

**GENESEE COUNTY  
OFFICE OF THE SHERIFF**

**GENERAL ORDER**

SUBJECT: USE OF FORCE          STANDARD: 20.1	GO# 210A
	DATE: 10/31/2019
	REVIEWED:

**I. OBJECTIVE:**

The objective of this General Order is to establish a policy on Use of Force in accordance with Executive Law 840(4)(d)(3).

**II. POLICY:**

It shall be the policy of the GCSO to follow the protocol necessary to ensure officers understand and demonstrate proper techniques in Use of Force procedures.

**III. DETAILS:**

**A. 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 the 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 or 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.

**B. 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.

**C. 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 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.

**D. 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 subdivision 1 of this section will promptly report these observations to a supervisor.

**E. 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 to himself/herself or another person.

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. Where feasible, some warning should be given prior to the use of deadly physical force.

**F. 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 with 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;
  - 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.

**G. 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 a departmental Subject Resistance Report.
  - a. Use of force that results in a physical injury.
  - b. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  - c. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from complaint of handcuffing.
  - d. Incidents where a conducted energy device was intentionally discharged or accidentally discharged after being displayed.
  - e. Incidents where a firearm was discharged at a subject.
3. A standard Subject Resistance Report form should be used to document any reportable use of force incident.

**H. Procedures for Investigating Use of Force Incidents:**

1. Where practicable, a Sergeant should respond to the scene to begin the preliminary force investigation.

2. A Sergeant that is made aware of a force incident shall ensure the completion of a Subject Resistance 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 officers or suspects.
4. The Chief Deputy Road Patrol will receive the Sergeants report and conduct an investigation if necessary.
5. Consistent with agency disciplinary protocols and any applicable collective bargaining agreements, agency policy should establish standards for addressing the failure to adhere to use of force guidelines.

**I. Training:**

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