

**CANTON POLICE DEPARTMENT
POLICY & PROCEDURE**

PERSONNEL

SUBJECT MANAGEMENT

	Effective Date November 17, 2020	Number 20.1
Subject SUBJECT MANAGEMENT	Approved by: _____ Chief of Police	
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I. PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of deadly and less lethal force.

II. POLICY

- A. This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this department that police officers shall use only that force that is reasonably necessary to effectively bring an incident (i.e. arrest, prevent from escape) under control based on the extent and type of resistance encountered, while protecting the lives of the officer and others.

It is the responsibility of each employee to be aware of the requirements of Article 35 of the New York State Penal Law and to guide his/her actions based upon that law and Departmental policy and training.

- B. Public Cooperation. A strong partnership with the public is essential for effective law enforcement. Inappropriate or excessive uses of force damage that partnership and diminish the public trust that is a cornerstone of policing in a free society. Department members will act: (1) with a high degree of ethics, professionalism, and respect for the public; (2) in a manner that promotes trust between the Department and the community that it serves.
- C. The Canton Police Department seeks to gain the voluntary compliance of subjects, when consistent with personal safety, to eliminate the need to use force or reduce the force that is needed.

- D. Assessing Uses of Force. The Supreme Court and the Canton Police Department recognizes that Department members are often forced to make split-second decisions- in circumstances that are tense, uncertain, and rapidly evolving- about the amount of force that is necessary in a particular situation. Considerations: (1) These decisions must, therefore, be judged based upon the totality of the circumstances known by the member at the time and from his/her perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight; (2) Department members involved in a use of force incident will make an independent assessment and decision to use force based on the totality of the circumstances and will be individually responsible for articulating the specific details that justify their use of force; (3) Nothing in this policy requires members to take actions, that unreasonably endanger themselves or others; (4) Nothing in this policy precludes the legally mandated oversight or assessment of a Department member's use of force consistent with the procedures established in this policy.
- E. Only issued or approved equipment will be carried on duty and used when encountering resistance, except in emergency situations when an employee may use any resources at his/her disposal. The use of an active countermeasure, pressure point control, joint manipulation to overcome resistance, conducted energy device (CED)/taser baton, or Oleoresin Capsicum (CAP-STUN or PUNCH) will require a Subject Resistance Report (SRR, Attachment A).
- F. Use of restraining devices is mandatory on all prisoners unless in the employee's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g. prisoner is very elderly, handicapped, etc.). The mere placing of handcuffs on a prisoner will not require an SRR. However, if the handcuffs become an appliance to exert the necessary pressure to further control a prisoner or where the suspect physically resists the application of handcuffs, an SRR must be completed.
- G. This Subject Management Policy shall be conspicuously posted on the Canton Police Department website.

III. DEFINITIONS

Physical Force: Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance, that may cause 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.

Deadly Physical Force: Any use of physical force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily harm. Necessary to prevent death or great bodily harm.

Less Lethal Force: Any use of force other than that which is considered deadly force. Objectively Reasonable, Necessary, and Proportional. Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of circumstances, in order to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.

IV. CONSIDERATIONS:

- A. Objectively Reasonable. The main issue in evaluation every use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the member on the scene. Reasonableness is not capable of precise definition or mechanical application. 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. Factors to be considered by the member include but are not limited to: (1) whether the subject is posing an imminent threat to the member or others; (2) the risk of harm, level of threat or resistance presented by the subject; (3) the subject’s proximity or access to weapons; (4) the potential for injury to citizens, officers and suspects; (5) the risk or attempt of the suspect to escape; (6) Knowledge, training, and experience of the officer; (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.
- B. Necessary. Department members will use only the amount of force required under the circumstances to serve a lawful purpose. 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.
- C. Proportional. Department members will only use the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using a greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.
- D. De-escalation. Members will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary. Examples of de-escalation techniques include but are not limited to: (1) providing a warning and exercising persuasion and advice prior to the use of force; (2) determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject; (3) requesting additional personnel to respond or make use of specialized units or equipment, as necessary and appropriate.

V. PROHIBITIONS

- A. The use of excessive force, unwarranted physical force, or unlawful force by a Department member is prohibited and will not be tolerated.
- B. Department members are prohibited from using force based on bias or any other protected characteristics, including bias against a person’s race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, criminal

- record, criminal history, financial status, immigration status, or homeless status. See Canton Police Dept Policy 70.4.
- C. Force used as punishment or retaliation (e.g., force used to punish or retaliate for fleeing, resisting arrest, or insulting a Department member) is prohibited.
 - D. Force used in response to a person's lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, observing or filming police activity, or criticizing a Department member or conduct) is prohibited. NOTE: First Amendment rights are not absolute and are subject to reasonable time, place, manner restrictions.
 - E. Department members are prohibited from carrying blackjacks, saps and other similar types of items.
 - F. Chokeholds and Obstruction of Breathing or Blood Circulation: 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. Department members shall be prohibited from using L.T.L.W. to threaten; elicit information; extract an item from the body cavity of a subject without a warrant (except where exigent circumstances are present); to obtain physical evidence from an individual for the purposes of scientific testing in lieu of a court order where required; to use on subjects who are handcuffed, secured, confined and who are securely in custody (unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject); and to spray oleoresin capsicum into crowds.

VI. DUTY TO INTERVENE AND REPORT

- A. Ensure Compliance. ALL Department members are obligated to ensure compliance by themselves and other members with Department regulations, policies, and the law. Consistent with the Department policy titled, "Disciplinary System", Department members will be held accountable for using force that violates law, this policy, or other Department policy. 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. Intervention, Supervisory Intervention, Notifying Superiors. (1) A Department member who directly observed a use of force and identifies the force as excessive or otherwise in violation this directive will, except in extraordinary circumstances, act to intervene on the subject's behalf. Such action will include, but is not limited to, verbally intervening to try to stop the violation. If the member is a supervisor, he or she will issue a direct order to stop the violation. (2) Consistent with the Department policy titled, "Disciplinary System", any Department member who observes misconduct or becomes aware of information alleging misconduct, including an identified excessive use of force, a reportable use of force incident that that was not reported, or a use of force that is otherwise in violation of this directive, will immediately notify his or her supervisor. (3) Written Report Obligation. Consistent with the Department policy titled, "Disciplinary System", Department members who have knowledge of the use of

force against a subject in violation of this directive will submit an individual written report to a supervisor before reporting off duty on the day that the member becomes aware of the misconduct. (4) Retaliation Prohibited. The Department prohibits any form of retaliation, interference, intimidation, or coercion against a Department member for reporting misconduct, that includes a use of force in violation of this directive, or cooperating with any complaint or misconduct investigation. (5) Accuracy and candor. Department members will be responsible at all times for truthfully and completely report each reportable use of force incident consistent with the Department policies and procedures; describe the facts and circumstances concerning any incident involving the use of force by Department members; and for articulating the specific facts to explain the member's own decision to employ a particular use of force.

VII. PROCEDURES

A. Parameters for use of **deadly force**:

1. Police officers are authorized to use **deadly force** in order to:
 - a. Protect the police officer or others from what is reasonably believed to be an imminent threat of death or serious bodily harm; or,
 - b. Prevent the escape of a fleeing felon whom (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 (2) the officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or others; and (3) will pose a significant and imminent threat to human life should escape occur; and (4) where feasible, some warning should be given prior to the use of deadly physical force.
2. Before using a firearm, police officers shall identify themselves and state their intent to shoot, where feasible.
3. A police officer may also discharge a weapon under the following circumstances:
 - a. During range practice or competitive sporting events.
 - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
 - 1) When practical, the department .410 shotgun shall be used to avoid the possibility of unintentional injury to people or property.
4. Police officers shall adhere to the following restrictions when their weapon is exhibited:
 - a. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
 - b. Warning shots shall not be fired in an effort to induce a fleeing subject to stop.
 - c. Discharge of a firearm from or at a moving vehicle is prohibited unless the member reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly physical force against the member or another person. Therefore,

shooting at a fleeing vehicle or a vehicle that is going away from the member is prohibited.

B. Parameters for use of ***less-than-lethal substances/devices***:

1. Where deadly force is not authorized, officers shall use objectively reasonable force given the severity of the crime at issue, the immediate threat of the suspect to officers and the public, and the active resistance of the suspect to arrest or to attempts to evade arrest.
2. It is the policy of the Canton Police Department that members shall carry only department approved less than lethal weapons. Less than lethal weapons shall be used only when necessary to overcome resistance or to defend the member or another from physical attack.
 - a. The following will outline authorized non-lethal weapons and procedures for their use:

Less Than Lethal Weapons – (L.T.L.W.) shall mean department issued/approved:

1. Oleoresin Capsicum (OC)
2. Expandable Baton.
3. Conducted Energy Weapons (TASER)

b. Authorization:

- 1) For the purpose of this order, members will be authorized to carry only department issued or approved:
 - i. Oleoresin Capsicum
 - ii. Expandable Baton.
 - iii. Conducted Energy Weapons (TASER)

c. Justification:

All members are governed by Article 35 of the N.Y.S. Penal Law and this General Order with respect to the use of Less Than Lethal Weapons (L.T.L.W.)

C. Procedures After LTLW Usage:

Medical Assistance:

- 1) **Members who have custody of a person MUST provide attention to the medical and mental health needs of a person in their custody and will obtain assistance and treatment of such needs, which are reasonable and provided in good faith.**
- 2) This assistance will include appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
- 3) The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.
- 4) When medical assistance is offered and then treatment is refused, the officer shall obtain a witness to the refusal and notify the immediate supervisor as soon as possible.

- 5) If the person has been arrested and the arresting officer believes that it would be prudent for them to be seen by medical personnel, notwithstanding their refusal, the officer, upon receiving the permission of their supervisor, shall transport or cause the transportation (I.e. Canton Rescue, etc.) of the effected person to a hospital. While en-route, the dispatcher should be advised to notify the hospital of the pending arrival of the officer and the prisoner.
 - 6) Officers should document any requests for necessary medical or mental health treatment, as well as efforts of police to arrange for such treatment.
 - 7) Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- D) **Reporting Requirements:**
- a. Other than during approved training, whenever an officer utilizes a
 - b. L.T.L.W. to control another person, the officer will document the incident by notifying the immediate supervisor and completing, when applicable, the following:
 - i. An Incident Report
 - ii. A Subject Resistance Report
 - iii. A Taser Report
 - c. Instances when a report must be completed include:
 - i. Use of force that results in a physical injury
 - ii. Use of force incidents that a reasonable person would believe is likely to cause an injury
 - iii. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
 - iv. Incidents where a conducted energy device (CED) was intentionally (or accidentally) discharged after being deployed.

VIII. Reporting Subject Resistance/Less Lethal Force:

- A. Any employee encountering resistance pursuant to his/her duties or any off-duty member encountering resistance regardless of whether or not it is pursuant to his/her duty as a police officer will:
 1. Immediately notify his immediate supervisor of the incident.
 - a. If the supervisor is not on duty, the Chief or Sergeant-in-Charge of Investigations will be notified, as soon as practicably possible.
 - b. In the case of off-duty incidents, outside the Village, the Chief, Sergeant-in-Charge of Investigations, or Sergeant on duty will be notified immediately along with the police agency of jurisdiction.
 - c. In cases of non-arrest or unarrest incidents where countermeasures have been used, the employee will obtain permission from the Sergeant on duty, or the Chief or the Sergeant-In-Charge of Investigations prior to the release of the subject. An Incident Report describing the incident must be completed.
 2. After countermeasures are used, immediately evaluate the need for medical attention or treatment for the person upon whom the techniques were used and arrange for such treatment when: (1) that subject has a visible injury requiring medical attention, including injuries prior to countermeasures; (2) subject complains of injury or requests medical attention; (3) Oleoresin Capsicum (OC) was used; (4) a conducted energy device (CED) was intentionally (or accidentally) discharged after being displayed; or (5) or Use of Force incidents that a reasonable person would believe is likely to cause an injury.

- a. Persons exposed to OC will be taken to the CPD Eyewash Facility located in the booking room before being released or being brought into the main office.
- b. Persons will not be brought to the CPD Eyewash Facility if they continue to be combative, display excessive hyperactive behavior after OC has been administered, exhibit any other signs of physical distress (e.g., difficulty breathing, chest pain, and/or other physical complications) or have other physical injuries or complains of injuries needing physical attention. Such treatment will be rendered without delay and will be noted on the SRR.

NOTE: Deficiencies to the CPD Eyewash Facility will be brought to the attention of the Chief.

- c. Persons being taken into custody or who will be issued an appearance ticket and who refuse medical treatment must be checked out by Canton Rescue Personnel or transported to a hospital where the refusal will be witnessed by hospital personnel and noted on the SRR.
 - d. Refusal for treatment at the CPD Eyewash Station by a person exposed to OC who does not require additional medical attention must be witnessed by an on-duty supervisor or officer in charge and so noted on the SRR.
 - e. Persons who are to be released should be encouraged to go to the hospital, transported if so requested or be checked out by Canton Rescue Personnel, but they cannot be compelled to do so unless they are unable to make a rational determination themselves. The subject's acceptance or refusal of medical care will be noted on the SRR.
3. Report, or cause to be reported, all facts relative to the incident on the SRR whether or not an arrest was made. Countermeasures used against crowds or unknown persons will still be documented; recording all possible information.
 4. Attempt to locate and identify any witnesses and depose their observations.
 5. Prepare and submit the reports required by current directives. If the resistance incident is crime related, appropriate crime report(s) will be submitted. Any other situation will be documented on an Incident Report. All copies of these report(s) will then be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.
 - a. If more than one employee is involved in a resistance incident, one employee will complete the SRR outlining only his/her involvement in the incident. All other employees using countermeasures will complete an Addendum Report outlining their involvement or use of countermeasures.
 - b. Additional subjects will be documented on separate resistance reports.

B. Supervisors Will:

1. Respond to the scene of the incident immediately. If the employee's immediate supervisor is not available the Chief or Sergeant-In-Charge of Investigations will be notified and respond to the scene.
2. Ensure that employees receive any necessary assistance, including medical treatment. The supervisor will also ensure that any injuries or exposures to employees are properly documented on an Injury and Exposure Report and noted on the Prisoner Data Report to bring the incident to the judge's attention.

3. Ensure that medical treatment for the subject is evaluated per Section VII C.
4. Ensure that photographs are taken of all subjects involved in countermeasures (non-custodial persons have the right to refuse).

Note: A photograph showing lack of injury may be as important as one that shows injury.

5. Determine if the Sergeant-In-Charge of Investigations should respond to the scene and the level of services to be utilized (including photos, measurements, and diagrams). In minor incidents, the unit camera may be used (digital photos or film to be turned in immediately for processing).
6. Ensure that a thorough investigation is conducted and all reports are prepared and submitted. In the event that an employee is unable to complete reports due to injuries, the supervisor will prepare or cause them to be prepared. A record of all officers present will be completed.
7. Review the SRR and all related reports for completion and accuracy before forwarding the SRR and addendum's, along with his own report or comments, to the Chief.
8. All completed SRR's shall be reviewed in a timely fashion.
9. The Supervisor/OIC shall immediately (or as soon as practical) report Use of Force Incidents the Chief of Police through the proper chain of command so that review of the investigation may be conducted.

IX. REPORTING SUBJECT RESISTANCE/DEADLY FORCE:

When a member discharges a firearm, whether **on-duty** or **off-duty** during a deadly force encounter, or uses deadly force with any instrument during a deadly force encounter, they will immediately notify the on-duty supervisor, Sergeant-In-Charge of Investigations or Chief, and submit required reports following guidelines listed in Attachment B.

Discharge of a firearm associated with authorized training, target practice, and legal hunting does not require supervisor notification.

A. If a weapon discharge is unintentional and did not injure anyone:

1. the member will submit an Incident Report;
2. the member's-duty supervisor will:
 - a. notify the Chief or Sergeant-In-Charge of Investigations of the incident,
 - b. notify an on-duty supervisor, Chief or Sergeant-In-Charge of Investigations, whether inside or outside the Village of Canton.
 - c. Conduct a preliminary investigation into the incident.

NOTE: If response to the scene is inappropriate due to the distance from the Village of Canton, the on-duty supervisor will obtain preliminary information from the case coordinator of the investigating agency.

3. The on-duty supervisor will determine, based on the circumstances of the situation as to whether to respond to the scene and/or make further notifications;

4. All reports will be immediately forwarded to the Chief of Police or the Sergeant-In-Charge of Investigations.
- B. If a weapon discharge is directed at an animal:
1. The member will submit an Incident Report;
 2. The on-duty supervisor will determine, based on the circumstances of the situation as to whether to respond to the scene and make further notifications;
 3. The on-duty supervisor will ensure that:
 - a. The Town Animal Control Officer is called to the scene (If the animal appears to be suffering from disease, i.e. Rabies)
 - b. If the animal has suffered a fatal wound and does not appear to be diseased that:
 - 1) the animal is released to the owner for proper disposal or;
 - 2) if the owner cannot be located or does not request custody of the animal, the Village DPW is contacted for immediate pickup. The officer should remain at the scene until the DPW arrives, unless directed otherwise by a supervisor.
 - c. If the animal has suffered a non-fatal wound:
 - 1) allow the owner to transport the animal to his veterinarian for treatment or;
 - 2) Arrange for transportation of the animal for treatment.
- C. If the owner inquires about reimbursement for veterinarian fees or compensation for the animal, the on-duty supervisor will instruct the owner to contact the Corporation Counsel on the next business day to receive instructions on how to file a claim against the Village.
- D. If the discharge of a weapon is directed at a person, (whether or not the person is struck) or if, as the result of any discharge, a person is injured or a death occurs:
1. The member will:
 - a. call for any medical or mental health treatment assistance, as necessary.
 - b. advise the on-duty supervisor, Chief or Sergeant-In-Charge of Investigations.
 - c. immediately prepare and submit an Incident or Crime Report and a Subject Resistance Report, and any other reports so directed by the Canton Police Department.
 2. The member's on-duty supervisor will notify the Chief and Sergeant-In-Charge of Investigations and both will respond to the scene (whether the incident is on or off-duty). If the scene is located outside the Village of Canton, the Chief or Sergeant-In-Charge of Investigations will determine whether to respond to the scene, after considering:
 - a. Apparent surrounding circumstances:
 - b. Injuries to police and/or non-police personnel; and

- c. Distance from the Village of Canton.
- 3. The on-duty supervisor, Sergeant-In-Charge of Investigations or Chief will:
 - a. Ensure that the member:
 - 1) Receives medical assistance, if needed;
 - 2) Is afforded privacy from inquiries from the public and all Departmental personnel not involved in the actual investigation of the incident;
 - 3) Receives Trauma Crisis counseling as required in section E. below.
 - b. Initiate and coordinate a preliminary investigation of the circumstances surrounding the incident (unless otherwise directed by established authority) and promptly report the results of the preliminary investigation to the Chief.
 - c. Except as directed by the Chief of Police, ensure that the instrument used, including any firearm, ammunition and related leather goods are secured (by a supervisor or evidence custodian) in the same condition as they were, immediately following the last discharge.

NOTE: If necessary, they will be placed in the Evidence Room until the completion of any internal or legal proceedings; or in the case of an unintentional discharge (not resulting in damage or injury) until said firearm is examined by the Firearms Armorer and found to be functioning properly. The Firearms Training Unit staff will replace the weapon and equipment as directed by the Chief of Police.

NOTE: If the weapon (pistol) is taken as evidence, replace it immediately or when appropriate (with the officer being told it will be replaced). This guideline can be modified depending on how aggravated the circumstances are and how stressed the officer is, e.g., very depressed, agitated, suicidal, etc. SEE ATTACHMENT B

- 4. Upon completion, all reports will be forwarded to the Chief of Police.
- E. Trauma Counseling will be provided in all cases of use of deadly physical force as follows:
 - 1. On-scene and/or at the medical facility as soon as possible;
 - 2. Other counseling as may be requested by the employee or directed by the Chief of Police.

X. DEPARTMENT RESPONSE

- A. Deadly Force Incident
 - 1. Where an employee's use of force causes death, the employee shall be placed on administrative leave after completing all internal investigative requirements, and until it is determined by a mental health professional that the employee is ready to return to work.
 - 2. The department shall conduct both an administrative and criminal investigation of the incident:
 - a. All reported Subject Resistance will be reviewed by the Chief of Police or his designee to determine whether:
 - Department rules, policy or procedures were violated

- The relevant policy was clearly understandable and effective to cover the situation, and
 - Department training is currently adequate.
- b. All findings of policy violations or training inadequacies shall be reported to the Chief for resolution and/or discipline.
 - c. All Subject Resistance Reports shall be retained as required by state law.
 - d. There will be a regular review of Subject Resistance Reports by the Chief and/or his designee to ascertain training and policy needs.

D. MAINTENANCE OF EQUIPMENT:

1. Members issued L.T.L.W. will be responsible for retaining the weapons in their possession and will exercise the same precautions for security as with a firearm.
- 2) Loss, theft of, or damage to a L.T.L.W. shall be reported in writing as soon as possible to the shift supervisor, who will submit an investigative report to the Chief of Police through the proper chain of command.
- 3) Authorization for replacement of the L.T.L.W. can only be made by the Chief.

E. TRAINING, QUALIFICATIONS AND GUIDELINES:

1. All officers will receive training and demonstrate their understanding on the proper application of force.
2. Training topics will include the 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.
4. Deadly weapons/Firearms:
 - a. Only those department personnel specifically authorized by New York State statutes and by the Chief of Police shall be permitted to carry a firearm on duty.
 - b. While on-duty, police officers shall carry only weapons and ammunition authorized by and registered with the department.
 - c. Authorized weapons are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications. Department issued or authorized weapons will not be altered in any way without permission of the Chief of Police or his designee.
 - d. This law enforcement agency shall schedule regular training and qualification sessions for service weapons and specialized weapons.

- e. Firearms qualification will be graded on a pass/fail basis.
 - f. Firearms training shall include, but are not limited to the safety in handling of firearms, proficiency in the use of firearms and the care and maintenance of firearms. The firearms instructor shall be responsible for the completion and maintenance of all firearms training records, including attendance, course content, and satisfactory or non-satisfactory completion. The firearms instructor shall provide the Chief of Police with a copy of all firearms training records, and shall inform the Chief of Police of any person who fails to attend firearms training and/or who receives an unsatisfactory rating. The firearms instructor and Chief of Police shall be responsible for rescheduling all personnel who shall need to re-qualify.
 - g. Police officers who fail to receive a passing score with their duty weapon(s) in accordance with department testing procedures may be relieved of their police powers.
 - h. A police officer shall not be permitted to carry any weapon with which he/she has not been able to qualify during the most recent qualification period.
 - i. A police officer that has taken extended leave or suffered an illness or injury that could affect his/her firearms ability will be required to re-qualify before returning to enforcement duties.
 - j. Officers who are issued weapons are responsible for the security of their weapon(s) both on and off duty, including when stored at home. At no time shall officers allow access to their issued or authorized handgun, patrol rifle or any other weapon, including impact weapons, CED's and chemical agents. At no time will an officer leave his/her weapon(s) unattended without securing it. If the weapon is not carried on the officer's person while on duty, it will be secured in the officer's locked locker or in the secure gun closet inside of the police department. Officers will ensure that the safe storage of all issued firearms outside of the police department will be in accordance with the New York State SAFE Act.
 - k. Because accidental discharges are of major concern to this department, officers will not be allowed to display their weapons to anyone, which includes other police officers or civilians for any reason whatsoever, except that this section shall not apply to ordered inspections by the Chief of Police, the firearms instructor or a superior officer.
 - l. Only under the following conditions will officers be allowed to remove their weapons from its carrier:
 - * For use of deadly physical force in accordance with departmental policy and Article 35 of the New York State Penal Law;
 - * For any situation where an officer feels the threat of imminent deadly physical force used against himself or a third party exists;
 - * For training purposes;
 - * For cleaning purposes;
 - * Upon demand of the Chief of Police, the firearms instructor or a superior officer;
 - * To secure in locking cabinets for fingerprinting and routine prisoner checking;
 - * As required by other sections of the policies and procedures manual;
 - * When an officer removes his/her weapon for any purpose, he/she will do so according to procedures taught through department training. Anytime an officer loads or unloads a department issued or authorized weapon, he/she will do so according to procedures taught through department training.
5. Authorized firearms:

A. Handguns

1. Uniformed officers will carry a .40 caliber Glock pistol issued by the department. Spare handguns will be stored in a locked locker in either the gun closet inside of the police department or in the secured locker inside of the evidence-room.
2. Prior to any officer being issued a weapon to be carried on duty, the weapon will be checked over by the firearms instructor or armorer, and the officer must qualify with the weapon.
3. Officers will carry and use only department issued ammunition in department issued weapons.
4. Department issued or authorized weapons will not be altered in any way without the permission of the firearms instructor and the Chief of Police.

B. Shotguns

1. 12-gauge shotguns are available to be used and carried in patrol vehicles, otherwise they will be stored in the gun closet located in the police department.
2. All shotguns will be department issued.
3. Only department authorized ammunition will be used in department shotguns. This will consist of either 12-gauge slug or 12-gauge .00 buckshot, unless otherwise ordered by the Chief of Police or his designee.
4. Before using a shotgun, the officer must be qualified in the use of shotguns.
5. Department shotguns shall not be altered in any way without the permission of the firearms instructor and the Chief of Police.
6. Officers who are assigned or use shotgun are responsible for the security of said weapon. At no time shall officers allow access to their assigned shotgun by non-departmental personnel or leave a shotgun unattended. Shotguns will either be secured in a patrol car in a manner established by the department or will be secured in the gun closet inside of the police department. At no time will a shotgun be left out, unsecured.
7. Shotguns transported inside of a patrol car must be secured inside of the provided locking gun rack or a transport bag locked in the trunk.;
8. Anytime an officer loads or unloads a department shotgun he/she will do so according to procedures taught through department training.

C. Patrol rifles

1. Department issued semi-automatic patrol rifles, currently consisting of Colt AR-15 Tactical Carbines and chambered in .223 REM, will be assigned to specific patrol Vehicles and/or to individual officers. Patrol rifles are available to officers for the patrol response to emergency situations where the utilization of a department issued or authorized handgun would not be appropriate and/or would be disadvantageous to the successful resolution of the situation.
2. All patrol rifles will be department issued.
3. Only department authorized ammunition will be used in department issued patrol Rifles, unless ordered by the Chief of Police.
4. Officers will qualify yearly on the currently fielded Colt patrol rifles. Individually assigned officers will qualify yearly to department standards with their assigned patrol rifle.
5. Department patrol rifles will not be altered in any way without the permission of the firearms instructor and the Chief of Police. Any additional optics or sight systems must be authorized by the Chief of Police and the officer must re-qualify with the patrol rifle before fielding it with the added accessory. The firearms instructor will retain serial numbers and nomenclature for the accessories with the qualification records.
6. Officers who are individually assigned, or that remove from the gun closet for use, a patrol rifle, are responsible for the security of said weapon. At no time shall officers allow access to their assigned patrol rifle by non-department personnel or

leave a patrol rifle unattended. Once the officer is assigned a patrol rifle, they are required to carry it in their patrol vehicle at all times while on patrol. Additionally, the officer may transport their assigned patrol rifle in their personal vehicle, and to and from their residence, in order to maintain a ready response status if they so chose. Officers will ensure that the safe storage of all firearms outside of the police department will be in accordance with the New York State SAFE Act. Any officer wishing to take a patrol rifle for any reason other than paid patrol duty shall obtain the permission of the Chief of Police.

7. Patrol rifles are to be secured inside of the patrol car in the provided locking gun rack or in a transport bag locked inside of the patrol car trunk.
8. Any time that an officer loads or unloads a department patrol rifle he/she will do so according to procedures taught through department training. Only department 20 or 30 round magazines will be utilized for patrol responses with the assigned patrol rifles.

D. .410 caliber Shotgun

1. A department authorized .410 shotgun is available to be used for the destruction of small animals in accordance with department procedures contained herein. Larger animals may be dispatched with the officer's authorized .40 caliber pistol, upon approval of the shift supervisor.
2. All officer will receive familiarization training with the .410 shotgun prior to using it.
3. Officers who are assigned the .410 shotgun for police use shall be responsible for the security of the weapon and will not allow access to said weapon by non-department personnel. The .410 shotgun will not be carried on routine patrol, but will be secured in the gun closet in the police department until it is needed.

E. Off Duty Weapons

1. The decision whether to carry an off-duty weapon or not, shall be left to the discretion of each individual officer.
2. Off duty officers can carry their department issued service weapon, and shall do so in conformance with all regulations contained herein, and will be held responsible for the safekeeping of said weapon.
3. Off duty officers, while operating a police vehicle, shall be armed with a department issued firearm.

F. Purchasing of firearms under Officer's Badge

1. Officers may purchase firearms under the authority of their badge.
2. In accordance with Chapter 843 of the United Peace Officers Law, an officer Who purchases a firearm under his/her badge, or uses his/her position as a Police Officer to obtain a firearm, must register that firearm with this department. (A Violation of this law is a class A Misdemeanor).
3. Officers purchasing a firearm shall forward a completed New York State Police Form C to the Chief for each firearm purchase. The Chief will have a supply of these available for officers to complete.
4. The Chief of Police shall report all purchases of firearms by department members on their badges to the appropriate authorities as required by law.

6. Less-Than-Lethal-Weapons and methods:

- a. A police officer is not permitted to use a less lethal weapon unless qualified in its proficient use as determined by training procedures.
- b. This law enforcement agency shall schedule regular training and qualification sessions for less-than-lethal-weapons.

DEPOSED WITNESSES

Interviewed, Refused Deposition ↓

15. Name	Address	Day Phone	
		Evening	
		Day Phone	
		Evening	
		Day Phone	
		Evening	
		Day Phone	
		Evening	
		Day Phone	
		Evening	

MEDICAL

16. Condition of subject _____

17. Subject injured prior to incident _____

18. Subject injured during incident _____

19. If subject was exposed to OC, was subject treated _____ at hospital CPD eyewash station

20. Hospitalization: BY: _____

no – reason _____

yes – transport via CPD Vehicle # _____ ambulance # _____ other _____

21. Hospital _____ 22. Attending medical professional _____

23. Subject: admitted treated and released no treatment refused

24. Time of treatment/refusal _____ 25. Witness to refusal _____

26. Tech work By _____ photos diagram(s) other

Photos of : office _____ subject other _____

27. Incident was related to a: domestic offense quality of life complaint Other _____

28. If quality of life, give a brief description of the incident (see Appendix)

29. Reports completed crime incident

(DO NOT ATTACH) prisoner data report addendum(s) other

investigative action technician's report

SUPERVISORY REVIEW

30. C.O. at scene _____ Rank _____

31. Reviewing C.O./Date _____

Attachment B

Any Crime, incident or Subject Resistance Report relating to the discharge of a firearm or the use of deadly force, by a police officer, should include, but is not limited to, the following:

1. Nature of incident; how dispatched and/or original perception.
2. Lighting and weather conditions.
3. Whether the officer was on or off duty.
4. Whether the officer was in uniform or plainclothes.
5. Circumstances leading to the discharge of the firearm (reason for use of deadly physical force) include any escalation of force, if applicable.
6. Number of rounds fired by the officer and adversary. If applicable include succession of rounds fired.
7. Description of firearm(s) used, if applicable, including:
 - a. whether or not authorized service weapon
 - b. type (e.g. revolver, semi-auto, auto, shotgun, rifle, etc.)
 - c. make
 - d. caliber
 - e. serial number
 - f. number of rounds (capacity and actual)
 - g. type of ammunition
 - h. type of holster and whether Village Issue
 - i. permit number, if applicable

Attachment B

8. A complete description of any instrument/weapon used by officer, other than their issued firearm.
9. Witness contact data should contain both daytime and evening information; include witnesses who may have only seen part of the entire incident.
10. Name(s) and unit(s) of officer(s) present at scene, with statement as to their involvement.
11. Weapon(s) used by adversary and complete description.
12. Suspect information in narrative should indicate any previous knowledge of suspect and any known tendencies towards violence.

**APPENDIX FORM COMPLETION
SUBJECT RESISTANCE REPORT**

SUBJECT

BLOCKS 1-10

List all information pertaining to the subject, all related incident reports, date, time, location and car beat of the incident.

BLOCK 11

Indicate if the subject was charged or released. If released, enter the name of the approving supervisor; if charged, list charges.

TACTIC EFFECTIVENESS

Indicate, by checking yes or no, if listed tactic was used. For the tactic used, check the level of effectiveness that best applies.

NARRATIVE

BLOCKS 12-13

Describe fully, using an Addendum Report if necessary, and include:

- a. The subject resistance, behavior or conduct and the verbal statements (describe, give examples).
- b. All specific techniques or countermeasures used by the officer (e.g., verbal directions, pressure point, baton techniques).
- c. Reason(s) why tactics were used.
- d. If necessary, explain why tactic used was not effective.
- e. Specific equipment used (e.g., hands, baton, and handcuffs). It is important to indicate when equipment is used in conjunction with a technique (e.g., baton jab as opposed to a fist jab).

**APPENDIX FORM COMPLETION PAGE 2
SUBJECT RESISTANCE REPORT**

NOTE: Do not duplicate information already supplied in other reports.

LAW ENFORCEMENT OR OTHER PERSONNEL AT SCENE

BLOCK 14

- a. List the reporting officer's name as well as other law enforcement officer or other support personnel at scene include police Id's or agency name, when applicable.
- b. Enter personnel's height, weight, section, and Tour.
- c. Duties type - enter OFF for off-duty; ON for on-duty or AE if incident occurred while individual was performing additional employment.
- d. Uniform - enter U if the member was in uniform or P if the member was in plainclothes.
- e. Injured/Treated - enter either a "Y" (Yes) or "N" (No) response in both the upper (injured) and lower (treated) parts of this box.
- f. Addendum - Enter "Y" if the member submitted an Addendum Report; enter "N" if not.

WITNESSES

BLOCK 15

Enter the name, address, and applicable phone number(s) of those witnesses who provided the officer with a deposition. Indicate if a witness was interviewed but refused deposition.

MEDICAL

BLOCK 16

Check the box that best describes the physical state of the subject at the time of the incident.

APPENDIX FORM COMPLETION PAGE 3
SUBJECT RESISTANCE REPORT

BLOCK 17

Indicate if subject had injuries before any type of force or tactic was used and describe those injuries.

BLOCK 18

Indicate if subject incurred injuries during the incident and describe those injuries.

BLOCK 19

If subject was exposed to OC, indicate where subject was treated and by whom. If the subject was NOT exposed, enter N/A on the line provided.

BLOCK 20

If subject was not taken to the hospital, state the reason. If the subject was taken to the hospital, indicate by what method the subject was transported.

BLOCK 21

If the subject was taken to the hospital, indicate the name of the hospital.

BLOCK 22

Enter name of attending medical professional.

BLOCK 23

Indicate subject treatment status.

BLOCK 24

Enter appropriate time.

**APPENDIX FORM COMPLETION PAGE 4
SUBJECT RESISTANCE REPORT**

BLOCK 25

Enter name and title of person witnessing refusal.

BLOCK 26

TECH WORK: Indicate who performed the technicians' work, check the appropriate boxes and list the employee's name.

BLOCK 27

NATURE OF INCIDENT: Indicate if incident was related to a domestic offense or a quality of life complaint; if neither; indicate not applicable.

BLOCK 28

DESCRIPTION: Quality of life includes: Open Container Law, Noise Complaint, Animal Complaint, Loitering, and Prostitution.

BLOCK 29

REPORTS COMPLETED: Indicate any additional reports completed.

BLOCK 30

COMMANDING OFFICER AT SCENE: Enter the name, rank, and assignment of the Commanding Officer coordinating the investigation.

BLOCK 31

REVIEWING COMMANDING OFFICER: Enter the name and rank of the Commanding Officer reviewing the report and date.