



Town of Ramapo Police Department GENERAL ORDER

General Order No. 228

Issuance Date: October 28, 2019

Subject: Use of Force

Cross Reference: GO 211, 213, 217, 304, 305, 308

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Distribution: All Members

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Issuing Authority: Chief Martin Reilly

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228.1 Purpose

The purpose of this policy is to establish guidelines for the use of necessary force by members of the Town of Ramapo Police Department which is consistent with Article 35 of the New York State Penal Law and in accordance with NY Executive Law 840(4)(d)(3), Executive Law 837-t and 9 NYCRR 6058.

228.2 Policy

This policy is written in recognition of the value of human life and dignity without prejudice to anyone.

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 perceived 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.”

228.3 Definitions

- A. 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.
- B. 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.
- 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.

228.4 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.

228.5 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. Information available to the Officers from witnesses, complainants, dispatchers and other sources.
 7. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
 8. Other environmental conditions or exigent circumstances.

228.6 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.

228.7 Specific Regulations and Application**A. Use of Deadly Force**

1. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.
2. Deadly physical force may be used to stop a fleeing suspect where:
 - a. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 - b. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
 - c. Where feasible, some warning should be given prior to the use of deadly physical force.
3. Chokeholds and Obstruction of Breathing or Blood Circulation
 - a. 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, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.

B. Prohibited Uses of Force

1. Force shall not be used by an officer for the following reasons:
 - a. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 - b. To coerce a confession from a subject in custody;
 - c. To obtain blood, saliva, urine, or other bodily fluids or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
 - d. 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.

228.8 Medical Needs of Persons in Custody

- A. Members shall provide appropriate and timely attention to the medical and mental health needs of any person in their custody, including those who have been injured as a result of a use of force incident. [(GO304) Adult Lock ups (GO 305) Prisoner Transport (GO 308) Medical for Prisoners]
 1. Officers should document their actions.

228.9 Reportable Incidents

- A. Members involved in use of force incidents shall notify their supervisor as soon as practicable.
- B. Members of the Ramapo Police Department shall comply with the current required NYS DCJS use of force reporting requirements by completing the Department's standardized Use of Force Memorandum.

228.10 Procedures for Investigating Use of Force Incidents

- A. Where practicable, a supervisor should respond to the scene to begin the preliminary use of force investigation.
- B. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- C. The supervisor conducting the investigation shall document their findings in a written memorandum.
- D. The Chief of Staff or his designee will receive the supervisor's memorandum and review the use of force incident for compliance with this policy.
- E. Failure to adhere Use of Force guidelines shall be resolved in a manner consistent with agency disciplinary protocols and collective bargaining agreements.

228.11 Training

- A. All officers will receive training on the proper application of force.
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.