

USE OF FORCE			
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PURPOSE

To establish guidelines for the use of force by sworn members of the Bronxville Police Department.

POLICY

It is the policy of the Bronxville Police Department that sworn members shall utilize only the level of force required to accomplish the performance of their official duties in accordance with Article 35 of the New York State Penal Law, Department Policy, and the current training standards of this Department. It is the responsibility of each sworn member to be aware of the requirements of Article 35 and to guide his/her actions based upon the Penal Law and these Rules, Regulations and Procedures.

GUIDELINES

Guidelines for the Use of Force

1. Generally, sworn members may use force in the performance of their duty in the following circumstances:
 - a. To effect the lawful arrest of person(s) resisting arrest or attempting to escape from custody;
 - b. In self-defense or in the defense of another person;
 - c. To prevent a person from injuring themselves.
2. Only equipment which is issued or approved will be carried on duty by sworn members trained and certified in the use of such equipment when applying physical force.

Progression of Force

3. When the use of force is necessary and appropriate, members shall to the extent possible, utilize an escalating scale of options and will not use a more forceful measure unless it is determined that a lower level of force is inadequate.
4. If possible, the member should give the subject the opportunity to comply at each stage.
5. Once compliance is achieved, the escalation ceases.

6. A stage in the progression may be skipped due to the circumstances, and progression is not always upward.
7. The sworn member must continually assess the circumstances and, as appropriate, escalate or de-escalate the use of force.
8. Typically, levels of force which are available to officers are as follows.
 - a. **Verbal Direction:** This is the least intrusive level of force and may vary from a simple request to an emphatic command.
 - b. **Physical Direction:** Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally all that is required to over-come this resistance is physical strength and some skill in defensive tactics.
 - c.
 1. **Impact Weapon:** The actions of an opponent compel a member to use a more intensive level of force, namely the Police Baton. This instrument, when properly used, provides a control mechanism and can protect the member with defensive techniques.
 2. **Electric Control Device:** The actions of an opponent compel a member to use a more intensive level of force, namely the Electric Control Device. This instrument, when properly used, provides a control mechanism and can protect the member with defensive techniques.
 - d. **Firearm:** The highest level of force available to a member. Firing a weapon at another person is restricted to those situations in which deadly physical force is justified.

Guidelines for the Use of Deadly Physical Force

9. Where feasible and consistent with personal safety, the member should give some warning, such as "POLICE, DON'T MOVE", before using deadly physical force.
10. A member shall not use deadly physical force upon another person unless he/she has probable cause to believe that such other person is using or is about to use deadly physical force against the member or a third person.
11. A member shall not use deadly physical force to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to themselves or another person present.
12. A member shall not use deadly physical force in defense of property.

Choke Holds and Carotid Holds

13. Choke holds, carotid holds and similar compressions of the neck represent potential use of deadly force and shall NOT be used.

Medical Aid and Reporting

14. In the event a physical injury is inflicted upon a person by a member(s) of the Department or a physical injury is alleged to have been inflicted upon a person by a member(s) of the Department, the member(s) involved shall immediately evaluate the need for medical assistance, and if necessary arrange such attention.
15. In the event a physical injury is inflicted upon a person by a member(s) of the Department or a physical injury is alleged to have been inflicted upon a person by a member(s) of the Department, the member(s) involved shall immediately notify the Tour Supervisor.
16. Every member present at the time of injury or alleged injury shall prepare a comprehensive Incident/Complaint Report or Supplementary Complaint Report detailing the circumstances surrounding the use of physical force or deadly physical force and submit such report to the Tour Supervisor prior to the end of their tour of duty.
17. Prepare an Aided Report as required by related Department procedure.

Review of the Use of Force

18. The Executive Officer shall review all reports of the Use of Force by members of the Department to insure:
 - a. The force used was lawful and in accordance with Department Rules, Regulations and Procedures;
 - b. That the incident is properly documented;
 - c. That no training deficiencies exist.

Evaluation

19. If the Executive Officer determines that there was an improper Use of Force, the incident was not properly documented or training deficiencies exist, he/she shall prepare an Inter-Departmental Memorandum documenting his/her findings as well as corrective actions and forward same to the Chief of Police for final review.