

THE

# LANCASTER POLICE DEPARTMENT



	SUBJECT <b>Use of Force</b>	GENERAL ORDER NUMBER <b>120.10</b>
	DCJS STANDARDS 20.1, 21.2	EFFECTIVE DATE <b>6/29/2015</b>
		REVISION DATE <b>10/27/2020</b>
APPROVAL  William J. Karn, Jr., Chief of Police		

## A. Policy Statement:

It shall be the policy of the Lancaster Police Department that officers, in the performance of their duties, use a level of physical force that is objectively reasonable under the circumstances to effect an arrest, prevent an escape, or in defense of themselves or others. The level of force used shall be within limits established by Article 35 of the New York Penal Law and consistent with training given by both the Department and the Training Academy.

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

## B. Definitions:

- 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.
- 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.
- Physical Injury** – Impairment of physical condition or substantial pain.
- 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.

### **C. Use of Force:**

1. Members have the authority to use objectively reasonable force in the performance of their duty in the following circumstances:
  - a. To maintain the peace or prevent the commission of an unlawful act.
  - b. To prevent a person from injuring himself or herself.
  - c. To effect a lawful arrest, overcoming the resistance of an arrest or preventing a person from fleeing from custody.
  - d. In self-defense or in the defense of another person.

NOTE: Only approved equipment will be carried on duty and used when applying physical force except in an emergency when the officer may use other resources at their disposal.

### **D. Determining The Objective Reasonableness of Force:**

1. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
2. Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - a. The severity of the crime or circumstance;
  - b. The level and immediacy of the threat or resistance posed by the suspect;
  - c. The potential for injury to citizens, officers, and suspects;
  - d. The risk or attempt of the suspect to escape;
  - e. The knowledge, training, and experience of the officer;
  - f. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
  - g. Other environmental conditions or exigent circumstances.

### **E. Duty to Intervene**

1. 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.
2. 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.

### **F. Use of Deadly Physical 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

## **G. Prohibited Uses of Force**

1. Force shall not be used by an officer for the following reasons:
  - a. To coerce a confession from a subject in custody;
  - b. 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;
  - c. 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.

## **H. Reporting and Reviewing the Use of Force**

1. After physical force is used, the Officer shall without unnecessary delay, evaluate the need for medical assistance and if necessary, arrange for such attention.
2. Any use of force by an Officer shall be documented promptly, completely and accurately using a Department Use of Force Report.
3. Officers involved in use of force incidents as described below shall notify the shift Lieutenant/O.I.C as soon as practicable in addition to completing a Departmental Use of Force Report.
  - a. Use of force that results in a physical injury.
  - b. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  - c. Incidents that result in a complaint of pain from the subject, except complaints of minor discomfort from compliant handcuffing.

- d. Incidents where a Conducted Energy Device (CED) was drawn and/or discharged.
  - e. Incidents where a firearm was drawn and/or discharged at the subject.
4. Officers shall document any requests for necessary medical or mental health treatment as well as efforts to arrange for such treatment.

## **I. Investigation Use of Force Incidents**

1. Where practicable, a Lieutenant/OIC shall respond to the scene to begin the preliminary use of force investigation.
2. The Lieutenant/OIC shall ensure the completion and accuracy of a use of force report by all officers engaging in the reportable use of force incident.
3. Photographs shall be taken which sufficiently document any injuries or lack thereof to Officers or suspects.
4. The Lieutenant/OIC will review the use of force report and forward it to the appropriate Captain.
5. The Captain is to review the use of force report for justification and determination of further administrative action if any.

## **J. Training**

1. All officers should receive training and demonstrate their understanding on the proper application of force.
2. 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.
3. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.