
Overview

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30.00 Use of Force:

- A. It is the policy of the Watertown Police Department to ensure its members use only that level of physical force necessary in the performance of their duties within the limits established by article 35 of the NYS Penal Law and consistent with departmental training
- B. It is the responsibility of each member to understand the requirements of article 35 and to use it to guide his/her actions as it relates to physical force
- C. Only issued and/or approved equipment may be carried on-duty and used when applying physical force, except in an emergency when the officer may use other resources at his/her disposal

30.01 Purpose:

- A. To ensure that employees are fully apprised of the limits of their authority in relation to the use of physical force

30.02 Definitions:

- A. Necessary force is that force which is required to accomplish a legitimate police function; which is allowable under existing laws of this state, and authorized by departmental policy, rules and regulations
- B. Unnecessary force occurs when unjustified physical abuse of a person has occurred or when it is apparent that the type or degree of force applied was neither necessary nor appropriate or when any degree of force is utilized as summary punishment or vengeance. The use of unnecessary force is prohibited
- C. Levels of force defined:
 - 01. When the use of force is necessary and appropriate,

officers shall, to the extent possible, utilize an escalating scale of options and will not use more forceful measure unless it is determined that a lower level of force is inadequate. The scale of options in increasing severity is as follows:

a. Verbal persuasion is the practice of courtesy in all public contacts and encourages understanding and cooperation. Lack of courtesy arouses resentment and often physical resistance

(01) Simple directions which are complied with are by far the most desirable method of dealing with an arrest situation. Control may be achieved through advice, persuasion and warnings, before resorting to actual physical force

(02) The aforementioned should not be construed to suggest that officers should become complacent or relinquish control of a situation, thus endangering their safety or the safety of others

b. Physical strength

(01) Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Normally, all that is required to overcome this resistance is physical strength and defensive/offensive tactics

c. Restraining force is the use of physical force, which is limited to holding and restraining a person

d. Defensive force is the necessary infliction of physical battery to overcome violent resistance or to protect oneself or others from assault or injury

30.03 Deadly Physical Force:

A. It is the policy of the Watertown Police Department:

01. That all restrictions on the use of DPF as promulgated in section 35 of the NYS Penal Law apply
02. Members are justified in removing firearms from holsters and/or gun mounts and pointing the firearm if:
 - a. There is justification to use a firearm against a person or an animal
 - b. The member reasonably believes that a person or a situation poses or may pose an immediate threat of death or serious physical injury to him/herself or another person
02. Members of this department shall not discharge firearms at or from a moving vehicle, unless the member reasonably believes that the occupant(s) of the vehicle are using or are about to use DPF against the member or another person
 - a. Shooting at a fleeing vehicle or a vehicle that is going away from the member and is no longer a threat, is prohibited
03. Warning shots are strictly forbidden

30.04 Procedure:

- A. The use of deadly physical force is the most serious act which a law enforcement officer can engage. It has the most far reaching consequences for all the parties involved. It is therefore, imperative not only that the officer act within the boundaries of legal guidelines, ethics, good judgment and accepted practices, but also that the officer be prepared by training, leadership and direction to act

wisely whenever using force which is readily capable of causing death or other serious physical injury

- B. A reverence for the value of human life shall guide officers considering the use of deadly physical force. While officers have an affirmative duty to use that degree of force necessary to protect human life, the use of deadly physical force is not justified merely to protect property interests
- C. This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or reflection. It provides basic guidelines governing the use of weapons so that officers can be confident in exercising judgment as to the use of physical force. Such policy must be viewed as an administrative guide for decision-making before the act and as a standard for administrative judgment of the propriety of the action taken. It is not to be considered a standard for external judgment (civil or criminal litigation) of the propriety of an action taken. This is a matter of established law and also a process for the court and juries reviewing specific facts of a given incident
- D. Officers of the Watertown Police Department shall only resort to the lawful use of physical force, as provided by article 35 of the Penal Law and deadly physical force as provided by these procedures, when reasonable and necessary. It is not the policy of this department that members shall unnecessarily or unreasonably endanger themselves or others in applying these guidelines to actual situations

30.05 Reporting:

- A. After physical force is used, the officer shall immediately evaluate the need for medical assistance, and if necessary, arrange for such attention. Notification of the immediate superior officer must be made without delay followed by a department use of force report to the chief of police

30.06 Duty to Intervene:

- A. 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. An officer who observes another officer use force that exceeds the degree of force as described above should promptly report these observations to a supervisor

30.07 Training:

- A. All officers will receive training and demonstrate their understanding on the proper application of force
- B. 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
- C. Comprehensive training is the key to the real-world application of the concepts discussed within this policy
- D. Training will take place on an annual basis during the officer and supervisor in-service classes, taser recertification, pepper ball recertification and during annual firearms recertification

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