



Town of Cornwall Police Department

POLICE DEPARTMENT

183 Main Street
Cornwall NY 12518



Todd M. Hazard
Chief of Police

GENERAL ORDER NO: 1.01

Issue Date: 10/10/2019	
Revises: 1.01	Supersedes: 1.01
Subject: USE OF PHYSICAL FORCE	
Distribution: All	
Reevaluation Date: 09/2020	Page: 1 of 2
Issuing Authority: Chief Todd M. Hazard	

GENERAL ORDER #1.01 USE OF PHYSICAL FORCE

Purpose - To establish the policy and procedure of the Department in the use of physical force. Officers are expected to use only such force as is objectively reasonable and necessary.

Policy - Members of the Department may only use the level of physical force necessary to effect lawful objectives in the performance of their duties within the limits established in Article 35 of the New York State Penal Law and consistent with training given by this Department. It is the responsibility of each member to be aware of the requirements of Article 35 and to guide his/her actions based upon law. The use of indiscriminate force is prohibited.

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness. The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies “allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation.”

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

DEFINITIONS:

A. Objectively Reasonable – An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

B. Deadly Physical Force - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

C. Physical Injury – Impairment of physical condition or substantial pain.

D. Serious Physical Injury – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

USE OF FORCE

A. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one’s self or another.

B. Under the 4th Amendment, a police officer may use only such force as is “objectively reasonable” under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.

Only issued and approved equipment will be carried on duty, and used only when applying physical force, except in an emergency when the officer may use other resources at his/her disposal.

DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.

B. Factors that may be used in determining the reasonableness of force include, but are not limited to:

- 1. The severity of the crime or circumstance.**
- 2. The level and immediacy of threat or resistance posed by the suspect.**
- 3. The potential for injury to citizens, officers, and suspects.**
- 4. The risk or attempt of the suspect to escape.**
- 5. The knowledge, training, and experience of the officer.**
- 6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects.**
- 7. Other environmental conditions or exigent circumstances.**

UNNECESSARY FORCE DEFINED:

Unnecessary force occurs when unjustified physical abuse of a person has occurred or when it is apparent that the type or degree of force employed was either necessary or appropriate, or when any degree of force is utilized as summary punishment or vengeance.

PROHIBITED USES OF FORCE

A. Force shall not be used by an officer for the following reasons:

- 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.**
- 2. To coerce a confession from a subject in custody.**
- 3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required.**
- 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.**

DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.**
- B. An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.**

LEVEL OF FORCE:

When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and will not use more forceful measures unless it is determined that a lower level of force is inadequate. The scale of options in increasing severity is as follows:

A. VERBAL PERSUASION:

The practice of courtesy in all public contacts encourages understanding and cooperation. Lack of courtesy arouses resentment and often physical resistance.

Simple directions, which are complied with while you accompany the subject, are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion, and warnings before resorting to actual physical force.

The above should not be construed to suggest that officers should ever relax and lose control of a situation, thus endangering personal safety or the safety of others.

B. PHYSICAL STRENGTH:

Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally, all that is required to overcome this resistance is physical strength and skill in defensive tactics.

C. NONLETHAL WEAPONS:

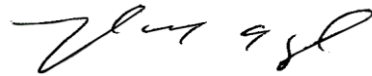
Whenever chemical agents are used (except for training purposes), they should be used in accordance with guidelines established in General Order #1.04 ONLY TO THE DEGREE NEEDED TO GAIN CONTROL OF THE RESISTING SUBJECT.

The police baton or PR24 may be used in accordance with General Order #1.06 ONLY TO THE DEGREE NEEDED TO GAIN CONTROL OF THE RESISTING SUBJECT.

The Taser X26P may be used in accordance with General Order #1.09.

D. LETHAL FORCE - (See General Order 1.02).

After physical force is used, the officer shall immediately evaluate the need for medical assistance and, if necessary, arrange for such attention. Notification must be made without delay to the Patrol Supervisor, FOLLOWED BY THE COMPLETION OF A USE OF FORCE REPORT, WHICH IS FILED WITH THE CHIEF OF POLICE. (See General Order 18.03 Reporting, Evaluation, and Investigation of the use of force and the discharge of weapons)



Todd M. Hazard, Chief of Police