



SECTION TITLE

SECTION NUMBER

REVISION

**Police Operations**

**POL 4200**

**10**

**POL 4200 Use of Force**

**Use of Force - Mission Statement**

It is the policy of the Nassau County Police Department to care for the people and communities we serve, to respect human dignity, to protect the rights of all people and to be committed to fairness and respect in our interaction with the people we serve.

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community. Therefore, when faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of members of the Nassau County Police Department shall be those principles set forth above, as well as the paramount objective of reverence for the sanctity of human life.

**Use of Force - General**

Members of the Nassau County Police Department will only use force in accordance with existing law and Nassau County Police Department policy, rules and procedures.

In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. In some cases it may be necessary to use force to bring a particular incident or person under control. In those situations, force is authorized when reasonably believed to be necessary to effect a lawful arrest or detention, to prevent the escape of a person from custody, or in defense of one’s self or another. A Member 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. Whenever feasible and consistent with personal and public safety, members should de-escalate the use of force once a particular threat and/or resistance has dissipated. The selection of appropriate force by a Member of the Department shall be based upon the totality of circumstances [See [Glossary](#)] present at the time such force is employed, taking into account the situational use of force training and guidelines provided by the Nassau County Police Department. A Member of the Department must be able to clearly explain his or her reason(s) for the use of force and the external circumstances that formulated his or her decision to utilize force in a given situation. To determine the objective reasonableness of force, Members shall consider the following factors:

1. The severity of the crime or circumstances;
2. The level and immediacy of the 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/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects;
7. Other environmental conditions or exigent circumstances.

The Department recognizes the vital need for its Members to logically analyze situations, oftentimes rapidly and under tense circumstances, and to respond appropriately to the wide range of emergent incidents, threats and risks they are faced with. A Member’s decision to use force in a particular situation, including the type and degree of force, should exhibit a rational, constructive thought process. The decision-making framework utilized in circumstances involving the use of force should incorporate the gathering of information, assessment of the overall situation, consideration of police powers and Department policy, identification of available options and the determination of a suitable course of action, as well as reviewing and re-assessing the situation.

It should be noted that members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Members of the Department who witness another Member of the Department using force that he/she believes to be clearly beyond what is objectively reasonable are obligated to intervene to prevent the use of unreasonable force if and when he/she has a realistic opportunity to prevent harm.

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**06/12/19**

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Conversely, members of law enforcement who fail to use force when warranted may endanger themselves, the community and fellow officers. As such, in every situation, Members of the Department are expected to act with intelligence and employ sound judgment in furtherance of the spirit of this policy. Members of the Department who observe another Member using force that exceeds the use of “objectively reasonable” shall promptly report these observations to his/her immediate supervisor.

Force shall not be used by a Member of the Department 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 tests in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

### Use of Deadly Force

Deadly force [\[See Glossary\]](#) is only appropriate under circumstances where its use is justified and authorized by applicable federal and state law, and is in accordance with this policy and the rules and procedures set forth in the Operational Procedures Section of this Department Manual. Furthermore, a Member of the Department is only justified in using deadly force when it is to protect him/herself or another person from what the Member reasonably believes is an imminent threat of serious physical injury or death, or to stop a fleeing suspect where:

1. The Member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury; and
2. The Member reasonably believes that the suspect poses an imminent threat of serious physical injury to the Member or to others.

The basis for such a determination depends on the totality of circumstances known or reasonably perceived by the Member of the Department at the time. A Member of the Department must be able to clearly explain his or her reason(s) for the use of deadly force, the external circumstances that formulated his or her decision to utilize deadly force, as well as the factors that led to the conclusion that the member’s life, the life of another Member of the Department, or the lives of the public, were in imminent peril and the use of deadly force was reasonable and necessary. When feasible, Members of the Department shall provide a warning prior to the use of deadly physical force.

When faced with an individual who *only* poses a danger to himself or herself *and not* to other civilians or officers, Members of the Department are prohibited from using deadly force. In this case, Members of the Department should carefully consider the use of less-lethal options and exercise discretion to wait as long as necessary so the situation can be resolved peacefully.

Incidents involving the use of deadly force by Members of the Department are thoroughly reviewed by the Department on a case by case basis.

### Use of Force – Reporting and Review

Members of the Department shall notify their immediate supervisor as soon as practicable of the involvement in the following use of force incidents:

1. Incidents that result in physical injury;
2. Incidents that a reasonable person would believe is likely to cause an injury;
3. Incidents that result in a complaint of pain from the suspect other than complaints of minor discomfort from handcuffing;
4. Incidents that result in the discharge of an Electronic Control Device (ECD) after being displayed; and
5. Incidents that result in the discharge of a firearm at a subject.

Following involvement in any such incident, Members of the Department are required to complete a PDCN Form 258 – Use of Force Report and submit it to their immediate supervisor.

A supervisor who is made aware of a use of force incident shall ensure the completion of PDCN 258 – Use of Force Report by all Members engaging in reportable incidents. The completed form will then be forwarded through the chain of command to the Chief of the Department.

**All members are required to know and understand the applicable policy, rules and procedures as set forth in this Department Manual, including the below-listed procedures and rules, with regard to the use of force:**

- 1. Use of Force – OPS 12410,**
- 2. Use of Deadly Force – OPS 12420,**
- 3. Use of Electronic Control Device (ECD)/Taser – OPS 12430,**
- 4. Use of Oleoresin Capsicum (OC) – OPS 12450,**
- 5. Use of Intermediate Weapons - OPS 12440,**
- 6. Deadly Force Response Team (DFRT) – OPS 12460,**
- 7. Handling Diseased or Dangerous Animals – OPS 6210,**
- 8. Stray and Dangerous Dogs – OPS 6220,**
- 9. Vehicle Pursuit – OPS 6460,**
- 10. Unintentional Firearm Discharge – ADM 1220,**
- 11. Deadly Force Review Board – ADM 1222,**
- 12. Department Rules, Article 5 – Standards of Conduct,**
- 13. Department Rules, Article 8 – Uniforms and Equipment,**
- 14. Department Rules, Article 23 – Police Operations.**

**All Members of the Department shall receive training and demonstrate their understanding of the proper application of force.**

The Chief of Department, Chief of Detectives, Chief of Patrol and Commanding Officer of the Police Academy will review, on a quarterly basis, use of force incidents to examine trends in weapons used, outcomes, reasons for usage, and where and when force is being used.