



USE OF FORCE / DEADLY PHYSICAL FORCE

General Order 208		cross-reference: G.O. 301; G.O. 303
<input type="checkbox"/> rescinds:		accreditation standards: C.A.L.E.A.: NYS L.E.A.P.:20.1, 20.4, 20.6, 20.7, 21.1, 21.2, 32.4
<input checked="" type="checkbox"/> amends: G.O. 208 issued 04/30/2015		
effective date: 04/21/1991	issue/amend date: 10/30/2019	

I. PURPOSE

The purpose of this order is to establish for the Southampton Village Police Department policies and procedures for the use of physical force and deadly physical force.

II. POLICY

It shall be the policy of the Southampton Village Police Department:

1. Any use of force that is readily capable of causing serious physical injury or death must meet the justification standards for deadly physical force.
2. To recognize and respect the value and integrity of each human life.
3. To recognize and accept the profound responsibility that our lawful authority to use physical force and deadly physical force carries with it.
4. That all use of physical force and deadly physical force will be consistent with applicable Federal-State-Local Laws, legal principles and this order.
5. That all use of physical force or deadly physical force will be to protect the officer, another person or to affect a valid and lawful public safety or law enforcement purpose.
6. That this Order will govern the use of physical force and deadly physical force by whatever means including, but not limited to, firearms or other weapons.
7. That this Order applies to all use of physical force and deadly physical force by all employees of the Southampton Village Police Department while on duty. It also applies to all off-duty uses of physical force and deadly physical force in which the officer is acting pursuant to his or her authority as a Southampton Village Police Officer or using any Department-issued weapon, ammunition, or other equipment.
8. That in using physical force or deadly physical force officers should avoid creating an unreasonable risk to bystanders or persons other than the intended subject of the force. However, nothing in this Order should be construed to restrict or limit an officer's legal right to self-defense or to defend another person.
9. That personnel authorized to carry Department issued firearms or less-than-lethal weapons will be issued copies of this order.
10. That training for specific weapons will be conducted as directed by this order.
11. That this order is for Departmental use only and does not apply in any criminal or civil proceeding. It shall not create and it shall not be construed as creating or implying a higher legal standard of duty, care, or safety in an evidentiary sense with respect to any claims. Nothing in this Order is intended to create nor does create an enforceable legal right or private cause of action.
12. It is the policy of the Southampton Village Police Department that the Use of Force by a Member of the Force will be accurately reported and subject to a thorough and objective evaluation. This policy will cover all Use of Force, whether on duty, off duty, within the Village boundaries or without.

III. DEFINITIONS

1. Physical Injury: means impairment of physical condition or substantial pain. New York State Penal Law (NYPL), §10.00-9.
2. Serious Physical Injury: means physical injury which creates a substantial risk of 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. NYPL, § 10.00-10.
3. 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. NYPL, § 10.00-11.
4. Physical Force: means a level of force less than deadly physical force.
5. Reasonable Belief: The facts or circumstances the officer knows or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
6. Conducted Energy Device: (herein referred to as CED) – a less lethal weapon primarily designed to disrupt a subject’s nervous system by means of deploying a high voltage, low power current of electrical energy sufficient to cause pain and/or uncontrolled muscle contractions to override an individual’s voluntary motor response. An example of a CED is the Taser X26P.
7. 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.
8. Use of Force - 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. Under the 4th 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. (GRAHAM v. CONNER)

IV. FORCE

1. Use of Deadly Physical Force (DPF)-The basic department policy is deadly physical force versus deadly physical force. All members of the department will read and fully familiarize themselves with Article 35 - Defense of Justification, New York State Penal Law and with Case Law - TENNESSEE v. GARNER, GRAHAM v. CONNER et al. All members will have a full understanding and working knowledge of said statute and case law.
 - a. The use of deadly physical force by members of the Department is governed by the New York State Penal Law, Article 35 Defense of Justification as affected by the United States Supreme Court Decision Tennessee V. Garner. Members of the Department are to be governed by the following guidelines regarding the use of deadly physical force:
 1. In defense of self, or another against deadly physical force, or
 2. When necessary to prevent the escape of a fleeing felon and where reasonable cause to believe exists that the felon(s) poses an imminent threat of death or serious physical injury to the member or other person(s) if not immediately apprehended.
2. Use of Physical Force- The amount of force should be the minimum amount necessary to accomplish a mission and such force shall not exceed that provided for by statute. A member of the department will use reasonable alternatives before resorting to the use of deadly physical force.
 - a. Control may be achieved through mediation, advice, warnings, persuasion, or in extreme situations, by the use and application of the appropriate physical force.
 - b. Physical Force may be used when the exercise of mediation, advice, and/or warning is found to be insufficient to obtain cooperation and control. Such physical force, if used, shall be the minimum force reasonably necessary for the particular situation, and shall be reasonable in degree to the extent that it is necessary to effect cooperation and control of a particular incident.
 - c. Under no circumstances will such force exceed that provided for by Section b. above and State and Federal Statutes.
 - d. The amount of force used or the methodology employed to secure compliance with the law, or to effect an arrest, is governed by the situation and similar circumstances will require similar response for all groups and individuals. An officer must remain alert however, and may be called on to exercise additional patience and understanding in those situations where language or cultural differences might be mistaken for resistance to enforcement of the law.

- e. If physical force is used when not required, or is unreasonable in degree, it is usually construed as brutality and is considered to be the ultimate in discourtesy, misconduct and abuse of authority.
- f. The use of physical force may require the use of a variety of means as pictured below. Each officer shall decide of the force needed as each case presents itself.

DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

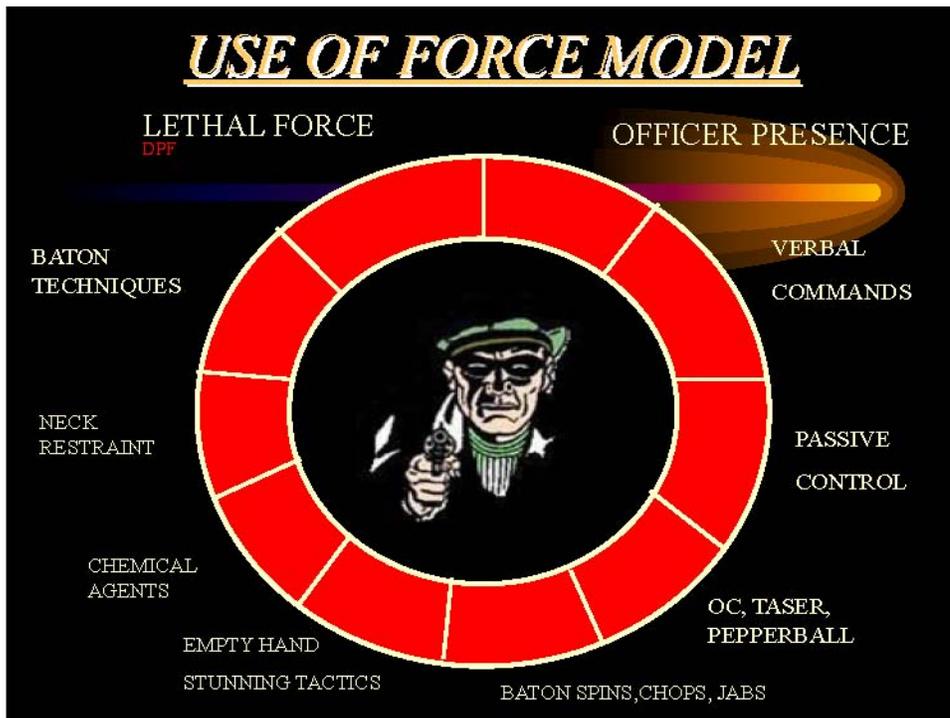
- A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
- B. Factors that may be used in determining the reasonableness of force include, but are not limited to:
 - 1. The severity of the crime or circumstance;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

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 in subdivision A of this section should promptly report these observations to a supervisor.

PROHIBITED USES OF FORCE

- A. Force shall not be used by an officer for the following reasons:
 - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 - 2. To coerce a confession from a subject in custody;
 - 3. 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;
 - 4. 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.



V. USE OF FORCE

A. Less Lethal Force

1. Officer Presence/Verbal Commands/Passive Control-
 - a. Articulate-Attempt to communicate with the person or persons involved in a particular situation.
 - b. Physical Force- Only if necessary, for a given situation, members of the department will utilize their physical strength, skills, and training in self-defense.
- 2.

Uses of Conducted Energy Devices (CED): Officer controlled compliance:

1. Probe Mode – Preferred method of CED deployment.
 - a. More efficient (causes incapacitation).
 - b. Can tactically be used at a safe distance.
 - c. Less chance of injuries to subject and officer.
 - d. Generally, requires fewer applications than direct contact.
2. Direct Contact Mode – May be deployed when using the CED in probe mode is not possible, inappropriate, or ineffective.

Carry:

1. CEDs resemble firearms in their construction. To prevent an officer from mistaking a firearm for a CED and accidentally drawing and/or firing their primary weapon, CEDs should be maintained in a holster on the support side of an officer's duty belt.
 1. CED should be applied to large muscle groups which are generally easier targets to aim for.
 2. When deploying a CED, center of mass on a subject's back should be the primary target when reasonably possible. This will increase the chances of a two-probe hit while targeting a large muscle group and minimizing the chances of hitting a subject in the head (eyes), neck (throat), groin and female breasts which may cause serious injuries. Encounters with subject are often very dynamic in nature and may not permit an officer to gain suitable position behind a subject. An appropriate alternative aiming point is the subject's lower center of mass (below chest).
 3. When using a CED in direct contact mode as a last resort when probe mode is not possible, inappropriate, or ineffective, the user should attempt to avoid the following:
 - a. Trachea.
 - b. Back of neck.

- c. Cervical portion of the spine (neck region).
- d. Pelvic region.
- e. Base of sternum (may cause contraction of the diaphragm and effect breathing).
- f. Head.
- g. Female breasts.

Heightened CED application risk factors:

1. Under the following conditions the risks of foreseeable direct or secondary injuries are elevated, *thus elevating the level of justification needed on the part of the officer prior to CED application.*
 - a. Running – a subject exposed to a CED while running may fall at a greater momentum resulting in possible secondary injuries.
 - b. In an elevated position – a fall resulting from a CED application may cause substantial injury or death. Obviously, the higher the elevation the greater the chance of secondary injuries.
 - c. Operating machinery (i.e.: automobiles, trucks, motorcycles, ATVs, bicycles, scooters, etc.) – loss of control of machinery may cause substantial injury or death.
 - d. Positioned in a flammable or explosive environment or reasonably perceived by officers to have come in contact with flammable liquids/fumes (i.e.: natural gas, propane, petroleum) – may result in secondary injuries/burns.
 - (i) Potential for ignitability may exist if CED is used on a subject who has been sprayed with alcohol-based chemical/pepper spray. If alcohol-based spray has been deployed on a subject prior to CED application, the CED user should not deploy the CED instead use another appropriate force option.
 - (ii) In the event other agencies are present at the scene, coordinate to ensure alcohol-based spray has not or will not be used on a subject who may receive a CED application.
 - (iii) Some sprays may say “non-alcohol based” and may still have the potential to ignite when used in conjunction with a CED. Each individual agency should test their own chemical agents and aerosol irritants to determine if their departmentally issued products are flammable.
 - e. In or around water – subject could possibly fall in a swimming pool or body of water and may not be able to prevent oneself from drowning as a result of CED application.
 - f. Other environments that may cause foreseeable direct or secondary injury. (i.e.: grain silo).

Elevated risk populations:

1. CED deployment on certain populations may increase risk of injury. Because of the lack of independent research which definitively predicts the effects of CED exposure on these groups, added caution should be used when deploying a CED on the below-mentioned persons. Although there are perceived heightened risk factors and societal perceptions which generally assume that many of these individuals are not capable of being an imminent threat, officers should understand individuals from this elevated risk population can potentially be an imminent threat to officers, others, and themselves which may ultimately require the use of a CED.
 - a. Small people or children.
 - b. Individuals with a known diseased heart.
 - c. Elderly.
 - d. A subject who is obviously pregnant.
 - e. Those who are frail or infirm.
 - f. Individuals with known neuromuscular illness. (i.e.: multiple sclerosis, muscular dystrophy).
 - g. Individuals that require more than three applications to gain custody and control.

- h. Individuals exhibiting signs of “excited delirium.” – Excited delirium is not a recognized medical or psychiatric diagnosis but is a term often used to describe a state in which someone presents themselves. The manifestations of excited delirium vary depending on the individual. Usually most of the following characteristics are observed in an individual in the condition often called a state of excited delirium:
- (i) Violent behavior.
 - (ii) Extreme agitation and restlessness.
 - (iii) Incoherent and rambling speech.
 - (iv) Hallucinations and delusions with paranoid features.
 - (v) Lack of purposeful activity and/or destruction.
 - (vi) Elevated body temperature, profuse sweating.
 - (vii) Little or no clothing.
 - (viii) Lack of response to pain stimuli.
 - (ix) Combativeness and extraordinary strength.
 - (x) History of stimulant abuse, most commonly cocaine and/or methamphetamine.

Verbal Commands:

1. When tactically safe, a warning should be given to an individual prior to activating the CED and before any additional application to allow the subject an opportunity to voluntarily comply. Be aware that an announcement of imminent deployment of a CED may cause the subject to attack officers, flee, inflict self-injury or attempt to injure others and/or self and care must be taken to avoid placing others at risk.
2. When applicable, an announcement to other officers that a CED is going to be activated should be made.

Multiple CED applications:

1. CED users should be aware that the associated risks with multiple exposures to a CED are unknown and the role of CEDs causing death in these cases is unclear. Caution should be used in using multiple activations to subdue a subject. (See Elevated Risk Populations)
2. Officers are reminded to use only the appropriate force necessary to accomplish the necessary purpose intended. If more than three (3) consecutive cycles are required, officers should reassess the situation and consider transitioning to another applicable force option.
3. Officers should be mindful that direct contact mode creates pain compliance only and may not stop a subject from struggling with an officer and pulling away from electrodes as the officer attempts to apply the CED in direct contact mode. As a result of the struggle, multiple contact marks may be left on a subject’s skin indicative of multiple cycles being applied by an officer as he/she attempts to subdue the subject. Downloaded data should be checked to verify the actual number of cycles used during the incident.
4. Generally, only one CED should be used on a subject at a time, absent the reasonable appearance that one or more of the devices are malfunctioning.

Use of CED on animals:

1. CEDs have been shown to be an effective option on animals by reducing the need for greater more injurious force.
2. Because of uncertain effects on animals, CED use against attacking animals is only recommended as a last resort alternative to lethal force. CED may be deployed on an animal when:
 - a. The animal is threatening (posing an active threat) or attacking a person, including officers, another animal or property.
 - b. The animal needs to be immediately captured for reason of nuisance to public peace or safety and preservation of property.
3. Due to rapid and unpredictable movements of animals, it is more likely unintended areas may be struck. Center mass of an animal should be targeted.
4. Animals will most likely be momentarily incapacitated, then quickly leave the scene breaking the wires. When applicable, consider having animal control standby to

collar/capture the animal, or in the event the animal's health is in jeopardy and its welfare needs to be provided for.

Detention Notification:

1. It is important that appropriate notifications be made to detention personnel/jail attendants that the subject lodged was controlled by use of a CED so that appropriate observation of the subject's medical status can be made.

3. Empty Hand Tactics-

- a. Officers may use physical force when the exercise of mediation, advice, and/or warning is found to be insufficient to obtain cooperation and control. Such physical force, if used, shall be the minimum force reasonably necessary for the particular situation, and shall be reasonable in degree to the extent that it is necessary to effect cooperation and control of a particular incident.
- b. Under no circumstances will such force exceed that provided for by Section a. above and State and Federal Statutes.
- c. If physical force is used and the subject against whom it is used suffers any injury or is charged with Resisting Arrest (NYSPL 205.30) a Response to Resistance Report will be completed and the subject will receive the necessary medical attention required to attend to their injuries.

4. Oleo Resin Capsicum (O.C.)-

- a. O.C. may be carried by all full-time police officers and any part time police officer authorized by the police department.
- b. The department will provide its members with training in the proper use of O.C.
- c. Members of the department are to follow the procedures outlined in said training and all applicable department guidelines when using O.C.
- d. An officer who discharges O.C. will have the subject to whom the O.C. was applied examined by a physician immediately after obtaining control over and custody of the subject. Appropriate medical aid will be given and if practical the subject's face will be flushed with cold water.
- e. The application of O.C. is to be considered a Use of Force. As such a Response to Resistance Report will be completed as per the provisions of this order.
- f. The unauthorized or improper use of O.C. is prohibited.

5. Pepper Ball Launcher System-

- a. Only qualified, trained members will be allowed to deploy and use the Pepper Ball Launcher System. The Department will provide members with a comprehensive initial training and qualification followed by annual refresher / requalification training in the proper use and deployment of the Pepper Ball Launcher System. Members of the department are to follow the procedures outlined in said training and all applicable department guidelines when deploying this system.
- b. The Pepper Ball Launcher System is an intermediate weapon and is classified as less lethal but should only be used when a certain degree of resistance or aggression is encountered. Although classified as a less lethal device, the potential exists for the Pepper Ball projectiles to inflict injury if they strike the face, neck, spine or groin. Therefore, personnel deploying the Pepper Ball System shall avoid intentionally striking those body parts unless a life-threatening situation exists.
- c. A Member of the Force who discharges the Pepper Ball Launcher System will have the subject to whom the System was applied, examined by a physician immediately after obtaining control and custody of the subject.
- d. The Pepper Ball Launcher System is to be considered Use of Force. As such a Response to Resistance Report will be completed as per the provisions of this order.
- e. The unauthorized or improper use of the Pepper Ball Launcher System is prohibited.

6. Police Baton and Expandable Baton-

- a. Only those members who have been trained in the use of the department Expandable Baton shall be authorized to carry it. The department will provide for training in the appropriate use of this instrument.

- b. The use of a police baton should be considered a Use of Force. As such a Response to Resistance Report is to be completed as per the provisions of this order.
- c. A Police Baton or Expandable Baton should be used only when less violent methods of apprehension have failed, and an arrest must be effected. A baton should be used only for self-defense and/or the defense of others.
- d. The unauthorized or improper use of the ASP Baton is prohibited.

7. Chemical Agent CS-

- a. Only officers assigned to the Southampton Village Police Department Special Response team (SRT) who are trained in the use of the department CS Chemical Agent will have access to and may use such.
- b. When CS Chemical Agent is used, the person the CS was applied to will be brought for medical evaluation to the hospital as soon as they are in custody and under control.
- c. The use of CS Chemical Agent is to be considered a Use of Force. As such a Response to Resistance Report will be completed as per the provisions of this order.
- d. The unauthorized or improper use of CS Chemical Agent is prohibited.

B. Lethal Force

1. Neck Restraint-

- a. Officers may use neck restraint techniques only as measure of self defense, when no other means are practical.
- b. Only the minimum force reasonably necessary for the particular situation shall be used to the extent that it is necessary to effect cooperation and control of a subject in a particular incident.
- c. The use of neck restraints are to be considered a Use of Force. As such a Response to Resistance Report will be completed as per the provisions of this order.
- d. The unauthorized or improper use of neck restraints is prohibited.

2. Firearms-

- a. OUTLINED in section **VI. Deadly Physical Force** below.

VI. DEADLY PHYSICAL FORCE-FIREARMS

1. The use of deadly physical force by members of the Department is governed by the New York State Penal Law, Article 35 Defense of Justification as affected by the United States Supreme Court Decision Tennessee V. Garner and other court decisions. Members of the Department are to be governed by the following guidelines regarding the use of deadly physical force:
 - a. The amount of force applied should be the minimum amount necessary to accomplish a mission and such force shall not exceed that provided for by statute.
 - b. A member of the department will, if the circumstances permit, use any reasonable alternative force that is appropriate to the situation before resorting to the use of deadly physical force.
 - c. Deadly physical force may only be used under the following circumstances:
 - 1) In defense of self, or another against deadly physical force, OR
 - 2) When necessary to prevent the escape of a fleeing felon and where reasonable cause to believe exists that the felon(s) poses an imminent and significant threat of death or serious physical injury to the member or other person(s) if not immediately apprehended.
2. As law enforcement officers sworn to protect life and property, to prevent crime and apprehend offenders, we must constantly be aware of the sanctity of human life. Therefore, the following guidelines have been developed to make it incumbent upon an officer to use good judgment before using his firearm, not to restrict him from properly performing his duty. The guidelines have been prepared to avoid unnecessary shooting incidents and consequently to protect life and property.
3. These guidelines have been prepared to help officers understand what is allowable by this department in regard to the use of deadly physical force to protect life and property. As members of the law enforcement profession we know that we are governed by what is stated in Article 35 of the New York State Penal Law Defense of Justification. However, we are incorporating the US Supreme Court ruling Tennessee v: Garner and other court decisions that deadly force may not be used to affect the arrest of an unarmed,

non-dangerous, fleeing felon. The following is to be the policy for the Village of Southampton Police Department.

- a. In all cases, only the minimum amount of force will be used which is consistent with the accomplishment of the mission.
 - b. The firearm shall be viewed as a defensive weapon, NOT a tool of apprehension.
 - c. Every reasonable alternative means will be utilized before a member of the department resorts to the use of their firearm.
 - d. Deadly physical force shall NOT be used to affect the arrest of a fleeing felon unless a member of the department has reasonable cause to believe that:
 - 1) Such force is necessary in defense of self, or another, against deadly physical force, OR
 - 2) When necessary to prevent the escape of a fleeing felon(s) and where probable cause to believe exists that the felon(s) poses a significant and imminent threat of death or serious physical injury to the member or other person (s) if not immediately apprehended.
 - e. In addition, department policy **prohibits** the use of deadly physical force **unless ALL** of the following factors are present:
 - 1) The officer has probable cause to believe based upon knowledge of the crime and surrounding circumstances, AND
 - 2) The officer has probable cause to believe the fleeing felon poses an imminent threat of death or serious physical injury to member(s) or other person (s), AND
 - 3) Reasonable means to apprehend the perpetrator, other than by the use of a FIREARM is NOT available.
 - f. Further **PROHIBITIONS**:
 - 1) Deadly physical force shall NOT be used to affect an arrest or prevent or terminate a felony unless the officer has probable cause to believe that the victim may be killed or seriously injured and there is no other reasonable means to affect the arrest or terminate the felony other than by the use of deadly physical force.
 - 2) The firing of warning shots is prohibited.
 - 3) The discharging of a firearm to summon assistance is prohibited, except as measure of self defense, when no other means are practical.
 - 4) Discharging a firearm from or at a moving vehicle is prohibited, except:
 - (i) When the occupant (s) of the vehicle are using deadly physical force against the officer or another person(s) by means other than the vehicle, OR
 - (ii) The operator of the vehicle uses same as an instrument which places the member in imminent danger of death, or serious physical injury and the member has no alternative means of self-defense for himself or other person(s).
 - g. The discharge of a firearm at dogs or other animals should be an action employed ONLY when no other means to bring the animal under control exists to protect the officer or other person(s) from death or serious physical injury, or in order to humanely euthanize the animal. The discharge of a firearm to dispatch an animal is considered a use of force and as such a Use of Force Report must be completed documenting the facts and circumstances of the firearm discharge.
 - h. "Dry Firing" is forbidden in or on the departmental headquarters premises except for unloading, disassembling and securing a weapon including the Department service weapon or under personal direction of a firearms instructor.
 - i. In those cases where shooting is authorized, great care must be exercised in discharging firearms.
 - j. A member should use every tool at his disposal to avoid surrendering his weapon.
 - k. Members will maintain and clean their firearms, and will shoulder the responsibility for keeping their firearm in proper working order at all times.
 - l. Officers will only carry the weapon and ammunition approved by the Chief of Police pursuant to General Order 301.
4. The responsibility for the use of any DEADLY PHYSICAL FORCE or the use of a FIREARM shall, in all cases, be borne by the member who uses said force or fires the weapon.

- 5., An officer shall display or remove a firearm from its holster ONLY if authorized by these procedures, directed by competent authority, or there is reason to believe such may be necessary for the safety of the officer or others.
6. DISCHARGING FIREARMS
 - a. When an officer discharges their firearm on or off duty except to humanly dispatch and animal with the permission of their supervisor or under the supervision of an authorized instructor during training, they will notify the Chief of Police and the Executive Officer immediately.
 - b. Officers discharging a weapon accidentally or intentionally shall file a written report immediately.
 - c. Investigations related to the discharging of a firearm that did not occur during authorized training or to humanly dispatch an injured or sick animal will be investigated by the Chief of Police or his designee.
 - d. Injuries that occur to Department members or others as a result of the use of a firearm during the course of duly authorized Department training will be investigated as required below.
7. INVESTIGATION OF A DISCHARGE
 - a. Investigation of these incidents shall include, but not be limited to, the following procedures;
 - 1) The officer assigned to investigate the incident shall respond to scene and determine if discharge resulted in personal injury or property damage.
 - 2) The officer assigned to investigate the incident shall interview and take written statements from the officer involved, other person(s) involved, and witnesses.
 - b. The officer assigned to investigate the incident shall secure firearm(s) involved.
 - c. The serial numbers must be determined and unspent cartridges must be secured.
 - d. All spent cartridges must be accounted for with respect to an incident.
 - e. If a subject is wounded, the officer assigned to investigate must know exactly where and by how many bullets.
 - f. The officer assigned to investigate the incident must cooperate and work closely with attending medical personnel administering treatment to the victim.
 - g. Photographs should be taken of the victim either at the scene or at the hospital.
 - h. Photographs of the entire incident scene will be taken.
 - i. In conducting the investigation, the officer assigned to investigate the incident must determine if the officer(s) using deadly physical force followed department policy and the provisions of this order in using their firearm.
 - j. A Supplementary Report detailing the circumstances surrounding the entire incident will be signed by the member and filed with the Chief of Police for possible presentation at a Grand Jury proceeding or a departmental hearing.
8. LOSS OR DAMAGE TO FIREARM
 - a. If an officer should lose his weapon, they will immediately notify the on-duty Shift Supervisor who shall notify the Chief of Police and the Executive Officer.
 - b. The officer responsible will submit a written report concerning the incident.
 - c. If an officer's departmentally issued weapon should become damaged, they will immediately notify the on-duty Shift Supervisor who shall notify the Chief of Police and the Executive officer.
 - d. The officer responsible will submit a written report concerning the incident.
 - e. The damaged weapon will be forwarded to the department Armorer for the appropriate repair.
9. RESPONSIBILITY FOR THE WEAPON
 - a. The officer who is assigned a department weapon is responsible for its safety at all times whether on-duty or off-duty.
 - b. In the event a member takes their service weapon home, the member shall store their weapon and department issued ammunition in a safe and secure manner.

VII. GENERAL WEAPONS PROVISIONS

1. Members of the department are hereby **prohibited** from using and possessing the following items while on-duty:
 - a. Blackjack
 - b. Sap
 - c. Sap gloves
 - d. Chains (come alongs)

- e. Any other article, substance or instrument not authorized by the Chief of Police.
2. No unauthorized weapon will be carried by a member of the department commonly known as a "throw down" or "throw away".
3. Only weapons issued by the department or approved by the Chief of Police will be carried by members of the department while on-duty.

VIII. USE OF FORCE REPORT/ RESPONSE TO RESISTANCE REPORT

1. It is the policy of the Southampton Village Police Department that the Use of Force by a Member of the Force will be accurately reported and subject to a thorough and objective evaluation. This policy will cover all Use of Force, whether on duty, off duty, within the Village boundaries or without.
2. Use of Force Classifications:
 - a. **Class 1** - The accidental discharge of a firearm which results in no injuries or property damage, and the lawful and humane destruction of animals by use of a firearm.
 - b. **Class 2** - The injurious (visible or internal) use of non-deadly force.
 - c. **Class 3** - The injurious use of deadly force.
 - d. **Class 4** - The fatal use of deadly force.
3. Reporting Method:
 - a. Class 1 Use of Force:
 - 1). The officer using force will notify the shift supervisor to respond as soon as practical after the occurrence. The scene of the occurrence should be secured if necessary, to properly investigate the incident. The shift supervisor shall respond to the scene begin a preliminary investigation and determine which support services, if any are needed to respond to help document the occurrence.
 - 2). The officer using force will provide a detailed description of the incident and the circumstances of the firearms discharge, within the narrative of the blotter report for the incident. The officer using force will also complete the appropriate section of a Firearms Discharge Report.
 - 3). The shift supervisor will review the case report and the Firearms Discharge Report for accuracy and completeness and will then complete the appropriate section on the Firearms Discharge Report. The shift supervisor will obtain copies of any other documentation collected for the incident such as related department reports, statements, photographs and diagrams and attach them to the Firearms Discharge Report. The Response to Resistance Report, the Blotter Report and all attachments will then be forwarded up through the chain of command for final review and filing by the Chief of Police.
 - b. Class 2 Use of Force:
 - 1). The officer using force will notify the shift supervisor to respond as soon as practical after the occurrence. The scene of the occurrence should be secured if necessary, to properly investigate the incident. The shift supervisor shall respond to the scene and determine which support services, if any are needed to respond to help document the occurrence and begin a preliminary investigation.
 - 2). The officer using force will provide a detailed description of the incident and the use of force including any injuries to the subject(s) and/or officer(s) involved, within the narrative of the case report for the incident. The officer using force will also complete the appropriate section of a Response to Resistance Report. The Case Report and the Response to Resistance Report will be submitted to the shift supervisor for review.
 - 3). The shift supervisor will review the case report and the Response to Resistance Report for accuracy and completeness and will then complete the appropriate section on the Response to Resistance Report. The shift supervisor will obtain copies of any other documentation collected for the incident such as related department reports, statements, photographs and diagrams and attach them to the Response to Resistance Report. The Response to Resistance Report, the Case Report and all attachments will then be

forwarded up through the chain of command for final review and filing by the Chief of Police.

- 4) Late Response to Resistance: If a person who is not actively resisting arrest or detainment by a Member of the Force is restrained for a reasonable purpose and does not initially claim to be, or appear to be physically injured, but later claims such injury, a Class 2 Response to Resistance Report is to be completed as indicated in the procedures above. The Response to Resistance Report will be completed by the appropriate shift supervisor within 72 hours of the notification to the department of the alleged injury.

c. Class 3 and 4 Use of Force:

- 1) The procedures outline above for the reporting of a Class 1 or 2 Use of Force will be followed along with the following additional procedures.
- 2) The shift supervisor will upon arrival, ensure that the scene of the incident is secured and a crime scene log is commenced. The shift supervisor through the communications section will immediately notify the Detective Sergeant, the Duty Patrol Lieutenant, the Executive Officer, and the Chief of Police.
- 3) Appropriate support services will be notified to respond and document the scene under the direction of the Detective Sergeant.
- 4) Documentation of the nature and extent of injuries to officers, victims and defendants will be documented by the assigned member of the detective division in consultation with the attending physician or medical examiner.
- 5) As indicated above the Case Report, the Response to Resistance Report and all associated materials will be compiled and forwarded up through the chain of command by the shift supervisor at the incident for review by the Chief of Police.

BY ORDER OF:

Thomas M. Cummings
Chief of Police