

CHAPTER: Use of Force Weapons			
SUBJECT: USE OF FORCE			
ISSUE DATE: 12/13/2022	EFFECTIVE DATE: 12/17/2022	REVISION NO.: R22-17	STATE ACCREDITATION NO.: 20.1

PURPOSE

To establish the guidelines for the use of force by Sworn Members of the Eastchester Police Department.

POLICY

Sworn Members shall use only such force as is objectively reasonable under the circumstances to make an arrest, prevent an escape, defend themselves or others, or achieve some other lawful objective. "Objectively reasonable" in this context means 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.

PROCEDURE**EQUIPMENT TO BE USED**

1. Sworn Members shall only carry such equipment in connection with the use of physical force that is issued or approved by the Department and, then, only when trained in the use of such equipment.

USE OF FORCE

2. 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.
3. Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. This reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.
4. Whenever feasible and consistent with the safety of themselves and others, Sworn Members should:
 - a. Use such appropriate de-escalation techniques in which they have been trained before resorting to physical force or escalating the level of force used; and
 - b. Give subjects the opportunity to comply with instructions prior to employing a higher degree of physical force.

SUBJECT: USE OF FORCE			SECTION: 106-1
ISSUE DATE: 12/13/2022	EFFECTIVE DATE: 12/17/2022	REVISION NO.: R22-17	PAGE: 2 OF 5

NOTE: Sworn Members using physical force should continually assess the circumstances and, as appropriate, reevaluate the use of physical force given the totality of the circumstances as known to them.

5. Nothing contained herein shall be deemed to limit the routine restraint of prisoners, including, without limitation, the use of handcuffs and shackles.

DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

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

UNNECESSARY FORCE DEFINED

8. Unnecessary force occurs when unjustifiable physical abuse of a person has occurred or when it is apparent that the type or degree of force employed was neither necessary nor appropriate, or when any degree of force is utilized as summary punishment or vengeance.

DUTY TO INTERVENE

9. 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

SUBJECT: USE OF FORCE			SECTION: 106-1
ISSUE DATE: 12/13/2022	EFFECTIVE DATE: 12/17/2022	REVISION NO.: R22-17	PAGE: 3 OF 5

unreasonable force, if and when the officer has a realistic opportunity to prevent harm.

10. An officer who observes another officer use force that exceeds the degree of force as described in section #9 of this policy should promptly report these observations to a supervisor.

USE OF DEADLY PHYSICAL FORCE

NOTE: "Deadly Physical Force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
--

11. Sworn Members may use Deadly Physical Force to protect themselves or other persons from what they reasonably believe is an imminent threat of Serious Physical Injury or death.
12. Sworn Members may use Deadly Physical Force to stop a fleeing suspect when:
 - a. They have probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and
 - b. They reasonably believe that the suspect poses an imminent threat of serious physical injury to the officer or to others.
 - c. When feasible and consistent with personal safety, Sworn Members should give some warning, such as "POLICE-DON'T MOVE" before using Deadly Physical Force.
13. A Sworn Member shall not use deadly physical force to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to themselves or another person present.
14. A Sworn Member shall not use deadly physical force in defense of property.
15. Chokeholds and Obstruction of Breathing or Blood Circulation
 - a. Any application of pressure to the throat windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.

SUBJECT: USE OF FORCE			SECTION: 106-1
ISSUE DATE: 12/13/2022	EFFECTIVE DATE: 12/17/2022	REVISION NO.: R22-17	PAGE: 4 OF 5

PROHIBITED USES OF FORCE

16. Force shall not be used by an officer for the following reasons:
 - a. To extract an item from a body cavity of a subject without a warrant, except when exigent circumstances are present;
 - b. To coerce a confession from a subject in custody;
 - 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.

MEDICAL AID REPORTING

17. In the event a physical injury is inflicted upon a person by a Member(s) of the Department or a physical injury is alleged to have been inflicted upon a person by Member(s) of the Department, the Member(s) involved shall immediately evaluate the need for medical assistance, and if necessary arrange such attention.
18. Every Member present at the time of injury or alleged injury shall prepare a complete and comprehensive use of force report detailing the circumstances surrounding the use of physical force or deadly physical force and submit such report to the Patrol Division Commander, or their designee, prior to the end of their tour of duty. Such report should contain the reasons for the use of force and the nature of any injuries sustained by any person.
19. Prepare an Aided Report as required by related Department procedure.

USE OF FORCE REPORTING/INVESTIGATION

20. Any Member involved in a use of force incident shall immediately report such use of force to the Tour Commander/Patrol Supervisor.
21. All use of force incidents shall be reported in an Incident/Complaint Report by the Member involved in the incident.
22. The Tour Commander/Patrol Supervisor shall investigate the circumstances surrounding the use of force and complete a Supervisory Report (EPD-100)

SUBJECT: USE OF FORCE			SECTION: 106-1
ISSUE DATE: 12/13/2022	EFFECTIVE DATE: 12/17/2022	REVISION NO.: R22-17	PAGE: 5 OF 5

23. Any use of force incidents resulting in an injury shall be investigated in the manner described in the Use of Force Investigations section of this Manual (Department Manual Section 125-1).
24. The Patrol Division Commander or their designee shall be responsible for reporting each instance of Reportable use of Force to the New York State Division of Criminal Justice Services as may be required by Law and in such manner as may be provided for by DCJS.

REVIEW OF THE USE OF FORCE

25. The Patrol Division Commander shall review all reports of the use of force by Members of the Department to insure:
 - a. The force used was lawful and in accordance with Department rules, regulations and procedures;
 - b. That the incident is properly documented;
 - c. That no training deficiencies exist.

EVALUATION

26. If the Patrol Division Commander determines that there was an improper use of force, the incident was not properly documented, or training deficiencies exist, they shall prepare an inter-departmental memorandum documenting their findings as well as corrective actions and forward same to the Chief of Police for final review.

NOTE: All Reporting and Investigation Procedures for the Use of Force and Discharge of Firearms can be found in Section 125-6 USE OF FORCE INVESTIGATIONS.