

ROCKVILLE CENTRE POLICE DEPARTMENT

PATROL

Sec: 3.7300

Title: Use of Force - Necessary Force

**Standards: 20.1, 20.4, 20.5,
20.7, 21.1, 21.2,**

Authority:

General Order 91 - 008 (Use of Force Policy)

Effective: 04/19/1991

General Order 93 - 003 (Firearms Incident Report)

Effective: 02/08/1993

General Order 11-007 (New Weapons)

Effective: 02/03/2011

General Order 19-039 (Use of Force Reporting Requirement)

Effective: 07/10/2019

New York State DCJS (Use of Force Model Policy)

Effective: 06/01/2019

I. PURPOSE:

Law enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards, but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is in accordance with Executive Law §840(4)(d)(3). The use of force, especially deadly force, by police officers is a serious matter which has far reaching consequences for both the officers involved, and the citizens who are the object of such force. It is, therefore, imperative that all members of the Department be guided by law, morality, good judgement, and accepted practice. The purpose of this policy statement, and directive, shall be to provide the officer with a basis for such guidance.

Philosophy:

1. The primary responsibility of the Department, and of each of its members, is to protect the lives of the citizens we serve. It is critical, therefore, that every action of this Department, and each of its members, be consistent with that responsibility. It is also the responsibility of each member of this Department to honor the established principles of democracy. These include a reverence for human life, the principle that the value of any human life exceeds that of any property, and the principle that it is the function of the Judiciary to punish wrongdoers.
2. This policy is not intended to create confusion in the mind of an officer at a critical moment. This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. It provides basic guidelines so that the officers may be confident in exercising judgement as to the use of force.

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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II. POLICY and PROCEDURES:**Use of Force General:**

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 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.

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

Members of the Rockville Centre Police Department are authorized to use only the minimum amount of force appropriate to a given situation. Force shall not be used aggressively, but shall be used responsively. This means that a member of this Department will not create a need for the force, but will only react to a need created by a citizen. Force shall not be used, in any degree, without legal justification. Members of the Department will use only the **minimal** amount of force that is reasonably necessary to perform their lawful duties.

The use of force usually progresses through several stages or degrees: Verbal Direction; Physical Direction; Chemical Weapon; Taser; Impact Weapons; and Firearm. When following this natural progression of force, it is understood that, due to circumstances, it may be necessary to skip steps. If this is done, one must be able to explain why. As a situation changes, the needed level of force may also change, therefore, you must expect to move up and down the scale. Whenever possible, the opportunity for the subject to comply should be given before escalating to the next level in the progression. Once compliance is achieved, escalation should cease. By consciously following the progression of force, officers minimize liability, maintain better control over a situation, and enhance the image of the individual officer, as well as the Department, when called upon to explain actions taken.

Note: see *Continuum of Force / Progression of Force chart on page # 21.*

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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III. DEFINITIONS

- 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.
- 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.
- 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.

IV. 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.
- c) All personnel are reminded that the police baton, depending on how it is used, may constitute deadly physical force. Careful judgment, and discretion, must be exercised by an officer to avoid the use of these weapons in situations where such use may not be justified by the circumstances.
- d) The Department acknowledges that extraordinary circumstances may compel deviation from the letter of this policy. Such situations will be judged on the reasonableness of an officer's actions based on that specific set of circumstances.

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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V. 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. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
 - 7. Other environmental conditions or exigent circumstances.

VI. 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.

VII. USE OF DEADLY PHYSICAL FORCE

- a) 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.
- b) Deadly physical force may be used to stop a fleeing suspect where:
 - 1. 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,

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
 3. Where feasible, some warning should be given prior to the use of deadly physical force.

VIII. PROHIBITED USES OF FORCE

- a) Force shall not be used by an officer for the following reasons:
 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 2. To coerce a confession from a subject in custody;
 3. 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;
 4. 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.
- b) The use of a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air is prohibited.

IX. REPORTING & REVIEWING THE USE OF FORCE

- a) Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
- b) Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
 1. Use of force that results in a physical injury.
 2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
 3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
 4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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5. Incidents where a firearm was discharged at a subject.

- c) A standardized use of force form should be used to document any reportable use of force incident.

X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS

- a) Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- b) A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- c) Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- d) The Commanding Officer of Support will receive the supervisor's report and conduct an investigation.
- e) Consistent with agency disciplinary protocols and any applicable collective bargaining agreements, agency policy should establish standards for addressing the failure to adhere to use of force guidelines.

XI. TRAINING AND QUALIFICATIONS

- a) All officers shall receive training and demonstrate their understanding 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.
- c) 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.

Use of Firearms:

- a) Deadly Weapons

- 1. While on and off-duty, police officers shall carry only firearms and ammunition authorized by, and registered with, the Department.

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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2. Authorized weapons are those with which the police officer has qualified and received Department training on proper and safe usage, and that comply with departmental specifications. At no time will any member of this Department carry, while on or off-duty, any firearm unless he/she has been qualified to use same by a certified firearms instructor approved by this Department.
3. A .45 caliber ACP semiautomatic, model 21SF, RTF2, manufactured by Glock, fully loaded with Department approved ammunition, is the authorized on-duty weapon for this Police Department.
4. A .45 caliber ACP semiautomatic, model 30SF or 9mm semiautomatic, model 43 manufactured by Glock, and fully loaded with Department ammunition, may be carried while off duty. Such a firearm may also be carried by personnel of the rank of Lieutenant and above, Detectives, Plainclothes personnel, or those members assigned to Headquarters while on duty.
5. Ammunition: The authorized .45 caliber ammunition for the above two .45 caliber weapons is Winchester Ranger "T" series .45 ACP + P, 230 grain (part # RA45TP). Members will carry 39 rounds of ammunition while assigned to patrol (thirteen in weapon and two magazines of 13). The authorized 9mm ammunition is Winchester Ranger "T" series 9mm Luger + P, 125 grain. Members will not "top off" the magazine inserted into any weapon.
6. The Commissioner of Police may authorize other firearms to be carried by special unit personnel, provided the member(s) has been qualified to use such weapon(s) by a certified firearms instructor approved by this Department, and documentation of such qualification is on file in the Office of the Police Commissioner.
7. The Department shall schedule regular training and qualification sessions for duty, off-duty, and specialized weapons, and shall participate in the firearms training programs authorized by the Commissioner. All members of the Department must achieve a minimum qualifying score for the handgun segment, as well as (*for appropriate personnel*) special weapons (*patrol rifle*) segments.
8. Police Officers who fail to receive a passing score with their duty weapon(s), in accordance with Department testing procedures, shall be immediately relieved of their law enforcement duties.

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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9. A police officer shall not be permitted to carry any weapon(s) with which he has not been able to qualify with during the most recent qualification period.
10. A police officer who has taken extended leave, or suffered an illness or injury that could affect his ability to use a firearm, will be required to re-qualify before returning to law enforcement duty.
11. The use of the patrol rifle constitutes deadly physical force and is therefore subject to the laws and guidelines governing the use of deadly physical force.
12. Members are not permitted to use the patrol rifle unless they have been properly qualified by a certified firearms instructor approved by the Department.
13. The patrol rifle may be taken from a police vehicle, in most cases, where a violent felony is in progress or when it has already been determined that firearms are involved.
14. The patrol rifle shall not be taken on calls of family disturbances, fights, or incidents of less than a violent felony in progress, where there is no prior, or current, indication of firearms being involved, or situations involving concentrated groups of people, i.e., a report of armed robbery in a bank, or other similar situations which would make the use of the weapon inappropriate.

Note: See also Manual index under "*Patrol Rifles*".

Safety:

- a) Warning shots are prohibited; they shall not be fired at any time.
- b) Police Officers shall not fire their weapons at a moving vehicle, or from a moving vehicle, unless such action is the only possible way to prevent serious injury, or death, to the officer himself or another person.
- c) Except for maintenance, or during training, police officers shall not draw, or exhibit, their firearms unless circumstances create a reasonable belief that it may be necessary to use the weapon in conformance with this policy. If the officer's weapon is a revolver, then at no time shall the firearm be cocked unless the intent is to fire for effect. At all times that a firearm is drawn, it shall be handled in a safe manner. A firearm shall not be used as a bludgeon, unless the circumstances warrant such.

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- d) Members shall not fire upon a suspect holding an innocent person hostage. The appropriate special unit (Hostage Negotiations, Emergency Services, BSO) should be requested from the Nassau County Police Department.
 - e) Members shall not surrender their firearms, unless as a last resort, and only after using every tactical tool at their disposal. Surrender of a firearm rarely de-escalates a situation and can, in fact, place an officer, or other innocent persons, in severe jeopardy.
 - f) Whenever a member discharges a firearm, whether on or off duty, except for Department approved training or competition, he shall prepare a report of the incident, indicating the necessity for the discharge of the weapon, and will submit same to his immediate supervisor, who will review the report, indicate on same (or by separate attachment) his concurrence, or non-concurrence, with the decision to discharge the firearm, and forward the report, through normal channels, to the Commissioner of Police.

General Order 93 – 003
(Firearms Incident Report)

Whenever a member of the Department becomes involved in an incident which involves the “DISCHARGE OF A FIREARM”, the member will cause to be completed a “FIREARMS INCIDENT REPORT”. The report is to be completed as soon as possible after the incident, and forwarded through official channels to the Commissioner of Police.

The Executive Officer of the Police Department will retain the original form on file, and will copy the Nassau Police Department Firearms Unit. **(Firearms Incident Report forms are maintained at the Service Desk)**

----- (End General Order 93 – 003) -----

Note: See also page (15) of this document regarding procedures for the handling of an “**Officer Involved Shooting**”.

Off-duty firearms:

- a) The Department provides for the off-duty carrying of firearms by Police Officers. Police Officers may carry an approved, properly registered firearm while off-duty, however, officers shall not carry a firearm while off duty when their ability to use same wisely, safely, and efficiently:
 - 1. is, or may become, impaired by alcohol consumption and/or ingestion of other substances, or

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2. is, or may become, impaired by ingestion of lawfully prescribed medication, or
 3. is impaired due to illness, injury, stress, fatigue, mental or physical disability, or
 4. is impaired for any other reason.
- b) Off-duty firearms shall not be carried if they cannot be properly secured.
- c) Nothing in this section should be construed as diminishing an officer's responsibility to act when observing a crime in progress, however, when off-duty and unarmed, an officer's actions should consist of calling "911", obtaining descriptions of subjects, or other activities which do not involve the direct confrontation of potentially dangerous persons.

Animals:

Note: See also Manual index under "**Animals**" for further information in regard to handling animal situations.

- a) Before euthanizing an animal, every effort should be made to have the appropriate agency retrieve it.
- b) Police Officers may euthanize an animal that represents an **imminent threat** to public safety. Also, if no agency is available or willing to respond, and the owner of the animal cannot be located, police officers may also euthanize an animal as a humanitarian measure when the animal is seriously injured, unless the animal belongs to a class of endangered species, or is of great monetary value. Regardless of the circumstances, euthanizing animals shall only take place with the approval of a supervisory officer. Appropriate blotter entries shall also be made. The general intent of this section is to provide for the humane euthanizing of animals, such as dogs and cats, when circumstances are proper, however, for high value animals (to include, but not limited to, horses), humane euthanizing is not authorized without the approval of the animal owner, veterinarian, or other competent authority.
- c) Should it become necessary to euthanize an animal by gunshot, a single shot, angled downward on a soft surface, through the head toward the body, should be sufficient. If rabies is suspected, the head should be preserved, and a shot to the body utilized. In these instances, precautions must be taken to ensure the safety of the public. The animal should be placed on soft ground, rather than the pavement, to minimize the possibility of ricochet. If possible, euthanizing the animal should also take place out of public view,

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particularly out of view of the owner(s). Proper notification should be made for the removal of all animal remains.

Use of Non-Deadly Force:

- a) DEFINITION – “Non-deadly Physical Force” – is any use of force other than that which is considered deadly force.
- b) The following guideline will be observed by members of this Department:
- c) NON-DEADLY FORCE SHALL ONLY BE USED IN DEFENDING ONE’S SELF, OR ANOTHER, FROM PHYSICAL HARM; OR TO RESTRAIN OR SUBDUE A RESISTENT INDIVIDUAL; OR TO BRING AN UNLAWFUL SITUATION SAFELY, AND EFFECTIVELY, UNDER CONTROL.
- d) The use of the chemical weapon Oleoresin Capsicum (OC Pepper Spray)
- e) The situation frequently arises in which the use of extreme force is not justifiable, yet something more than manual restraint is required to subdue a subject. The non-lethal chemical weapon OC Pepper Spray has proven effective in these situations.

Note: See also Manual index under “**OC PEPPER SPRAY**”.

Use of OC Pepper spray:

- a) OC Pepper Spray takes effect in one or two seconds.
- b) It has an effective range of about fifteen feet.
- c) It may render subjects less harmful.
- d) Careless use of OC Pepper spray will cause it to affect uninvolved persons, to include police officers.
- e) Effects of the spray may be experienced by persons in close proximity to the sprayed person.
- f) Avoid spraying OC Pepper spray into the wind.
- g) Chemical weapons shall not be carried, or used, while off-duty.
- h) Every instance of the use of a chemical weapon must be reported, in writing, to the Commissioner of Police, and included in the report will be the name of the person sprayed, along with his/her reaction to the chemical.

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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Use of the Taser Conducted Energy Weapon (CEW)

Note: See also Manual index under “*TASER*”

Training and Qualifications:

- a) Police officers are not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.
- b) Officers shall carry only the non-deadly weapons authorized by the Department.

Summary of Use of Force and Firearms:

a) **Force used must:**

- 1. Not be excessive.
- 2. Be reasonably necessary.
- 3. Be legally justified.
- 4. Be responsive, not aggressive.

b) **Deadly force must:**

- 1. Be used as a last resort in self-defense, or defense of another person.
- 2. Be legally justified.
- 3. Not be used recklessly or negligently.

c) **Firearms:**

- 1. Must be authorized and loaded with authorized ammunition.
- 2. Must be handled with extreme caution at all times.
- 3. Shall not be carried unless the user is properly qualified with said firearm.

XII. Investigation of Incidents Procedure:

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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Whenever force is used that results in a physical injury to any person, the incident will be investigated as outlined herein. Whenever force of a lesser degree is used members will thoroughly document their actions in their reports (case report, blotter, use of force reporting form, etc.).

Whenever an incident occurs involving the use of force by a member of this Department which requires investigation pursuant to this policy, the Duty Officer will be notified immediately.

Command at Scene - the officer assigned to the original call is in command until properly relieved by a supervisory officer.

The Duty Officer will assign a supervisor to take charge of the scene and investigate the incident. Depending on the severity of the incident, the Duty Officer may conduct the investigation of the incident.

a) Initial Action:

1. The investigating officer will be responsible for control of the scene.
2. The investigating officer will identify all personnel involved in the incident.
3. The investigating officer will make recommendations to the Duty Officer concerning the status of any arrests, and the need for further investigation.

b) Information and Evidence Required:

1. Personnel involved.
2. Witnesses, if any.
3. Color photos of injuries to any persons, including officers, taken prior to treatment, if possible.
4. Any other information, or evidence, available and required for proper investigation.

c) The investigating officer will promptly prepare a written report to the Commissioner of Police that will fully document the incident, and will maintain personal notes of the incident, as required. The following guidelines will apply:

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1. Summary of the nature of the incident where force was used, including date and time, location, and case number.
 2. Name, rank, and squad of all members at the scene.
 3. Name, addresses, telephone numbers, and statements of any, and all, witnesses.
 4. The circumstances that led to the use of force.
 5. The exact nature of the force used by each officer involved.
 6. Describe the injuries to all persons involved, including officers. Include photos and description of medical treatment received, including the name of the treating facility, doctor's name, and a copy of all medical lines.
 7. Include copies of all reports pertaining to the incident.
 8. Description of any direct action taken by the investigator of the incident.
 9. Include independent conclusions and recommendations, along with any information, and/or evidence, not specifically mentioned above, which is deemed pertinent to the investigation.

Special Procedures for Serious Incidents:

The very nature of police work periodically exposes police personnel to extremely stressful, or trauma-inducing, events. Research has shown that fatal, or near-fatal, confrontations, cases involving the abuse or death of a child, multi-casualty accidents, etc., are particularly stressful for the involved member. In recognition of the detrimental impact on the personal lives, and job performance, of our members, this Department is taking steps to provide help, understanding, and support for those who have been placed in these situations. Accordingly, this policy is formulated to aid those members who find themselves in such circumstances as a result of performing their duties as members of this Department.

1. The senior ranking officer working will immediately notify the Commissioner of Police, or his designee (Duty Officer).
2. The officers directly involved in such incidents will be relieved by the patrol supervisor, and transported to Headquarters as soon as practical.

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3. The senior ranking officer in command should notify the Department designated counselor.
4. The senior ranking officer in command will notify the PBA President, or his designee.
5. Following a shooting incident, the officer(s) weapon(s) will be taken by the patrol supervisor, or senior ranking supervisor in command, and the officer(s) will be provided with a replacement weapon if practical.
6. The officer(s) will be afforded a period of privacy and the companionship of a supportive peer, and the Department designated counselor, in order to stabilize his/her emotional state.
7. The officer(s) involved will, unless extraordinary circumstances exist, submit a written report of the incident to the Commissioner of Police prior to completion of their tour of duty.
8. The officer(s) involved will be afforded the opportunity to speak with a PBA representative before submitting any written reports of the incident.
9. The officer(s) involved may be administratively excused from duty following such incident. The duration of such leave is at the discretion of the Commissioner of Police based on the circumstances of the incident.
10. The officer(s) involved may be directed, at the discretion of the Commissioner of Police, to receive post-traumatic stress counseling before returning to duty.
11. Any other officer(s) directly involved in such incident who either voluntarily, or on the recommendation of a supervisor or the PBA President, or his designee, wish to avail themselves of the above services, may do so.

THIS DIRECTIVE IS FOR DEPARTMENTAL USE ONLY AND DOES NOT APPLY TO ANY CRIMINAL OR CIVIL PROCEEDING. THE DEPARTMENT POLICY SHOULD NOT BE CONSTRUED AS A CREATION OF HIGHER LEGAL STANDARD OF SAFETY, OR CARE, IN AN EVIDENTARY SENSE WITH RESPECT TO THIRD PARTY CLAIMS. VIOLATIONS OF THIS DIRECTIVE WILL ONLY FORM THE BASIS FOR DEPARTMENTAL ADMINISTRATIVE SANCTIONS.

----- (End General Order 91 – 008) -----

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Officer Involved Shooting Procedures:

The ranking tour supervisor shall respond and assume command of the scene, and if there is more than one supervisor available to respond, one shall assume the responsibility of "Primary Care" for the member(s) involved.

- a) Primary Care shall involve ensuring that the member(s) receives medical treatment, peer support, explanations of the procedures to be conducted, and securing of the weapon(s) of the member(s) involved. If the incident occurs outside the Department's jurisdiction, the Tour Supervisor, or Shift Commander, shall respond to initiate Firearms Incident Reporting, and shall assume the responsibility for "Primary Care" of the member(s) involved, until relieved of primary care duties by another supervisor at the scene.
- b) An occurrence within the Command will require one supervisor, or the "Shift Commander", to oversee the crime scene investigation, prepare the Firearms Incident Report, and complete an after-action report. A second supervisor shall be assigned to "Primary Care" for the member(s) involved. A third supervisor shall be assigned to assume command of the tour.
 1. The responding supervisor shall ensure that a crime scene is established and that crime scene procedures are initiated. See Manual index under "**Crime Scene Duties**".
 2. The supervisor commanding the scene shall ensure that a notification is made to the Duty Officer, and that a concise report of the preliminary event details are provided to the Duty Officer at the time the notification is made. The "Duty Officer", or the "Shift Commander" if available, shall authorize calling a second supervisor to either take over the regular tour responsibilities, or to assume "Primary Care" responsibilities, as the situation dictates.
 3. Until the arrival on scene of a supervisor to assume full responsibility for the "Primary Care" of the member(s) involved, a police officer shall be assigned, manpower permitting, as a "peer-support officer" to assist the member(s) involved. This officer is to be relieved of other duties, or responsibilities so that he may devote himself to the task of providing for peer assistance to the involved member(s).
 4. The supervisor commanding the scene shall ensure that a notification is made to the NCPD First Squad detectives.
 5. A supervisor shall ensure that notification is made to the PBA President, or his Vice President.

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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6. The officer involved in the shooting will be relieved of any additional duties for the remainder of the tour and will consult with the Duty Officer, Executive Officer, or Commanding Officer prior to his return to full duty. If the incident occurs on a weekend, the ranking supervisor will make the necessary notifications as to the officer's return to duty to the Duty Officer.

Note: See also "*Special Procedures for Serious Incidents*", of this document.

General Order 19 – 039
(Use of Force Reporting Requirement)

In April 2019, Governor Andrew M. Cuomo signed into law a new section 837-t to the Executive Law pertaining to law enforcement agencies within New York State reporting use of force incidents to the Division of Criminal Justice Services (DCJS). For reporting purposes, Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below:

- a) When an officer engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- b) When one of the following is initiated by an officer:
 1. Brandishes, uses or discharges a firearm at or in the direction of another person;
 2. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
 3. Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
 4. Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
 5. Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long-range acoustic device.

Beginning July 11, 2019, the Rockville Centre Police Department will be responsible for reporting information for officers who are involved in use-of-force incidents that meet the criteria of the data collection. The Department will be required to submit details of the incident to DCJS, including, but not limited to date of incident, agency involved, county, town/city, description of circumstances,

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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and demographics of all persons engaging in the use of force or suffering such injury.

All law enforcement agencies in New York State are required to report each incident of use of force as defined by the legislation. For each incident of use of force, the Patrol Supervisor shall complete the attached reporting form and provide the details as to the circumstances requiring the use of force to the Commissioner of Police, Executive Officer and Commanding Officer of Support. A copy of the report shall then be transmitted to DCJS as required by law by the Commissioner of Police or his designee.

***FORM – “NEW YORK STATE USE OF FORCE REPORTING FORM”
follows on next page.***

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

[Use of Force – Necessary Force]

POLICE MANUAL

Updated: 06/15/2020

Revision: 2

ROCKVILLE CENTRE POLICE DEPARTMENT

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ROCKVILLE CENTRE POLICE DEPARTMENT - NEW YORK STATE USE OF FORCE REPORTING FORM

Incident Number: _____ **Incident Date:** _____

Incident Time: _____ **Case Report Number:** _____

City/Town/Village: _____ **County:** _____

- Circumstance:**
- Response to suspicious activity
 - Executing arrest
 - Routine patrol other than traffic stop
 - Traffic stop
 - Transporting/Holding arrestees
 - Service of a warrant
 - Service of a court order
 - Follow-up investigation
 - Demonstration
 - Medical, mental health or welfare assistance
 - Other _____

Subject Details

1. Subject's age: _____ Sex: _____ Race: _____ Ethnicity: _____
2. Subject's age: _____ Sex: _____ Race: _____ Ethnicity: _____
3. Subject's age: _____ Sex: _____ Race: _____ Ethnicity: _____
4. Subject's age: _____ Sex: _____ Race: _____ Ethnicity: _____
5. Subject's age: _____ Sex: _____ Race: _____ Ethnicity: _____

Officer Details

1. Officer's age: _____ Sex: _____ Race: _____ Ethnicity: _____
2. Officer's age: _____ Sex: _____ Race: _____ Ethnicity: _____

Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

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3. Officer's age: _____ Sex: _____ Race: _____ Ethnicity: _____

4. Officer's age: _____ Sex: _____ Race: _____ Ethnicity: _____

5. Officer's age: _____ Sex: _____ Race: _____ Ethnicity: _____

Type of Force Use (check all that apply)

Brandished Firearm Officer Number(s): _____

Discharged Firearm Officer Number(s): _____

Used Firearm Officer Number(s): _____

Displayed Chemical Agent Officer Number(s): _____

Deployed Chemical Agent Officer Number(s): _____

Used Chemical Agent Officer Number(s): _____

Brandished an Impact Weapon Officer Number(s): _____

Deployed an Impact Weapon Officer Number(s): _____

Used an Impact Weapon Officer Number(s): _____

Brandished an Electronic Control Weapon Officer Number(s): _____

Deployed an Electronic Control Weapon Officer Number(s): _____

Used an Electronic Control Weapon Officer Number(s): _____

Used a Choke Hold or Similar Restraint Officer Number(s): _____

Conduct that Resulted in Serious Bodily Injury Officer Number(s): _____

Conduct that Resulted in Death Officer Number(s): _____

Supervisor Completing Form: _____
Rank Name Printed Signature

THIS FORM SHALL BE COMPLETED BY THE PATROL SUPERVISOR OF RECORD AND SUBMITTED TO THE COMMISSIONER OF POLICE, EXECUTIVE OFFICER AND COMMANDING OFFICER OF SUPPORT

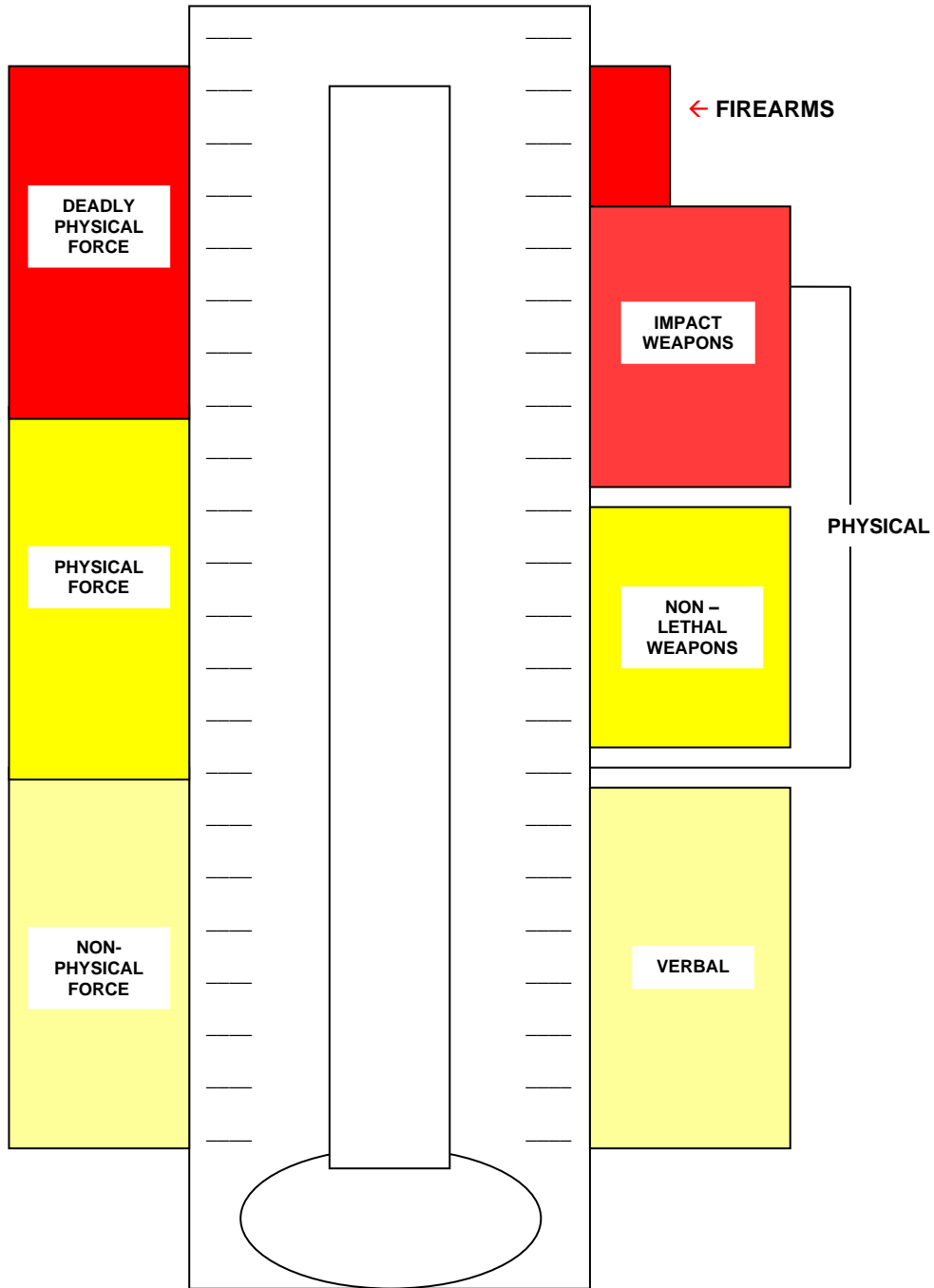
Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

[Use of Force – Necessary Force]

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CONTINUUM of FORCE / PROGRESSION of FORCE



Standards: (20.1 - Necessary Force), (20.4 - Use of Warning Shots), (20.5 - Firearms), (20.7 - Reporting Requirements), (21.1 - Review of Firearms Use), (21.2 - Review of Force Causing Injury)

[Use of Force – Necessary Force]