

**VILLAGE OF MAYBROOK POLICE DEPARTMENT**

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**General Order # VI**

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**Subject:** Use of Force

**Issue Date:** SEP 20 2012

**Effective Date:** SEP 20 2012

**Distribution:** All Personnel

**I. Purpose:**

The purpose of this Order is to establish a policy for the use of force by Department members that is within the limits established by Article 35 of the New York State Penal law, and consistent with training provided by the Department.

**II. Policy**

The policy of the Department is that members exhaust every reasonable means to effectively bring an incident or person under control before using force. If force is necessary, members shall use only the amount of force that is reasonable and necessary in light of the circumstances to effectively and safely bring an incident or a person under control, while protecting themselves or others.

**III. Use of Force**

**A. Use of Physical Force**

1. Members of the Department shall use only the minimum force necessary to achieve control.
2. Members of the Department may use physical force in the performance of official duties only if it is necessary:
  - a. To effect an arrest.
  - b. To prevent the escape from custody of a person whom the officer reasonably believes to have committed an offense.
  - c. To defend the member or another person from what the officer reasonably believes to be the use or imminent use of physical force.
  - d. To restrain or subdue an uncooperative or resistant person.
  - e. To safely and effectively control an unlawful or hazardous situation.

**B. Use of Weapons/Instruments**

1. The use or threatened use of a weapon or instrument by an officer against a person is a use of force. While on-duty, officers shall carry only the following weapons/instruments:

- a. Department-issued, or authorized sidearm and ammunition;
- b. Department-issued, or authorized, long-gun and ammunition;
- c. Department-issued OC-Spray;
- d. Department-issued, or authorized, impact weapon;
- e. Department-issued, or authorized, flashlight.

*\*\* Officers are permitted to carry a folding knife with a blade not exceeding 4" in length when opened.*

2. The use of force, or the use of a weapon or instrument, shall be done in accordance with training techniques and instruction provided or approved by the Department.

### C. Use of Force Continuum

A number of factors are taken into consideration when an officer selects force options, and when evaluating whether the officer used reasonable force. Officers must be able to articulate the facts and circumstances surrounding the force used in a particular situation. An officer's use of force will be judged by reasonableness and necessity.

1. Factors that affect an officer's force selection include, but are not limited to:

- a. Officer/Subject factors

- i. Age
- ii. Size
- iii. Strength
- iv. Skill level
- v. Exhaustion
- vi. Injury
- vii. Officer/subject ratio

- b. Seriousness of the offense
- c. Influence of drugs/alcohol
- d. Subject's emotional condition/mental instability
- e. Physical condition/disability
- f. Proximity to weapons
- g. Other exigent circumstances
- h. Availability of other options

2. Action of Subject(s) & Officer Response Options:

A subject's demeanor and actions are instrumental factors in an officer's decision as to what level of force is appropriate to take control of a particular

situation. The majority of situations can be resolved by effective communication skills and verbal direction. Successful communications skills may prevent physical confrontations from occurring or escalating to higher levels. Avoiding the use of force, if possible, is preferred. However, if resistance continues after using proper verbal and non-verbal skills, the officer must be prepared to escalate the use of control in response to resistance.

\*OC-Spray may be utilized when an officer determines that low-level options are ineffective or impractical.

*Subject types and officer response options are classified into the following categories:*

- a. **COOPERATIVE SUBJECT:** Cooperative and complies with verbal commands and directions.

Response Option: Restraining, firm grip, application of restraining devices and/or methods of mechanical compliance such as joint manipulation, wrist-locks, arm bars and other "come along" techniques in order to maintain control and handcuff the subject.

- b. **UNCOOPERATIVE/ACTIVELY RESISTANT SUBJECT:** Uncooperative when taken into custody, fails to respond/comply with verbal commands and directions, or physically resists an officer's authority and direction.

Response Option: Intermediate-level force, including usual methods of mechanical compliance including strikes, joint manipulation, takedowns, wristlocks, arm bars and other "come along" techniques in order maintain control and handcuff the subject. This level of contact is designed to control primarily mid-levels of resistance in which the subject refuses to comply with the officer's verbal directions or contact controls.

- c. **COMBATIVE SUBJECT:** Assumes a fighting stance, charges an officer or another person, verbally or physically indicates the intent to commit an assault.

Response Option: High-level force, including in addition to all other force options the use of impact-weapons, hands, feet, elbows, knees or any other body part necessary to obtain control. Impact weapons shall be used only when defensive tactics or OC-Spray are ineffective or impractical. The primary targets are the forearm, thighs and calves. Impact weapon strikes to the subject's head, neck or throat are prohibited unless the officer reasonably believes there is imminent threat of death or serious injury to himself or another person, and the

officer has no other reasonable alternative for defending himself or another person.

Officers will make every effort to use their primary Department-issued or approved impact weapon. In the event that the officer's primary impact weapon has been lost, broken or taken away, the officer may be justified in using an alternative impact weapon or instrument not approved specifically as a defensive weapon as a means of force. An alternative impact weapon or instrument may be used only when no other reasonable alternative is present. If an alternative impact weapon or instrument is used, it will be used in a manner consistent with the training given for Department-issued or approved impact weapons and in conformance with all provisions as set forth in this Order.


### 3. Use of Deadly Physical Force

- a. The Village of Maybrook Police Department recognizes that the primary duty of all police officers is to preserve human life. Members of the Department will resort to the use of Deadly Physical Force only after any and all other reasonable means of attaining control have been considered, and in compliance with department policy and New York State Law. Village of Maybrook police officers shall not use deadly physical force against another person unless they possess the objectively reasonable belief that they must protect themselves or another person present from imminent death or serious bodily injury. Serious bodily injury is that which creates a substantial risk of death, or which causes serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.
- b. Deadly force may be used to prevent the escape of a fleeing subject only if there is probable cause to believe:
  - i. The subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death, and
  - ii. The escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or another person. If feasible, officers shall identify themselves and state their intent to shoot before firing at a fleeing felon.
- c. Officers will not fire warning shots under any circumstances.
- d. Officers shall not discharge their firearms at a moving vehicle.

### 4. Reporting a Use of Force

- a. In all incidences whereupon any use of force is exercised, it will be documented within the NARRATIVE portion of the OFFENSE/INCIDENT report filed in connection with the incident, and a USE OF FORCE report will be completed.
- b. Officers will notify an on-duty supervisor, or the next available supervisor, during those times that any use of force results in an apparent physical injury.
- c. If the injury incurred is serious in nature, the stand-by supervisor will be notified.
- d. Medical treatment will be provided if necessary.

By Order of the Chief-of-Police.

  
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Arnold W. Amthor  
Chief-of-Police