



**CHAUTAUQUA COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

BY ORDER OF: <b>Sheriff James B. Quattrone</b>	EFFECTIVE DATE: 10/06/23	NUMBER: <b>20.1</b>
	SECTION: ADMINISTRATION	
REPLACES: Order Issued 4/27/22;GO's 20.3;20.7,21.1 REVIEWED: 10/06/2023	TOPIC: <b>Use of Force</b>	

**20.1 Use of Force**

**A. Purpose**

Law Enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in special 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.

**B. Policy**

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 that is objectively reasonable under the circumstances for the officer or officers 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 to 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 judgements – 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.

### C. Definitions

1. **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.
2. **Deadly Physical Force** – Physical Force which, under circumstances in which it is used, is readily capable of causing death or other serious physical injury.
3. **Physical Injury** – Impairment of physical condition or substantial pain.
4. **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.

### D. Use of Force

1. 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.
2. Under the 4<sup>th</sup> 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.

### E. Determining the Objective Reasonableness of Force

1. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
2. Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - a. The severity of the crime of circumstances;
  - b. The level and immediacy of threat or resistance posed by the suspect;
  - c. The potential for injury to citizens, officers, and suspects;

- d. The risk or attempt of the suspect to escape;
- e. The knowledge, training, and experience of the officer;
- f. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects involved;
- g. Other environmental conditions or exigent circumstances.

**F. Duty to Intervene**

- 1. Any officer present and observing another officer using force that he/she reasonably believes to be *clearly* beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- 2. In assessing the duty to intervene during what reasonably appears to be a clear violation of this policy, the paramount concern should always be the safety of all officers involved and the public.
- 3. An officer who observes another officer use force that *clearly* exceeds the degree of force as described in subdivision 1 of this section should promptly report these observations to a supervisor.

**G. Use of Deadly Physical Force**

- 1. Deadly Physical Force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.
- 2. Deadly Physical Force may be used to stop a fleeing suspect where:
  - a. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; AND,
  - b. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  - c. When feasible, some warning should be given prior to the use of deadly physical force.

## **H. Prohibited Uses of Force**

1. Force shall not be used by an officer for the following reasons:
  - a. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  - b. To coerce a confession from a subject;
  - c. 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.
  - d. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

## **I. Use of Control Continuum**

1. Below is the agency's Use of Control Continuum. The Continuum is a conceptual model that depicts the dynamic relations between a suspect's level of resistance to apprehension and the officer's level of control used to overcome such resistance. The Continuum is meant to be used as a guide when determining the necessary control to overcome said resistance.
2. It is imperative that officers take into account the following three variables when making a use of force decision:
  - a. The level of suspect resistance
  - b. The level of control to be used by the officer to overcome the suspect's level of resistance
  - c. The tactics and/or weapons to be used by the officer to overcome the suspect's resistance.
3. When officers use any type of force in relation to the Use of Control Continuum, all officers will properly increase and/or decrease their level of control as dictated by the subject's level of resistance or force against the officer. It is paramount that an officer's actions be reasonable in relations to the subject's level of force. As the subject increases his/her level of resistance and force, the officer, when justified, may increase his/her force response to meet that level.

Conversely, the officer will decrease his/her level of force as the suspect lowers his/her resistance and becomes more compliant.

**USE OF FORCE CONTINUUM**

**Level of Resistance  
(Suspect)**

Deadly Resistance	Any Tactic K-9 (Bite)
Assaultive Resistance	Laser Sightings Batons for Striking
Active/Physical Resistance	Batons or Holds, Takedown Maneuvers Hand Strikes and Kicks
Passive Resistance	OC Spray, Pepper Ball Gun Pressure Points, Control Techniques
Verbal Non Compliance	Handcuffing, Taser Grabbing, Touching
Psychological Intimidation	K9 (Barking) Constructive Control (Handcuffing for Safety)
Cooperative	

<b>Officer Response Tactics</b>	Officer Presence	Verbal Direction	Empty Hand Control (Soft&Hard)	Intermediate Weapons	Survival Tactics
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**J. Reporting and Reviewing the Use of Force**

1. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
2. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete an agency use of force report.
  - a. Use of Force that results in physical injury.
  - b. Use of Force incidents that a reasonable person would believe is likely to cause injury.

- c. Incidents that result in a complaint of pain from the subject with the exception of complaints of minor discomfort from compliant handcuffing.
  - d. Where the officer displayed, used, or deployed a chemical agent (O.C. Spray) or a conducted energy device (Taser).
  - e. Where the officer brandished, used, or deployed a baton.
  - f. Where the officer used a chokehold.
  - g. Where the officer brandished, used or discharged a firearm at another person.
  - h. Where the officer engaged in any conduct which results in death or serious bodily injury to another person.
3. A standard Use of Force form should be used to document any reportable use of force incident along with the SD106 form for the incident that involved the use of force. The officer's escalation and de-escalation in regards to the Use of Control Continuum should be documented accordingly.

**K. Procedures For Investigating Use of Force Incidents**

1. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
2. 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.
3. Photographs should be taken which sufficiently document any injuries or lack thereof to the officers or suspects.
4. A captain will review all use of force reports and make notification to the state where required by law.
5. Consistent with agency disciplinary protocols and any collective bargaining agreements, violations of this policy will be addressed.

**L. Training**

1. All officers should receive training and demonstrate their understanding on the proper application of force.

2. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.
3. The agency will provide annual Use of Force training, along with any legal updates when appropriate.
4. 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.

**L. Survival Tactics** - This section reaffirms the officer's right to use any level of force or any tactic deemed necessary to protect the officer's life, or the life of another, when faced with a true life-threatening situation. When an officer implements these tactics, the following four conditions must be met:

1. The officer did not create the emergency situation.
2. The officer was acting under an immediate and direct threat.
3. The level and amount of force used was reasonable given the facts and circumstance at the time.
4. A reasonable and prudent person might have been expected to react similarly under similar conditions.

**M. Posting of Policy** - A link to a copy of this policy will be conspicuously posted on our agency's website homepage. The link on the website will be titled "Use of Force Policy."