necessary to effect the arrest and that the person to be arrested is aware that a peace officer is attempting to arrest him or her.**

#### **U.S. Supreme Court**

**Tennessee v. Garner, 471 U.S. 105 S Ct. (1985)**

**■This united States Supreme Court decision, dealing directly with the issue of deadly force by law enforcement officers, ruled on the following as appropriate force to prevent escape of a fleeing felon:**

**■Deadly force must be necessary to prevent escape**

**■The officer must have probable cause to believe that the suspect poses a significant threat of death or serious bodily harm to the officer or others.**

**■The officer must warn the suspect of an intention to use deadly force, if feasible.**

## **Providence Police Department Use of Force Continuum**

**■Physical presence of police officer (s)**

**■Verbal persuasion/warnings/commands**

**■Hands-on techniques/control holds**

**■Oleoresin Capsicum Aerosol Spray (OC)/Baton**

**■Less-Lethal Munitions (LLMs)/Conducted Electrical Weapons (CEWs)**

**■Deadly (Lethal) force**

### **PHYSICAL PRESENCE of a Police Officer**

**■Open Stance – Natural Stance**

**■Ready Stance –**

**■Defensive Stance – Center is lower to the ground, hands are in a high defensive position.**

### **VERBAL PERSUASION/ WARNINGS/COMMANDS**

**■Search Talk – Normal conversational tone**

**■Persuasion – Asking subject to comply with your commands**

**■Light Control – Ordering subject to comply to your commands**

**■Heavy Control – Ordering the subject with loud direct commands. Giving warning**

### **HANDS-on-TECHNIQUES/CONTROL HOLDS**

**■Escort Holds – Guide or assist**

**■Pain / Pressure Compliance – Pressure points**

- **Passive Counter Measures** – Come-alongs, take down, joint locks
- **Pepper-Spray** – Department issued
- **Active Counter Measures** – Strikes (no weapons, includes feet)

**OLEORESIN Capsicum aerosol Spray (OC) baton**

- **Verbal Warning**
- **Hand on impact tool (OC)**
- **Present impact tool (OC)**
- **Load Impact tool**
- **Feint with impact tool**
- **Use of impact tool (OC)**

**LESS-LETHAL MUNITIONS (LLM) CONDUCTED ELECTRICAL WEAPONS (CEWs)**

- **Verbal Warning**
- **Display Less-Lethal**
- **Aim Less-Lethal**
- **Deploy Less-Lethal**

**DEADLY (Lethal) FORCE**

- **Verbal Warning**
- **Hand on Firearm**
- **Draw Firearm**
- **Aim Firearm**
- **Shoot Firearm**

**Three conditions for use of deadly force by officer**

- **Intent**
- **Weapon**
- **Delivery System**

**Body Alarm Reactions**

- The following list of physical changes occurs to your body when confronted with stressful and or emergency situations. Your mind and body will choose one of two different responses...

Fight or Flight.

Caveman Terms

- **Fight** – Club to death your opponent.
- **Flight** – Run like hell

Law Enforcement Terms

■ **Fight** – (first, what is a fight?) To make a decision on what form or level of force would be appropriate to effectively de-escalate, control and or subdue a suspect(s) and do so with only the necessary and reasonable amount of force allowed by law.  
Law Enforcement Terms

■ **Flight** – To seek better ground.  
Not to be confused with a retreat or “retreating”.

#### Reactions

- Pulse will increase
- Adrenaline will released
- Blood flows to large muscle groups
- Increase in pain tolerance
- Strength increases
- Trembling starts
- Perception of time may be altered
- Ability to judge size and distance decreases
- Dexterity decreases
- Auditory exclusion
- Reflexive behavior takes over
- Tunnel vision develops
- Creative thought process decreases

#### Reactionary Gap

- 4 to 6 feet
- Action is faster than reaction
- Once you are in the reactionary gap you have to make a decision to put your hands on the subject.

#### Color Codes Of Danger

- **Condition White:** Unaware, unprepared
- **Condition Yellow:** Relaxed alert. Aware of what is going on around you. Scanning.
- **Condition Orange:** Specific alert, focused on a potential threat. Thinking of escape routes, cover, weapons and tactics.

#### Color Codes Of Danger ...

- **Condition Red:** Fight mode. Mental trigger has been tripped. Tendency is to revert to conditioned responses.
  - **Condition Black:** Panic, misdirected frenzy, paralysis.
- #### Principles Of Personal Defense

- Certain standards of conduct are sometime necessary for personal defense. Each of the following can help an individual to overcome an aggressor.
- Alertness – Be alert at all times.
- Decisiveness – Be determined to finish your goal.
- Aggressiveness – Be assertive. Stick to your plan.
- Speed – Action is quicker than reaction.
- Coolness – Stress will suppress your thought process.


#### MORE.....

- Ruthlessness – Compassion can wait until your aggressor submits to your orders or techniques.

■ **Surprise** – Turn your reaction to action.

- Address Safety Rules

## Providence Police Department Administration of Justice



Use of Force

1

## Use of Force

**Instructional Goal:**

- Recognize circumstances where use of non-deadly force is authorized by law.
- Recognize circumstances where use of deadly force is authorized by law.
- Identify non-lethal factors to be considered prior to use of force, and
- Recognize potential civil and criminal liability for inappropriate officer behavior

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## Use of Force

Out of 45 million contacts (Annually)  
1.5% (664,500) claim force used or threatened against them

- force was most likely to be used against:
  - African-Americans (3.5%), Hispanics (2.5%) than Whites (1.1%)
  - Young people (16-29) 3X more than over 29 yr olds
- when force used:
  - most likely pushing or grabbing
  - in 19% of incidents a gun was pointed
  - 14% resulted in injury
- 24% admitted they cursed, insulted, threatened police;
- 12% admitted disobeying/interfering with police;
- 40% were arrested;
- 14% filed a complaint against the police
- 74% stated police used excessive force and 80% improper

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## Use of Force

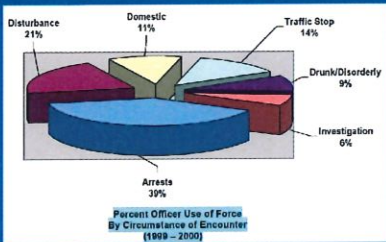
National Institute of Justice research revealed:

- Only a small % of police-public encounters involve force.
- When force is used:
  - typically when making arrest & the suspect resist.
  - unrelated to officer's age, gender, or ethnicity
  - most likely occurs when suspects under the influence of alcohol/drugs or with mentally ill individuals
- When injuries occur, they are likely minor. Most common injury - bruise or abrasion (48%)
- A small % of officers are disproportionately involved in the use of force incidents.

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## Use of Force

In what circumstance is force used?



Circumstance	Percentage
Arrests	39%
Disturbance	21%
Traffic Stop	14%
Domestic	11%
Drunk/Disorderly	9%
Investigation	6%

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## Use of Force

Use of Force-Any physical effort used to control, overpower, restrain or overcome the resistance of an individual.

Lethal Force-Any tactic or use of force that is likely to cause serious bodily injury or death- also called "Deadly Force".

Less-Lethal Force-Any use of force other than that which is considered lethal force- also called "Non-Deadly Force".

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### Use of Force

Objectively Reasonable Force- The level of force which is appropriate to bring a situation under control 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.

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### Use of Force

Primary duty of all police officers-Preserve Human Life

Use **ONLY** that force that is **OBJECTIVELY REASONABLE** to accomplish lawful objectives.

The applications of force are guided by  
 “The Providence Police Department Use of Force Continuum”

8

### Use of Force

USE OF LESS-LETHAL FORCE

- Whenever lethal force is not authorized, after assessing facts/circumstances in order to determine which less lethal force option will best de-escalate the incident and bring it under control in a safe manner.
- To protect themselves or another from physical harm.
- To restrain or subdue a resistant individual.
- To terminate an unlawful situation safely and effectively.

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### Use of Force

USE OF LESS-LETHAL FORCE

- Officer must be able to articulate the facts, circumstances, and reasons pertaining to the type of force used.
- Less lethal force shall be utilized consistent with Department policy and by training.
  - General Order 310.03, “*Oleoresin Capsicum Aerosol Spray*”
  - General Order 310.04, “*Conducted Electrical Weapons*”
  - General Order 310.05, “*Less-Lethal Munitions & 37mm Launcher*”
  - General Order 300.01, “*Use of Force*”

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### Use of Force

Lethal Force-Any tactic or use of force that is likely to cause serious bodily injury or death- also called “Deadly Force”.

Objectively Reasonable Force- The level of force which is appropriate to bring a situation under control 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.

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### Use of Force

Prior to 1985, most states followed common law approach - use of deadly force to arrest of fleeing felon. (Fleeing Felon Statute)

1981, The Model Penal Code- helped standardize the codified penal laws of the United States- the preferred policy and standard in assessing criminal liability.

1985, *Tennessee v. Garner* (105 S. Ct. 1694), fleeing juvenile was shot and killed while climbing fence to elude police.

1989, *Graham v Connor* (490 U.S. 386), the proper analysis of police excessive use of force claims was under the 4<sup>th</sup> Amendment’s “objective reasonableness” standard.

1991 to 2008 police justifiable killings of civilians-300-400 range

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## Use of Force

### USE OF LETHAL FORCE

Police officers are authorized use lethal force to:

1. Protect self, another officer, or other person(s) when reasonable belief an imminent threat of death or serious bodily injury exists to self, other officer, or other person(s).
2. Effect the capture of or prevent the escape of a suspect whose freedom represents an imminent threat of death or serious bodily injury.

-Whenever tactically feasible and whenever doing so does not place the officer or any persons other than the suspect(s) at risk, officers should identify themselves and state their intent to use lethal force.

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## Use of Force

### USE OF LETHAL FORCE (Continued)

Officers shall not discharge their firearms:

1. As a warning. "Warning shots" are prohibited.
2. At or from a moving vehicle, except :
  - a. When firing their firearms at a moving vehicle is necessary to stop a threat of death or serious bodily injury; and if so, officer's focus will be to stop person presenting the imminent threat and not to disable the vehicle suspect is an occupant.
  - b. During tactical responses in SRU operations.
3. Officers shall avoid tactics placing them in a position where a vehicle may be used against them.
4. Escape from the path of an oncoming vehicle should be first priority and course of action prior to, or in lieu of, the implementation of lethal force, whenever escape is possible.

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## Use of Force

### USE OF LETHAL FORCE (Continued)

In all cases, lethal force must not constitute a greater hazard to the public than the imminent threat, must be the most reasonable action under the circumstances. Officers must weigh need to use deadly force against the potential harm to innocent bystanders.

Officers are authorized to discharge a firearm in order to destroy an animal that represents a threat to public safety, if less lethal means of control are not feasible or destroy an animal which has been seriously injured.

Techniques intended or designed to cut off blood flow or oxygen to the brain will not be implemented unless the use of lethal force is justified.

Any deliberate strike to the head with an impact weapon constitutes lethal force.

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## Use of Force

### "Suicide by Cop"

1998 study of fatal shootings by LAPD officers found that an astonishingly large number-10%- could be classified as "suicide by cop".

3 main "suicide by cop" categories:

- Direct confrontations-suicidal subjects instigate attacks on police
- Disturbed interventions-potentially suicidal subjects take advantage of police intervention in their suicide attempt
- Criminal interventions-Criminal suspects prefer death to capture and arrest.

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## Use of Force

### Providence Police Use of Force Continuum:

- Physical presence of police officer(s)
- Verbal persuasion/warnings/commands
- Hands-on technique/control holds
- Oleoresin Capsicum Aerosol Spray(OC) Baton
- Less-Lethal Munitions (LLMs)/Conducted Electrical Weaponst(CEWs)
- Deadly (Lethal) Force

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## Use of Force

"Excessive Force"- The application of an amount and/or frequency of force greater than that required to compel compliance from willing or unwilling subject. (IACP)

"the level of force that officers use is closely related to the type of training that their departments emphasize." (Alpert Dunham 2001)

Early Warning Systems- identifies high rate of citizen complaints, use of force incidents and other measures.

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## Use of Force

Criminal liability, responsibility for any illegal behaviour that causes harm or damage to someone or something; Burden of proof-evidence must establish proof "beyond a reasonable doubt." In a criminal case, Dept of Justice (DOJ) brings a case against the accused person, and seeks to punish a wrongdoer for past misconduct through imprisonment or other sanction.

Civil liability- potential responsibility for payment of damages or other court-enforcement in a lawsuit. Burden of proof-"preponderance of the evidence." In a civil case, DOJ brings the case (either through litigation or an administrative investigation) against a governmental authority or law enforcement agency, and seeks to correct the agency's policies and practices that fostered the misconduct and may require individual relief for the victim(s). (Subjective)

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## Use of Force

### Criminal and Civil Liability

Police officers are entitled to use force that is reasonable and necessary to effect arrests or to protect themselves or others (Dempsey, 1992).

Police Officer- one of most dangerous occupations of modern society.

- possibility of physical risk or harm
- subject to the same laws they are duty-bound to uphold & enforce
- bound by certain laws that establish specifically how they are to perform their job duties

The five highest risk activities for officers

- Use of force
- Arrest and Investigative Detentions
- Domestic Incident Interventions
- Emergency Vehicle Operation, and
- Forcible (Non-Consensual) Entry into Private Premises.

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## Use of Force

### Criminal Actions

-**State criminal code:** when an act constitutes a crime the officer may be criminally charged.

-**18 U.S.C. sec. 242:** federal statute that creates criminal liability for the intentional violation of rights granted by the Constitution or by federal statutes. Used for most egregious cases. Considerations: the extent of injuries; the availability of independent witnesses; the history of the officer involved in the incident and whether or not punitive action have already been imposed.

### -Varying Levels of Care:

- Simple Negligence-Reasonable Care
- Gross Negligence
- Shocks the Conscience

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## Use of Force

### Civil Actions

-**Intentional Torts:** When officer intentionally commits an act recognized by the law as a tort. i.e. assault, false imprisonment.

-**Negligence Actions:** 4 basic elements of a negligence action.

- A duty owed- All persons have duty to act with reasonable care.
- A breach of the duty- Person fails to exercise reasonable care.
- Causation- Breach of duty must be the cause of plaintiff's injury
- Damages-Plaintiff suffered damages as a result of the breach of duty

-**Violation of Civil Rights- 42 U.S.C. sec. 1983:** Lawsuit officers most often face. Elements of a 1983 action are:

- Violation of constitutional or federally protected right
- Violation occurred from action taken from misuse of power (by virtue of state law) "color of law"
- Plaintiff must have suffered some damages.

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## Use of Force

### Sample Cases

Claybrook v. Birchwell, 199 F.3d 350 (6th Cir. 2000)

"Shock the Conscience test"

Jackson v. Sauls, 206 F.3d 1156 (10th Cir. 2000)

"Objectively Reasonable"

Hainze v. Richards, 207 F.3d 795 (5th Cir. 2000)

knowledge of a disability doesn't prevent officer from protecting themselves

Robinson v. Solano County, 218 F.3d 1030 (9th Cir. 2000) case remanded for retrial

Headwaters Forest Defense v. County of Humboldt, 211 F.3d 1121 (9th Cir. 2000) pepper spray on demonstrators

Brown v. Bryan County, Oklahoma, 219 F.3d 450 (5th Cir. 2000) lack of training by County

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## Use of Force


### Review

### Instructional Goal:

- Recognize circumstances where use of non-deadly force is authorized by law.
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## Providence Police Department Use of Force – Refresher Training



2021

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## Use of Force

**Instructional Goal:**

- Recognize circumstances where use of non-deadly force is authorized by law.
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## Use of Force

*Bureau of Justice Statistics annual survey (2018)*

- U.S. Population of residents age 16 or older – 259,316,200
  - 61,542,300 contacts w police, annually (23.7%)
- 2% (1,254,300) claimed they experienced non-fatal threats or use of force against them
  - force was most likely to be used against:
    - African-Americans(5.3%)
    - Hispanics (4.8%)
    - Whites(2.0%)
- Force that is complained about most – Handcuffing (2.2%)
  - Typically – as a result of borderline passive/active resistance
- Age group w highest percentage – 16-24 yrs old (6.4%)

3

- when force used:
  - most likely pushing or grabbing
  - in 19% of incidents a gun was pointed
  - 14% resulted in injury
- 24% admitted they cursed, insulted, threatened the police:
  - 12% admitted disobeying/interfering with police;
  - 40% were arrested;
  - 14% filed a complaint against the police
  - 74% stated police used excessive force

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## Use of Force

National Institute of Justice research revealed:

- Only a small % of police-public encounters involve force.
- When force is used:
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  - most likely occurs when suspects under the influence of alcohol/drugs or with mentally ill individuals
- When injuries occur, they are likely minor. Most common injury - bruise or abrasion (48%)
- A small % of officers are disproportionately involved in the use of force incidents.

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## Use of Force

Use of Force - Any physical effort used to control, overpower, restrain or overcome the resistance of an individual.

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## Use of Force

Primary duty of all police officers-Preserve Human Life

Use **ONLY** that force that is **OBJECTIVELY REASONABLE** to accomplish lawful objectives.

The applications of force are guided by  
 "The Providence Police Department Use of Force Options"

8

## Use of Force

### USE OF LESS-LETHAL FORCE

- Whenever lethal force is not authorized, officers must assess the facts circumstances of the incident in order to determine if the use of less lethal force is objectively reasonable, and if so, which less-lethal force option will best de-escalate the incident and bring it under control in a safe manner.
- To protect themselves or another from physical harm, or the imminent use of physical force.
- To effectively deal with an actively or passively resistant individual.
- To resolve an unlawful situation safely and effectively.

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## Use of Force

### USE OF LESS-LETHAL FORCE

- To effect an arrest or prevent the escape of a suspect whom the officer reasonable believes has committed, is committing, or is about to commit an offense.
- To take resistive persons into custody for their own protection when authorized by law, including but not limited to, the following:
  - Persons who are a danger to themselves or others
  - Persons incapacitated by foreign substances such as alcohol or narcotics
  - Runaway children/juveniles
- To assist licensed physicians, psychologists, or other authorized medical personnel in providing necessary medical treatment.

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- Officer must be able to articulate the facts, circumstances, and reasons pertaining to the type of force used.
- Less lethal force shall be utilized consistent with Department policy and training, with respect to:

- General Order 310.03, "*Oleoresin Capsicum Aerosol Spray*"
- General Order 310.04, "*Conducted Electrical Weapons*"
- General Order 310.05, "*Less-Lethal Munitions & 40mm Launcher*"
- General Order 310.06, "*K-9 Operations*"

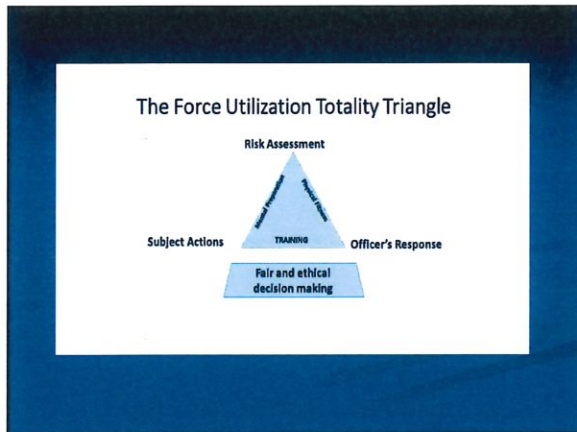
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## Use of Force

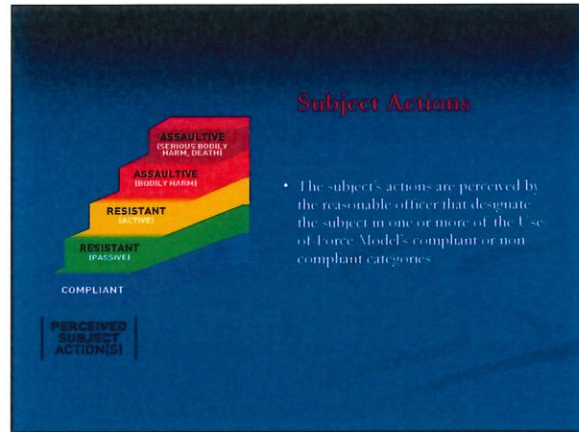
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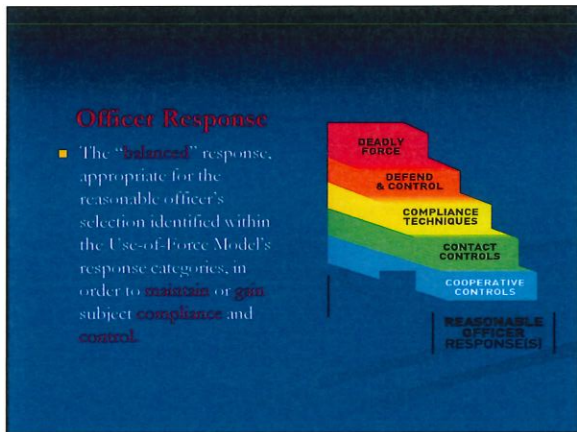
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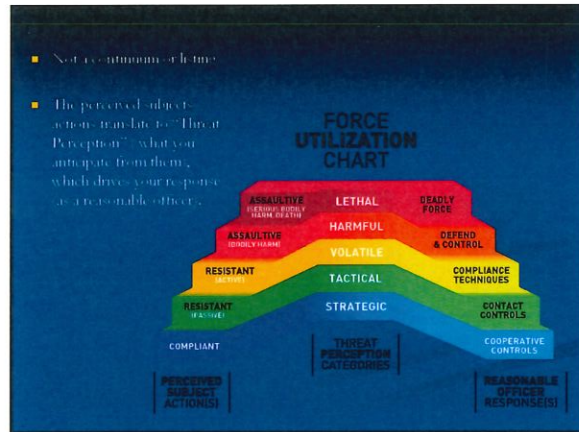
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### Use of Force

Prior to 1985, most states followed common law approach - use of deadly force to arrest of fleeing felon. (Fleeing Felon Statute)

1985, *Tennessee v. Garner* (105 S. Ct. 1694), fleeing juvenile was shot and killed while climbing fence to elude police.

1989, *Graham v Connor* (490 U.S. 386), the proper analysis of police excessive use of force claims was under the 4<sup>th</sup> Amendment's "objective reasonableness" standard.

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### Use of Force

#### USE OF LETHAL FORCE:

Police officers are authorized use lethal force to:

- Protect self, another officer, or other person(s) when the officer has reasonable belief an imminent or significant threat of death or serious bodily injury exists to self, other officer, or other person(s).
- Effect the capture of, or prevent the escape of, a fleeing violent felon who the officer has probable cause to believe poses an imminent or significant threat of death or serious bodily injury to the officer or others.

-Whenever tactically feasible and whenever doing so does not place the officer or any persons other than the suspect(s) at risk, officers should identify themselves and state their intent to use lethal force.

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### Use of Force

USE OF LETHAL FORCE (Continued)  
 Officers shall not discharge their firearms:

1. As a warning. "Warning shots" are prohibited.
2. At or from a moving vehicle (shall be avoided), except:
  - a. When firing at or from a moving vehicle is necessary to stop an imminent or significant threat of death or serious bodily injury, and if so, officer's focus will be to stop person presenting the imminent threat and not to disable the vehicle suspect is an occupant.
  - b. During tactical responses in SRU operations.
3. Officers shall avoid tactics placing them in a position where a vehicle may be used against them.
4. Escape from the path of an oncoming vehicle should be first priority and course of action prior to, or in lieu of, the implementation of lethal force, whenever escape is possible.

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### Use of Force

USE OF LETHAL FORCE (Continued)  
 In all cases, lethal force must not constitute a greater hazard to the public than the imminent threat, must be the most reasonable action under the circumstances. Officers must weigh need to use deadly force against the potential harm to innocent bystanders.

Officers are authorized to discharge a firearm in order to destroy an animal that represents a threat to public safety, if less lethal means of control are not feasible or destroy an animal which has been seriously injured.

Techniques intended or designed to cut off blood flow or oxygen to the brain will not be implemented unless the use of lethal force is justified.

Any deliberate strike to the head with an impact weapon constitutes lethal force.

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### Use of Force

Providence Police Use of Force Options:

- Physical presence of police officer(s)
- Verbal persuasion warnings commands
- Hands-on technique control holds
- Oleorosan Capsicum Aerosol Spray(OC) Baton
- Less-Lethal Munitions (LLMs) Conducted Electrical Weapons(CEWs)
- Deadly (Lethal) Force

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### Use of Force – 4<sup>th</sup> Amendment

- "The right of the people to be secure in their persons, houses, papers, and effects, against **unreasonable searches and seizures**, shall not be violated; and no Warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

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- Using force on someone is a SEIZURE under the 4<sup>th</sup> amendment and must be objectively reasonable.
- Facts must be articulable by the officer using force.

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Under the Fourth Amendment, police may use only such force as is objectively reasonable under the circumstances. *Graham v. Connor*, 490 U.S. 386, 397 (1989).

- Determining whether force used in making an arrest is excessive or reasonable "requires careful attention to the facts and circumstances of each particular case, including the **severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.**"

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## Use of Force

"Excessive Force"- The application of an amount and/or frequency of force greater than that required to compel compliance from willing or unwilling subject. (IACP)

"the level of force that officers use is closely related to the type of training that their departments emphasize." (Alpert/Dunham 2001)

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## De-escalation

- Obviously a desired outcome of every situation.
  - No one really WANTS to use force
- No consistent/universal definition de-escalation
- Situations are dictated by YOU and the person you're trying to control.
- Requires assessment(s):
  - Threat; time; distance; tactics; communication; thought; and training

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## De-escalation

- NOT achievable in every situation
  - Subject has to give in to it
- Report narratives should include any attempts and/or techniques used to de-escalate.
  - Clear, articulate wording can help counteract any debate as to the question about use of force

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## How will the use of force be judged?

- Seriousness of the offense?
- Immediate threat to Officers or others?
  - How imminent
- What type of resistance?
- Attempt to evade arrest (flight)?
  - Dangerousness?

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## Deciding to use force

- Involves critical decision making
  - You routinely observe behavior(s) that could indicate that an attack/assault is potentially likely to occur
  - Like what?

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## - Continued -

- Indicators that can be used to explain an officer's reasonable application of force:
  - Verbal aggression (threatening, etc.)
  - Clenching fists (as if preparing to fight/strike)
  - Drops one foot back (like a boxer/fighter stance)
  - Scanning side to side
  - Target glances
  - Face becomes red, snaring of lips, breathing faster as if preparing to fight

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## Critical Decision Making

- What is your ability to deal with the threat?
- How much time/back-up is available?
- Can the subject even comply with your commands/instructions?
- Do you have the ability to disengage and what?
- How imminent is the threat?
  - Advantage or disadvantage?
  - Can you change approach? Do something different?

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## Use of Force

Criminal liability

responsibility for any illegal behaviour that causes harm or damage to someone or something.

Burden of proof-evidence must establish proof "beyond a reasonable doubt"

In a criminal case, Dept of Justice (DOJ) brings a case against the accused person, and seeks to punish a wrongdoer for past misconduct through imprisonment or other sanction.

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Civil liability- potential responsibility for payment of damages or other court-enforcement in a lawsuit. Burden of proof- "preponderance of the evidence "

In a civil case, DOJ brings the case (either through litigation or an administrative investigation) against a governmental authority or law enforcement agency and seeks to correct the agency's policies and practices that fostered the misconduct and may require individual relief for the victim(s). (Subjective)

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## Use of Force

Criminal and Civil Liability

Police officers are entitled to use force that is reasonable and necessary to effect arrests or to protect themselves or others (Dempsey, 1992).

The five highest risk activities for officers

- Use of force
- Arrest and Investigative Detentions
- Domestic Incident Interventions
- Emergency Vehicle Operation, and
- Forceful Entry into Private Premises.

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## Use of Force

Criminal Actions

- State criminal code: when an act constitutes a crime the officer may be criminally charged.
- 18 U.S.C. sec. 242: federal statute that creates criminal liability for the intentional violation of rights granted by the Constitution or by federal statutes. Used for most egregious cases.

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Considerations:

- extent of injuries;
- availability of independent witnesses;
- history of the officer involved in the incident and whether or not punitive action have already been imposed.
- **Varying Levels of Care:**  
Simple Negligence-Reasonable Care  
Gross Negligence  
Shocks the Conscience

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## Use of Force

### Civil Actions

-**Intentional Torts:** When officer intentionally commits an act recognized by the law as a tort, i.e. assault, false imprisonment.

-**Negligence Actions:** 4 basic elements of a negligence action.  
-A duty owed- All persons have duty to act with reasonable care  
-A breach of the duty- Person fails to exercise reasonable care  
-Causation- Breach of duty must be the cause of plaintiff's injury  
-Damages- Plaintiff suffered damages as a result of the breach of duty

-**Violation of Civil Rights- 42 U.S.C. sec. 1983:** Lawsuit officers most often face. Elements are:  
-Violation of constitutional or federally protected right  
-Violation occurred from action taken from misuse of power (by virtue of state law) "color of law."  
-Plaintiff must have suffered some damages

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## Use of Force

### Review

#### Instructional Goal:

Recognize circumstances where use of non-deadly force is authorized by law.

Recognize circumstances where use of deadly force is authorized by law.

Identify non-lethal factors to be considered prior to use of force, and

Recognize potential civil and criminal liability for inappropriate officer behavior

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