

# ORANGETOWN POLICE DEPARTMENT

## GENERAL ORDER

<u>General Order No.</u> 313	<u>Subject</u> PHYSICAL FORCE	<u>Effective Date</u> 03/02/2021	
<u>Rescinds</u>	<u>Amends</u> GO 313 issued 01/10/2001	<u>Cross Reference</u> GO 660 issued 03/02/2021	<u>Pages</u> 1 - 8

### I. POLICY

- A. Officers may use physical force when it is reasonably believed to be necessary to affect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another. The limits of this force shall adhere to the guidelines established by Article 35 of the New York State Penal Law and remain consistent with the training authorized by the Orangetown Police Department. Chokeholds and obstruction of breathing or blood circulation, in violation of NYS Penal Law 121.11 Criminal obstruction of breathing or blood circulation – with intent to impede the normal breathing or circulation of the blood of another person, applies pressure on the throat or neck, or blocks the nose or mouth of a person in a manner that hinders breathing or reduces the intake of air or blood circulation, is prohibited by members of the Orangetown Police Department, unless deadly physical force is authorized.
1. Note: the United States Supreme Court has made decisions that affect certain aspects of article 35 of the New York state penal law. These decisions were based on cases in other states, but are still binding. The New York state legislature has not taken any action to change article 35 to conform to the Supreme Court's decisions. Members should be aware of these decisions through the training they receive. Any questions individual officers may have on any aspect of article 35 should be directed to his/her supervisors.
  2. Office of Special Investigation (Senate Bill 2574C / Assembly Bill 1601C): Created the Office of Special Investigation within the NYS Department of Law, which will investigate and prosecute any deaths caused by an act or omission of a police officer, or which the Attorney General determines there is a question as to whether the death was in fact caused by an act or omission of a police officer. (Effective: April 1, 2021).
- B. It is the responsibility of each Officer to be aware of the requirements of Article 35 and to guide his/her actions based upon that law and Department policy and training.

### II. PROCEDURE

- A. The use of force shall be limited to that which is reasonably necessary to carry out the authorized duties of all personnel of the Orangetown Police Department.

1. Officers must be aware that each individual situation will dictate the level of force ultimately utilized. Beginning with the Officer's presence at the scene, the Officer will determine the appropriate level of force to control and de-escalate the situation based upon what is reasonable and meets the guidelines of the Department's "USE OF FORCE CONTINUUM", as found in this General Order.
2. Only issued and approved equipment will be carried by members of the Orangetown Police Department while on duty. Department issued and approved equipment may be used when applying physical force. Non-department issued objects or devices may be used by members of the Department in certain emergency situations. The use of an Impact Weapon (i.e. ASP baton), an Electronic Control Device, or a chemical spray (i.e. OC) is considered part of the Use of Force Continuum.
3. Use of restraining devices, such as handcuffs, is mandatory on all prisoners unless unusual circumstances exist which make the use of restraining devices impossible or impractical. Appropriate documentation will be made when restraint devices are impossible or impractical. The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. However, when the handcuffs become an appliance to exert force necessary to further subdue a prisoner or where the suspect physically resists the application of handcuffs, a use of physical force has occurred, and such physical force must be justified and documented.
4. All prisoners will be handcuffed with their hands placed behind their backs, with the handcuffs double locked, when possible. If it is determined that it is impossible or impractical to adhere to this, the officer who handcuffed the subject must notify a supervisor and document the reason on the incident report narrative
5. Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - a. The severity of the crime or circumstances;
  - b. The level and immediacy of threat or resistance posed by the suspect;
  - c. The potential for injury to any person(s);
  - 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.

## B. Employees

1. An Officer using physical force pursuant to his or her duties as a Police Officer (whether on or off duty) shall report or cause to be reported all facts relative to the event on the incident report pertaining to that particular incident. This report will include the completion of the Department's "Use of Force Report" (Form UF-10). For guidelines on forms UF-10 and the Supervisor's Use of Force Report (SUF-5), see section III of this order.

2. If the incident occurs outside the geographical confines of the Town of Orangetown, the Officer shall make a full report to the police agency having jurisdiction, and as soon as possible complete the appropriate department incident report, listing the type of complaint as an assist to an outside agency (F.O.A.).
  3. Supervisors will complete the Supervisory Use of Force Report form (SUFR-5). These forms will be forwarded to the Use of Force Coordinator.
  4. The Use of Force Coordinator will then review the SUFR-5 and UF-10 to determine if additional training or equipment needs are evident.
- C. Whenever an Officer(s) is required to make a lawful arrest and is met with physical resistance or the threat of physical resistance, and is justified to use force as per this General Order, the use of necessary physical force to affect the arrest may be used to prevent/end the threat or affect the arrest.
1. A reasonable effort must be made to use verbal commands to compel the offender to follow the directions of the Officer.
  2. Department issued and approved equipment may be used when applying physical force in the effect of an arrest. Non-Department issued objects or devices may be used by members of the Department in certain emergency situations when affecting an arrest.
  3. When reasonable, necessary, and after the incident scene has been made safe from any ongoing threat or hazard to the safety of the MOS or civilian(s), every effort must be made by Officer(s) to render and/or call for medical care for the arrested party.
  4. The arresting officer(s) will complete the required documentation for the arrest as outlined in this General Order. Any assisting officer(s) will properly document their involvement in the incident.
- D. When an Officer is confronted with a violent Emotionally Disturbed Person (EDP), necessary physical force may be used to control or subdue the EDP.
1. A reasonable effort will be made to use verbal directions to gain compliance of the EDP to follow the instructions of the Officer(s).
  2. When an EDP is armed with a dangerous instrument or other weapon, necessary physical force may be used to disarm and take control of the EDP.
  3. When reasonable, necessary, and after the incident scene has been made safe from any ongoing threat or hazard to the safety of the MOS or civilian(s), every effort must be made by the Officer(s) to render and/or call for medical care for the EDP.
  4. When reasonable and necessary, Officer(s) will complete the required documentation for the incident as outlined in this General Order.

#### E. 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 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.

#### F. Procedures for Investigating Use of Force Incidents

1. Where practicable, a Supervisor should respond to the scene to begin the preliminary Use of 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. The Supervisor will complete a Supervisor's Use of Force Report (SUFR-5) and review all of the Use of Force Reports (UF-10) submitted by the Officers present. All such reports are to be submitted to the Special Services Bureau Captain.
3. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
4. The Special Services Bureau (S.S.B.) Captain will evaluate the incident for training purposes and compliance with department standards. The Special Services Bureau Captain will keep all Use of Force incidents appropriately on file.
5. Consistent with the Orangetown Police Department's protocols and any applicable collective bargaining agreements, disciplinary action may be taken against any Officer who fails to adhere to the Use of Force guidelines.

#### G. 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. An Officer who observes another officer use force that exceeds the degree of force as described in II.G.1, shall promptly report these observations to a Supervisor.

### III. GUIDELINES FOR COMPLETION OF USE OF FORCE FORMS

- A. The Use of Force Report (UF-10) and Supervisory Use of Force Report (SUFR-5) will be completed as follows:

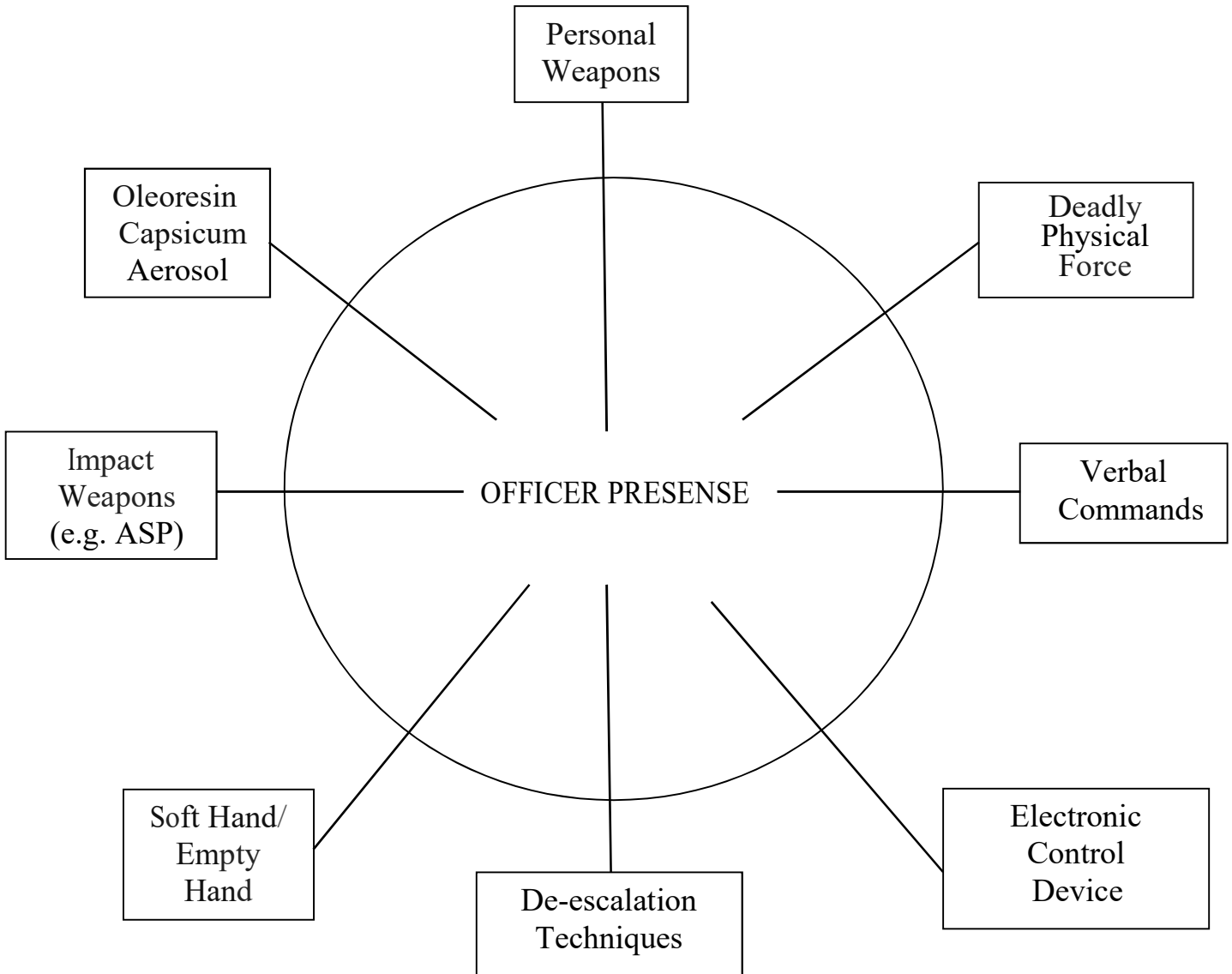
1. Whenever OC (Oleoresin Capsicum) is used to control a subject.
2. Whenever an Impact Weapon is used to control a subject.
3. Whenever an Electronic Control Device is used to control a subject.
4. Whenever a firearm is used to control a subject.
5. Whenever any other force, regardless of its nature, is used to control an uncooperative subject and either:
  - a) The subject is injured;
  - b) An Officer is injured;
  - c) Any third party is injured.

B. Force is not limited to the use of Department issued equipment. Force may be considered as anything used to control or subdue a subject in order to gain his or her compliance.

#### IV. TRAINING

- A. Officers are required to receive training and demonstrate their understanding on the proper application in the Department's annual use of force training module.
- B. Use of Force training topics should include: conflict resolution and negotiation, and de-escalation techniques and strategies. This may also include interacting with persons presenting in an agitated condition, the duty to intervene, and prohibited conduct as outlined in this General Order. Use of Force training is not limited to these topics.

# USE OF FORCE CONTINUUM





**ORANGETOWN POLICE DEPARTMENT**  
**SUPERVISORY USE OF FORCE REPORT**

Incident Report #: \_\_\_\_\_ Date / Time of Incident: \_\_\_\_\_

Location of the Incident: \_\_\_\_\_

Officer(s) Involved: \_\_\_\_\_

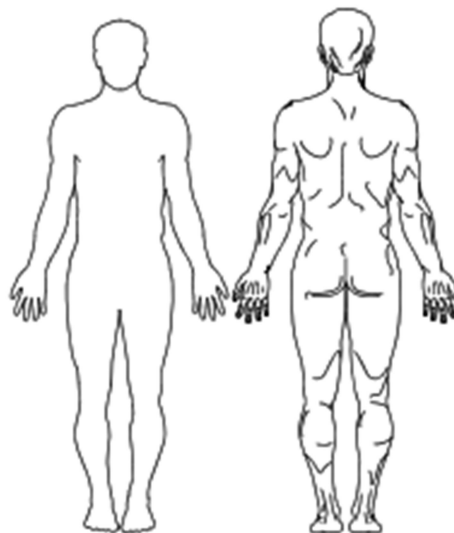
Nature of the Call or Incident: \_\_\_\_\_

Type of Force Used     OC     Physical     ASP     Air Taser     Firearm  
Other \_\_\_\_\_ (Check all that apply)

Nature of the Injuries and Medical Treatment Required: \_\_\_\_\_

Was an Officer, Police Employee, Volunteer or Citizen Injured?     Yes     No

APPLICATION AREAS - Points of contact



Summary of the Actions of Officer(s) Involved: (use NYSIR page 2, if necessary)

**SUFR-5**



# ORANGETOWN POLICE DEPARTMENT

## GENERAL ORDER

<u>General Order No.</u> 315	<u>Subject</u> DEADLY PHYSICAL FORCE	<u>Effective Date</u> 03/02/2021	
<u>Rescinds</u>	<u>Amends</u> GO 315 ISSUED 01/01/1993	<u>Cross Reference</u>	<u>Pages</u> 1-5

### I. POLICY

- A. Members of the Orangetown Police Department may use Deadly Physical Force only when the use of Deadly Physical Force is necessary to defend the Officer or another person from what the Officer reasonably believes to be the use or imminent use of Deadly Physical Force, in accordance with New York State Penal Law section 35.15-2 (a).
1. The fact that a Police Officer is justified in using Deadly Physical Force does not allow reckless conduct by the Police Officer if the use of Deadly Physical Force may injure innocent persons whom he/she is not seeking to arrest or retain in custody.

### II. GUIDELINES

- A. Warning shots are prohibited.
- B. Discharge of a firearm from a moving vehicle is prohibited, unless the officer reasonably believes that it is necessary to defend the officer or another person from the imminent use of deadly physical force. Discharge of a firearm at a moving vehicle is prohibited unless the Officer reasonably believes that the occupant(s) of the vehicle may use or are about to use Deadly Physical Force against the Officer or another person. Therefore, shooting at a vehicle that is traveling away from the Officer and is no longer a threat to anyone, is prohibited.
- C. Officers may use firearms against:
1. Any individual(s) who reasonably pose a threat of serious injury or Deadly Physical Force to the Officer or a third party.
  2. Dogs which are attacking any person.
  3. Destructive, injured, or threatening wildlife, with the approval of a Supervisor.

- D. Officers are justified from removing firearms from holsters and pointing the firearm if:
1. There is justification to use a firearm against a person or an animal or;
  2. The Officer reasonably believes that a person or a situation poses or may pose an immediate threat of death or serious physical injury either to himself or another person.
- E. Officers are reminded that firearms are not the only source of deadly physical force, i.e. an Impact Weapon (ASP) to the head, etc. Thus, although this procedure addresses the use of firearms, it is to be applied to all uses of Deadly Physical Force.

### **III. PROCEDURES**

- A. When an Officer brandishes a firearm, whether on duty or off duty, the Officer will immediately notify an on-duty Supervisor and take the following actions:
1. Submit an incident report which will include the following information;
    - a. Whether the Officer was on or off duty.
    - b. Whether the Officer was in uniform or plain clothes.
    - c. Any injuries.
    - d. All witnesses, including civilians and other Officers.
    - e. Involvement of other Officers at the scene.
    - f. Description of the weapon, including whether or not Department assigned or issued, type, make, model, serial number and caliber.
    - g. If on duty, routine of incident when dispatched. If off-duty, the circumstances which lead to the brandishing of the firearm.
    - h. Lighting and weather conditions.
- B. If the Officer discharged the firearm while on-duty, he/she will take the following action:
1. Attempt to maintain scene safety.
  2. Whenever reasonable and necessary, render medical assistance to persons on scene.
  3. Whenever reasonable and necessary, notify a Supervisor.
  4. Attempt to maintain the integrity of any potential crime scene.
  5. At the conclusion of the incident, complete and submit an incident report and the UF-10. The incident report should include the following information:

- a. Whether the incident was a call for service or an Officer initiated event;
- b. Whether the Officer was in uniform or plain clothes;
- c. Any injuries;
- d. All witnesses, including civilians and other Officers;
- e. Involvement of the other Officers at the scene;
- f. Description of the weapon, including whether or not Town assigned or issued, type, make, model, serial number and caliber;
- g. Lighting and weather conditions;
- h. Whether the discharge was accidental or intentional;
- i. Type of ammunition and number or rounds fired;
- j. Whether or not the Officer was wearing a bullet resistant vest.

C. If the Officer discharged the firearm while off-duty, he/she will take the following action:

1. Whenever reasonable and necessary, render medical assistance to persons on scene;
2. Notify the on-duty Supervisor as soon as possible and relay the following information:
  - a. Whether the discharge was accidental or intentional;
  - b. Type of ammunition and number or rounds fired;
  - c. Events leading up to the discharge of the weapon.
3. In the event the incident occurs outside the Town of Orangetown, in addition to the above, a full report shall be made to the Police agency having jurisdiction;
4. This section (III C) shall not apply if the discharge was for training, legal hunting, the destruction of an ill or injured animal approved by a Supervisor during a tour of duty or target practice in an acceptable area;

B. Immediately after being notified of a weapon discharge, the Supervisor shall determine whether the discharge was accidental, intentional, or fired at an animal. If not accidental or fired at an animal, the Supervisor shall:

1. Respond to the scene if it is within the Town of Orangetown and conduct a thorough investigation of the incident.
  - a. The Supervisor shall then submit a report along with the Officer's report to the Chief of Police or his/her designee.
2. When the scene is located outside of the Town, determine (in consultation with the Chief of Police or his/her designee) whether or not he/she will respond to the scene.

- a. In making this decision, the Supervisor shall consider:
    - i. The apparent surrounding circumstances;
    - ii. Injuries to Police and /or non-Police personnel;
    - iii. Distance from the Town of Orangetown.
  - b. In any event, the Supervisor shall assure that the Officer involved responds to Orangetown Headquarters as soon as possible in order to complete the necessary reports.
3. In all cases involving the discharge of a firearm, the Supervisor shall assure that the Officer:
- a. Receives medical assistance if needed.
  - b. Is afforded privacy from inquiries from the public and Departmental personnel not involved in the actual investigation of the incident.
  - c. Receives confidential trauma counseling within (24) twenty-four hours after the incident, through either the stress management consultant provided by the Rockland County P.B.A., or by the stress management consultant recommended by the Department.
    - i. The Officer shall participate in follow-up counseling as prescribed by the attending counselor.
4. The Supervisor shall conduct a preliminary investigation of the circumstances surrounding the incident (unless otherwise directed by an established authority) and promptly report the results of the preliminary investigation to the Chief of Police or Captain of Patrol Services, or their designee.
5. Except as directed by the Chief of Police, the Supervisor will ensure that the firearm(s), ammunition, and related leather goods are secured in the same condition as they were recovered (by a Supervisor or Detective) immediately following the last discharge, or as close to the conclusion of the incident as possible, and placed in evidence until the termination of any internal or legal proceedings; or in the case of an accidental discharge until said firearm is examined by a Department armorer and found to be functioning properly. The Department firearm staff will replace the weapon and equipment as directed by the Chief of Police.
6. Copies of all reports will be submitted to the Chief of Police and the Special Services Bureau Captain for review.
- C. When an Officer is involved in a shooting or use of force that results in serious physical injury or death, the Chief of Police or his/her designee will assign that member to administrative duty. The assignment to administrative duty **DOES NOT** imply any civil or criminal liability of the Officer involved.

1. The administrative duty assignment will attempt to keep the officer outside of direct contact with the public, so as to limit the potential for use of force.
2. When an Officer is assigned to administrative duty, the Officer shall:
  - a. Refrain from routine exercise of Police arrest and intervention powers.
  - b. Refrain from any public discussion of his/her administrative assignment or circumstances related to his/her use of force.
  - c. Retain all rights, privileges and employee benefits
  - d. Retain responsibility for compliance with all laws, Department Rules and Regulations, General Orders, and directives governing Department personnel not specifically exempted by this order, except as in C-2 (a) above.

\*\*\* O.P.D. \*\*\*

# ORANGETOWN POLICE DEPARTMENT

## GENERAL ORDER

<u>General Order No.</u> 316	<u>Subject</u> LESS LETHAL CONTROL DEVICES	<u>Effective Date</u> 03/02/2021	
<u>Rescinds</u>	<u>Amends</u> GO 316 ISSUED 04/01/2008	<u>Cross Reference</u>	<u>Pages</u> 1-7

### I. POLICY

A. This order sets forth the Orangetown Police Department's policy regarding deployment of Less Lethal Control Devices.

1. A Less Lethal Control Device is utilized as an additional Police tool and is not intended to replace firearms or self-defense techniques. A Less Lethal Control Device may be used to control a dangerous or violent subject when Deadly Physical Force does not appear to be justified and/or necessary; or attempts to subdue the subject by other tactics have been or will likely be ineffective; or there is a reasonable expectation it will be unsafe for Officers to approach within contact range of the subject.

### II. PROCEDURE

A. There are three Less Lethal Control Devices established and issued by the Orangetown Police Department: An Electronic Control Device, Oleoresin Capsicum, and the ASP baton (Impact Weapon). Guidelines for use are as follows:

1. Electronic Control Device (ECD):

a) General Guidelines:

- i. Only Officers who have successfully completed an ECD Training Program will be issued an ECD.
- ii. Only a certified ECD Instructor is authorized to provide the Department's ECD Training Program.
- iii. The ECD inventory will be kept in the Equipment Room along with spare ECD cartridges. Replacement battery packs for the ECD can be obtained from an ECD Instructor.

- iv. An ECD will be signed-out by an authorized Police Officer or Supervisor at the start of each shift. This will be documented on the Equipment Assignment and Inventory sheet located in the Equipment Room.
- v. All Officers assigned an ECD will ensure the ECD is in proper working order with an adequately charged battery pack. A damaged or malfunctioning ECD will be turned over to a Supervisor. The Supervisor will forward the ECD to the Use of Force Coordinator who will arrange for its replacement or repair.
- vi. All Officers trained on the ECD will carry an ECD while assigned to Patrol duties, provided a sufficient supply is available. Exceptions to this rule can be made by a Supervisor (i.e. special assignment).
- vii. An ECD supply will be maintained in the Detective Bureau for use by properly trained Detective Bureau personnel.
- viii. All discharges of an ECD, including accidental discharges, will be investigated and documented on a NYSIR, Use of Force Report (UF-10) and a Supervisory Use of Force Report (SUFR-5).
- ix. ECD update training will be provided on an annual basis to all Officers who have completed the basic ECD Training Program.

b) Squad OIC Responsibilities

- i. The Squad OIC shall;
  - (a) review all incidents involving use of an ECD by Officers in their command;
  - (b) when appropriate, arrange for Officers in their command to attend an ECD Training Course;
  - (c) maintain a current roster of Officers in their command who are ECD qualified;

c) Patrol Supervisor Responsibilities

- i. Patrol Supervisors are responsible for:
  - (a) ensuring incidents involving the discharge of an ECD are investigated and appropriately documented;
  - (b) ensuring only properly trained Officers are issued an ECD;
  - (c) ensuring proper procedures are followed when issuing ECDs which includes accounting for all ECDs at the start of each shift;

- (d) responding, when practical, to all incidents in which an ECD was utilized by Patrol Officers. In the event a Detective employs the use of an ECD, a Patrol Supervisor will respond to the scene if no Detective Supervisor is available.
  - (e) ensuring Officers who use an ECD complete a Use of Force Report (UF-10).
  - (f) investigating all incidents in which an ECD is discharged, reviewing the NYSIR, Use of Force Report (UF-10), and completing a Supervisory Use of Force Report (SUFR-5).
  - (g) forwarding a copy of the incident report, UF-10 and SUFR-5, to the Police Administration and the Use of Force Coordinator.
- d) Use of Force Coordinator
- i. Use of Force Coordinator will:
    - (a) receive, inspect, and ensure the maintenance and replacement of ECDs assigned to Patrol Operations and the Detective Bureau. Also, ensure an adequate supply of cartridges and battery packs are available;
    - (b) maintain comprehensive records regarding the purchase and maintenance of ECDs as well as the purchase of ECD related items (i.e. cartridges, battery packs, holsters).
  - e) Officers trained in the use of ECD:
    - i. Officers deployed with an ECD shall:
      - (a) not intentionally place the ECD cartridges near a source of static electricity;
      - (b) carry the ECD in an appropriate protective holster when not in use because the ECD is a sensitive electronic device;
      - (c) take care not to drop the ECD and to adequately secure the ECD while it is being transported in a vehicle;
      - (d) when practical, not escalate the situation, prior to the arrival of a back-up Officer;
      - (e) notify dispatch personnel of their possession of an ECD when a request for an ECD is broadcast by another Officer and proximity to the scene as such that it is practical to respond in a timely manner.
    - f) Officers not deployed with an ECD shall:
      - i. upon encountering a situation which may require the use of an ECD, request an ECD equipped Officer respond to the scene if practical.



- ii. if an ECD was requested and resolution to the situation occurs prior to the arrival of the ECD, notify dispatch personnel of the resolution so they can terminate the urgent response of ECD equipped Officers.
- g) Officers discharging an ECD shall;
- i. consider the conditions and environment immediately surrounding the ECD target as per the ECD Training program;
  - ii. Whenever reasonable and necessary, render or call for medical assistance;
  - iii. if practical, request a Patrol Supervisor to the scene of the incident if one is not present at the time of the ECD deployment;
  - iv. when a Patrol Supervisor is not available to respond to the scene of the incident, notify the Headquarters Supervisor as soon as practical and advise the Headquarters Supervisor of the circumstances of the incident.
- h) Arrestees or persons subjected to the ECD shall be treated as follows:
- i. Once in custody, the arresting Officer may remove the probes if practical. However, only paramedics or hospital emergency room staff can remove ECD probes which are embedded in the soft tissue areas of the neck, face and groin;
  - ii. If a Police Officer or Patrol Supervisor requests Paramedics to the scene of an ECD deployment, the Paramedics will determine if the subject should be transported to a hospital. Transportation to the hospital will be conducted by Police transport unless the Paramedics determine an ambulance to be more appropriate. If the Paramedic determines transport to a hospital is necessary, the Officer will obtain the Paramedic's name and ID number and document it on the NYSIR. If transport is conducted in an ambulance then a Police Officer will accompany the subject in the ambulance;
  - iii. If the ECD probes are no longer imbedded in the skin and Paramedics release the subject to the Police for transport to Police Headquarters, the Paramedic's name and ID number will be noted and provided in the NYSIR related to the incident;
  - iv. In all cases in which a suspect requests medical attention as a result of being subjected to an ECD, the suspect will receive medical care once it is reasonable to do so.

2. Oleoresin Capsicum (OC):

- a) All Orangetown Police Officers will be issued an aerosol projector weapon. While on duty, Officers are only authorized to carry chemical irritants approved by the Chief of Police or his/her designee.
- b) There will be a large canister of OC Fogger available for the Patrol Supervisor or his/her designee to take on patrol. This equipment must be signed out each shift and cannot be left in the vehicle at the end of any given tour of duty.

- c) There will be a canister of OC foam placed in the Booking Room area. This canister will be placed in a location which is known and accessible by Department personnel and concealed from any subject(s) in the Booking Room area. This canister is to be used in place of OC spray.
- d) The Officers of this Department are permitted to use necessary force to protect themselves and the public in a controlled and judicious manner. The use of Oleoresin Capsicum (OC) Aerosol spray, as a form of self-defense, is consistent with the spirit and intent of that policy statement.
- e) OC may be used when physical force is necessary in the following circumstances:
  - i. in self-defense or the defense of others;
  - ii. to control and affect the arrest of an offender when physical force is justified under the law and Department guidelines;
  - iii. to assist in taking control of a violent emotionally disturbed person (EDP) who is a danger to himself or others.
- f) Guidelines for OC use in an arrest or self-defense situation:
  - i. Whenever an Officer is required to make a lawful arrest and is met with physical resistance or the threat of physical resistance, and is justified to use force, OC may be used to prevent/end the threat and/or affect the arrest;
  - ii. prior to the use of OC spray, a reasonable effort should be made by the Officer to use verbal commands to compel the offender to follow the directions of the Officer.
  - iii. OC may be used for the defense of self or others against the threat of a physical attack, or an actual physical attack.
    - (f) Care should be taken not to spray the victim of the attack, or other uninvolved third parties.
- g) Guidelines for the use of OC with violent EDP's are as follows:
  - i. When an Officer is confronted with a violent EDP, OC may be used if the circumstances are such that attempts at other forms of physical restraint will likely result in injury to the subject or Officer(s).
  - ii. Attempts should be made to gain compliance from the EDP by verbal persuasion prior to the use of OC.
  - iii. If an EDP is armed with a dangerous instrument or weapon, OC may be used to disarm and take control of the person.
- h) Decontamination after the use of OC by the Officer(s) is as follows:
  - i. Whenever possible transport the subject to OPD Headquarters immediately.
    - 1. During the transportation of the subject, the front windows of the police car shall be open to allow for a maximum amount of airflow to the subject.
    - 2. During warm weather conditions the vehicle's air conditioner shall be turned on and put at its coldest setting with the blower turned to its highest setting.
  - ii. When the subject is no longer combative and/or a threat to himself or others, the subject will be given copious amounts of cold water to flush the face and eyes and other contaminated areas.
    - (a) Contact lenses must be removed to facilitate the decontamination of the eyes.

- (b) If needed, soap will be provided to complete and aid the decontamination process.
- (c) Do not apply salves, creams, oils, or lotions as they may impede the decontamination process.
- iii. An Officer will remain with the subject until the effects of the OC subside to a level where the subject regains adequate vision.
- iv. If a subject is violent or threatening violence, the subject will be secured in a cell as soon as it safe to do so, and directed to use the cold water in the sink to flush the contaminated areas.
- v. Officers should be aware that not every person exposed to OC may be capable of self-decontamination and may require assistance in the process.
- vi. When practical, if the above steps have not diminished the effects of the OC spray, or if the subject requests it, the subject should be treated by EMS and, if warranted, transported to the hospital for further treatment.
- i) In all cases where OC is used, the Officer will document in the NYSIR all facts that relate to the justification and use of OC. In addition, the Officer will complete the Use of Force Report (UF-10) and the Supervisor will complete the Supervisory Use of Force Report (SUFR-5).
- j) In the event that an Officer is exposed to OC spray, the Officer should be given copious amounts of cold water to flush the face, eyes, and any other contaminated areas.
  - i. Contact lenses must be removed to facilitate the decontamination of the eyes.
  - ii. If needed, soap will be provided to complete and aid the decontamination process.
  - iii. Do not apply salves, creams, oils, or lotions as they may impede the decontamination process.
  - iv. Another Officer will remain with the affected Officer until the effects of the OC subside to a level where the Officer regains adequate vision. The affected Officer shall take any necessary steps to protect him or herself and arrange for the transportation of his/her vehicle, if required.
  - v. Officers should be aware that not every person exposed to OC may be capable of self-decontamination and an affected officer may require assistance in the process.
  - vi. The Officer should be treated by EMS as soon as possible.
  - vii. If warranted, the Officer should be transported to the hospital for further treatment.

3. Impact Weapons, Collapsible Baton:

- a. All Orangetown Police Officers will be issued a Collapsible Baton. Officers will be trained in accordance with the Use of Force Coordinator.
  - i. Officers will attend refresher courses on the Collapsible Baton as scheduled by the Use of Force Coordinator.
- b. In all cases where the Collapsible Baton is used, the Officer will document in the NYSIR all facts that relate to the justification and use of the baton. In addition, the Officer will complete the Use of Force Report (UF-10) and the Supervisor will complete the Supervisory Use of Force Report (SUFR-5).

- c. Offices must exercise due care that the Collapsible Baton is used in accordance to the guidelines set forth by the agency's instructors and that its use be directed at those target areas recommended as appropriate for this equipment.
- d. In all cases in which a suspect requests medical attention as a result of being subjected to a Collapsible Baton, the suspect will receive medical care once it is reasonable to do so.

\*\*\*OPD\*\*\*