



GENERAL ORDER		#3.00
USE OF PHYSICAL FORCE		
<i>ISSUING AUTHORITY:</i> CHIEF ROBERT M. NOBLE		
<i>ISSUE DATE:</i> 02/04/91	<i>EFFECTIVE DATE:</i> 02/04/91	
<i>REVISIONS:</i> 10/02, 06/08, 11/18, 11/19		
<i>PAGES:</i> 3 + 1 ATTACHMENT		

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3.00.05 PURPOSE –

To establish the policy and procedure of the Department in the use of physical force, including Deadly Physical Force (as detailed in G.O. 3.01). Officers are expected to use only such force as is Objectively Reasonable in the performance of their official duties. (Rev 11/19)

3.00.10 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 the standard of Objective Reasonableness, established by the United States Supreme Court in *Graham v Connor*. It is the responsibility of each member to be aware of the requirements of each of the foregoing and be guided accordingly. (Rev 11/19)

As the Supreme Court has recognized, this reasonableness inquiry embodies “allowance for the fact that police officers are often forced to make split-second judgements-in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation.” (Rev 11/19)

3.00.15 PROCEDURE -

Generally, members may use force in the performance of their duty when it is reasonably believed to be necessary to: (Rev 11/19)

- A. Prevent the commission of a breach of the peace or other unlawful act.
- B. Prevent a person from injuring him/herself.
- C. Effect the lawful arrest of persons resisting arrest or attempting to flee from custody.
- D. In self-defense or in the defense of another person.
- E. If physical force is used, the officer shall, as soon as possible, evaluate the need for medical assistance and, if necessary, arrange for such attention. (Rev 11/18)

Only issued and/or 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 his/her disposal.

3.00.20 DEFINITIONS: (Rev 11/19)



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- 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. (Rev 11/19)
- 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. (Rev 11/19)
- C. Physical Injury- Impairment of physical condition or substantial pain. (Rev 11/19)
- 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. (Rev 11/19)
- E. Unreasonable Force- Force which can reasonably be believed to be clearly beyond that which is objectively reasonable under the circumstances to accomplish a lawful objective. (Rev 11/19)
- F. Duty to Intervene- Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that what 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, and promptly report his/her observations to a supervisor. (Rev 11/19)

3.00.25 LEVELS 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. NON-LETHAL & LESS-LETHAL WEAPONS – A baton may be used in accordance with General Order #3.06 *ONLY TO THE DEGREE NEEDED TO GAIN CONTROL/COMPLIANCE OF THE RESISTING SUBJECT(S)*. (Rev 11/18)



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A police K-9 (if applicable to YPD) may be used in accordance with guidelines established in General Order #3.06 *ONLY TO THE DEGREE NEEDED TO GAIN CONTROL/COMPLIANCE OF THE SUBJECT(S)*. (Rev 11/18)

Whenever pepper spray (*oleoresin capsicum/O.C.*) is used, except for training purposes, it should be used in accordance with the guidelines established in General Order #3.60 and *ONLY TO THE DEGREE NEEDED TO GAIN CONTROL/COMPLIANCE OF THE SUBJECT(S)*. (Rev 11/18)

TASER,CEW may be used in accordance with General Order 3.96. *ONLY TO THE DEGREE NEEDED TO GAIN CONTROL/COMPLIANCE OF THE SUBJECT(S)*. (Rev 11/19)

D. Deadly Physical Force (See General Order #3.01) – (Rev 11/18)

3.00.30 PROHIBITED USES OF FORCE: (REV 11/19)

Force shall not be used by an Officer for the following reasons:

- A. On a restrained subject who is not actively resisting officers.
- B. To coerce a confession from subject.
- C. To obtain blood, urine, saliva or other bodily fluids or cells from an individual for the purposes of scientific testing in lieu of a court order ordering such test.

3.00.35 TRAINING AND REVIEW OF THE USE OF FORCE BY OFFICERS: (REV 11/19)

- A. Members of the department shall receive annual training in many topics, including the Use of Force as detailed in General Order 2.12: “In-Service Training.”
- B. In order to determine if the Use of Force by members of this department met the Objectively Reasonable standard, every instance of the Use of Force by a member of this department will be evaluated by the department’s Use of Force Review Board as detailed in General Order 3.04: “The Reporting, Evaluation & Investigation of the Use of Force, Brandish & the Discharge of Weapons.”