

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this Office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury (Executive Law § 840).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the member or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the member at the time, taken as a whole, including the conduct of the member and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Members are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Members must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Saratoga County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting members with the authority to use reasonable force

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and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any member present and observing another law enforcement officer or an employee using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any member who observes another law enforcement officer or an employee use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each member should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Members shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the member at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable member on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that members are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a member might encounter, members are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which members reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this Office. Members may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a member to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, members should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve

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communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

A police officer or a peace officer may use reasonable physical force to effect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force (Penal Law § 35.30).

Force shall not be used by a member to (Executive Law § 840):

- (a) Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
- (b) Coerce a confession from a subject in custody.
- (c) Obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a member has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to members or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the member at the time.
- (c) Member/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of members available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with member commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the member.
- (l) Potential for injury to members, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the member.
- (n) The risk and reasonably foreseeable consequences of escape.

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- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the member or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Members may only apply those pain compliance techniques for which they have successfully completed Office-approved training. Members utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the member.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the member determines that compliance has been achieved.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, members may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, members are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, members should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

300.3.6 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.

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- (c) The member shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any member attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the member in any related reports.

300.3.7 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air is prohibited unless deadly physical force is authorized (Exec. Law § 840).

This application is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the member shall, prior to the use of deadly force, make efforts to identify him/herself as a police officer and to warn that deadly force may be used, unless the member has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A member may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) A member may use deadly force to stop a fleeing subject when the member has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the member reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a member reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the member or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the member believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, members should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

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A member should only discharge a firearm at a moving vehicle or its occupants when the member reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the member or others.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this Office shall be documented promptly, completely and accurately in a use of force report, depending on the nature of the incident. The member should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in Office policy, procedure, or law (Executive Law § 840).

[See attachment: Use of Force Report](#)

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable member to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted electrical weapon or CEW or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the member's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such

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a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another member and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling member shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the member reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple members to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Members who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.6.1 ADDITIONAL STATE REQUIREMENTS

A member should take steps to obtain medical attention for a person who reasonably appears to be mentally ill and is behaving in a manner that is likely to result in serious harm to the person or to others.

Members should document requests for medical or mental health treatment as well as efforts to arrange for such treatment.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (Executive Law § 840):

- (a) Obtain the basic facts from the involved members. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible and when a supervisor deems it necessary under the circumstances, separately interview the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that an interview was conducted should be documented in the appropriate report.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs shall be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports, including any members present at the incident.
- (f) Review and approve all related reports.
 1. Supervisors shall require that members who engaged in the use of force submit the appropriate report.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor shall complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
 1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 CAPTAIN RESPONSIBILITIES

The captain shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7.2 REPORTING RESPONSIBILITIES

The shift captain shall ensure that reports are submitted to the DCJS when a member (Executive Law § 837-t; 9 NYCRR 6058.3):

- (a) Brandishes, uses, or discharges a firearm at or in the direction of another person.
- (b) Uses a carotid control hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that is reasonably likely to hinder breathing or reduce intake of air.
- (c) Displays, uses, or deploys a chemical agent or control device, including but not limited to oleoresin capsicum (OC), pepper projectiles, tear gas, batons, or kinetic energy projectiles (see the Control Devices Policy).
- (d) Brandishes, uses, or deploys an impact weapon.

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- (e) Brandishes, uses, or deploys an electronic control weapon, including an electronic stun gun, flash bomb, or long-range acoustic device (see the Conducted Energy Device Policy).
- (f) Engages in conduct which results in the death or serious bodily injury of another person.

See procedure [NYS USE OF FORCE REPORTING DEFINITIONS](#)

300.8 TRAINING

Members will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, members should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.
- (c) Applications of use of force and conflict strategies as required by the state Use of Force Model Policy (Executive Law § 840).

300.9 POLICY AVAILABILITY

This policy shall be readily available to the public upon request and shall be posted on the Office website (Executive Law § 840).

300.10 USE OF FORCE ANALYSIS

At least annually, the Patrol Captain should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of members, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Attachments

Use of Force Report.pdf

Saratoga County Sheriff's Office Use of Force Report

Date:	Time:	Blotter #:	Case #:
Type of Incident:	Incident Location:		
Subject's Name:	Subject's D.O.B.:	Subject's Address:	
Subject's Sex: Male: _____ Female: _____	Subject's Height:	Subject's Weight:	Subject's Phone #:
Subject's Condition: App. Normal: _____ Alcohol: _____ Drug: _____ Mental Illness: _____	Pre-Existing Injuries: Yes / No Type:		
Subject Injured: Yes / No Type:	Subject Arrested: Yes / No Charge:		
Subject's Injuries Treated: Yes / No Ambulance: Yes / No Type: _____ By: _____	Treatment Refused: Yes / No Date/Time: Witness:		

Incident Description

Necessity of Use of Force: Restraint for Subject's Safety: _____ Effect Arrest: _____ Defense of Civilian / Other Police Officer: _____
 Self Defense: _____ Prevention of forcible violent felony: _____ Other (Specify): _____

Level of Resistance: Verbal Threats: _____ Passive Resistance: _____ Defensive Resistance: _____ Active Aggression: _____ Aggravated Aggression: _____

Level Of Force Applied

Orbal Direction (Specify) _____

Empty Hand Control (Specify) _____

Intermediate Weapons (specify) _____	Pepper Spray Decontamination: YES / NO Time Started: _____ Complete _____
Deadly Weapon (specify) _____ Type/Model: _____	Serial #: _____

Witness to Incident YES / NO (Use Additional Sheet if Necessary)

Name:	Address:	D.O.B.:	Phone #:

Deputy Injured YES / NO

Nature of Injury:	Location of Treatment:	Treated By:

Other Law Enforcement Officers Present During Incident YES / NO

Name:	Agency:
Name:	Agency:
Name:	Agency:

SEE ATTACHED NARRATIVE CONTAINED WITHIN CASE #: SC- _____

Deputy's Signature and Badge #	Sergeant's Signature and Badge #	Lieutenant's Signature and Badge #
Further Action Required: YES / NO	Further Action Required: YES / NO	Further Action Required: YES / NO

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Use of Force Supplemental

Date:	Time:	CFS #:	Case #:
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Circumstance:

- | | |
|--|---|
| <input type="checkbox"/> Response to unlawful or suspicious activity
<input type="checkbox"/> Executing arrest
<input type="checkbox"/> Routine patrol other than traffic stop
<input type="checkbox"/> Traffic stop
<input type="checkbox"/> Transporting/Holding arrestees
<input type="checkbox"/> Service of warrant
<input type="checkbox"/> Service of court order
<input type="checkbox"/> Follow up investigation
<input type="checkbox"/> Demonstration | <input type="checkbox"/> Medical, mental health, or welfare assistance
<input type="checkbox"/> Other
<input type="checkbox"/> Unknown and is unlikely to ever be known
<input type="checkbox"/> Other
<input type="checkbox"/> JAIL – Assault/fighting with other inmate or Officer
<input type="checkbox"/> JAIL – Discovery/removal of contraband
<input type="checkbox"/> JAIL – Escape/Attempted escape/Capture/Return
<input type="checkbox"/> JAIL – Responding to Hostage Situation
<input type="checkbox"/> JAIL – Responding to a Disturbance |
|--|---|

Subject Details:

#	Age	Sex	Race *	Ethnicity
1		<input type="checkbox"/> male <input type="checkbox"/> female <input type="checkbox"/> unknown/not reported	Enter from list below	<input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic
2			Enter from list below	
3			Enter from list below	
4			Enter from list below	
5			Enter from list below	
6			Enter from list below	
7			Enter from list below	
8			Enter from list below	
9			Enter from list below	
10			Enter from list below	

- | | | | | |
|-------|--|----------------|-------|------------------------------------|
| Race* | American Indian / Alaskan Native
Unknown / Not reported | Asian
White | Black | Native Hawaiian / Pacific Islander |
|-------|--|----------------|-------|------------------------------------|

Officer Details:
* Complete Officer Details section on reverse *

Deputy printed name and badge #:	Deputy signature and badge #:	Date:
Sergeant printed name and badge #:	Sergeant signature and badge #:	Date:

Captain printed name and badge #:	Captain signature and badge #:	Date:
Captain completing reporting requirement:	Captain signature and badge #:	Date:

