

**Section: THREE  
Chapter: ONE**

**SUBJECT:** Use of Force/Subject Management  
**ISSUE DATE:** 08-15-16  
**REFERENCE:** NYSA 20.1, 20.3, 20.6, 20.7, 21.2, 40.2

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**I. POLICY**

- A. Police officers may use only the level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law, the Constitution of the United States and consistent with the training provided by the Palmyra Police Department.
- B. Generally, officers may use physical force in the performance of their duty in the following circumstances:
  - 1. To prevent the commission of a breach of the peace or other unlawful act(s).
  - 2. To prevent a person from injuring him / herself.
  - 3. To effect the lawful arrest of a person resisting arrest or attempting to flee from custody.
  - 4. In self defense or in the defense of another person.
- C. Unnecessary Force
  - 1. Unnecessary force occurs when it is apparent that the type or degree of force employed was either unnecessary or inappropriate, or when utilizing any degree of force as summary punishment or vengeance.
  - 2. Any member of the Palmyra Village Police Department who is present and observes another member of the Palmyra Village Police Department or another police agency using force clearly beyond that which is objectively reasonable under the circumstances or in anyway physically or verbally escalating a law enforcement interaction shall safely intercede to prevent the use of such excessive force or escalation.
  - 3. Any member of the Palmyra Village Police Department who observes such use of excessive physical force and/or verbal escalation shall promptly report such observations to a supervisor.

**\*\*\* The use of indiscriminate force is prohibited \*\*\***

- II. The carrying or use of any instrument as a weapon or part of a continuum of force not specifically authorized by the Chief of Police, issued by the Palmyra Police Department is prohibited. Unauthorized weapons include but are not limited to

Blackjacks, weighted gloves, stun guns, brass knuckles, Billy clubs, batons, collapsible batons, night sticks, kubatons, tonfas ( PR 24), judo sticks, etc.

### III. GENERAL PRACTICES, CONTINUUM OF FORCE

#### A. Verbal Persuasion

1. The practice of courtesy in all public contacts encourages understanding and cooperation. Lack of courtesy arouses resentment which often leads to physical resistance.
2. Simple directions, encouraging compliance, are the most desirable method of affecting an arrest. A situation can often be controlled with advise, persuasion and warnings without resorting to physical force.
3. Use of these verbal methods should not lead to reduced vigilance. This may result in loss of control of a potentially confrontational situation, endangering the safety of assigned officers or the safety of citizens.

#### B. Physical Strength

1. Frequently subjects are reluctant to be taken into custody and offer some degree of physical resistance. Often, all that is required to overcome this resistance, is decisive use of physical strength and skill in defensive tactics.

#### C. Non-Lethal Weapons

1. Aerosol weapons are to be used according to techniques trained by the Palmyra Police Department. Only aerosol weapons issued by the department will be used. Officers should be aware of any expiration date on these issued weapons and contact a supervisor when the expiration date is imminent.
2. Flashlights, radios nor handcuffs are to be used as striking weapons.

### IV. PROCEDURES

- A. Any officer using physical force pursuant to his/her duties will report that use of force, the facts related to the incident and the progression of the continuum of force on the “**SUBJECT MANAGEMENT RESISTANCE REPORT**”. A supply of these forms will be maintained in the Forms cabinet, bin number 18. The completed report will be submitted to the Chief of Police.

#### B. Handcuffs

1. Only department approved handcuffs will be used and carried.
2. Handcuffs will be used on all subjects in custody while being transported or escorted unless the subject is elderly, handicapped or injured.
3. If it is necessary to use handcuffs as an instrument to obtain compliance, this should be considered as a use of force and a “**SUBJECT MANAGEMENT RESISTANCE REPORT**” should be completed.
4. If an aerosol weapon is used on a subject, the officer should not handcuff that subject behind his/her back, unless the subject is very combative.
5. A person who is extremely overweight (obese) should not be handcuffed behind his/her back.

#### **IV. MEDICAL ATTENTION**

- A. An officer using physical force in the course of his/her duties will immediately evaluate the need for medical attention or treatment for that person to which physical force was applied. Timely medical attention will be arranged when:
  1. The person has a visible injury
  2. The person complains of injury and requests medical attention
  3. The officer feels medical attention is needed
  4. When an officer has made a determination, pursuant to these guidelines, that a person subjected to physical force is injured, emergency medical personnel will be contacted, either ambulance or emergency room. In the event the subject refuses medical treatment, the officer will document that refusal, either by a copy of the refusal form, the sign-off form or the identities of emergency medical personnel.

#### **V. DUTIES OF SUPERVISING OFFICERS**

- A. On duty supervisors will respond to the scene of incidents requiring the use of physical force.
  1. The supervisor will render necessary assistance to the officer, including immediate emergency medical treatment if the officer has suffered any injury.
  2. Ensure the offer and availability of medical treatment to the subject so as to comply with section IV of this order.
  3. Ensure any documentation or evidence processing is properly completed.
  4. Ensure that necessary reports are completed and forwarded to the Chief of Police.
  5. Initiate training if the use of physical force was ineffective
  6. Initiate disciplinary action if the use of physical force was contrary to the guidelines of this order.

By order of:

David B. Smith  
Chief of Police