

		Effective Date: 01/01/2021	Number: PO 02-044
Subject:	PHYSICAL FORCE POLICY		
Reference: NYS Penal Law/NYS MPTC/PO 02-045		Special Instructions:	
Distribution: E-1	Re-evaluation Date: 01/01/2027		Pages: 1

## I. Purpose

To define a policy regarding the use of force that is consistent with the New York State Penal Law Article 35; instructing members in the proper use of physical force when encountering resistance.

## II. Policy

- A. Employees may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the South Glens Falls Police Department. The appropriateness of force used is dependent upon the extent and type of resistance encountered. The use of deadly physical force shall be governed by PO 02-045.

It is the responsibility of each employee to be aware of the requirements of Article 35 and to guide his actions based upon that law and department policy and training.

- B. Only issued or approved equipment will be carried on duty and used when encountering resistance, except in extreme emergencies when an employee may use any justifiable resource at his disposal. The use of an active countermeasure, pressure point control, baton, Chemical Mace, Taser or total body restraint will require a police report.
- C. Use of restraining devices is mandatory on all prisoners unless in the employee's judgment, unusual circumstances exist which make the use of restraining devices impossible or unnecessary; i.e., prisoner is very elderly, handicapped, etc. The mere placing of handcuffs on a prisoner will not require a police report, however, if the handcuffs become an appliance to exert pressure necessary to further control a prisoner, or where a suspect physically resists the application of handcuffs, a police report must be completed.

This policy is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.

		Effective Date: 01/01/2021	Number: PO 02-045
Subject:	Use of Deadly Physical Force		
Reference: NYS Penal Law/NYS MPTC	Special Instructions:		
Distribution: E-1	Re-evaluation Date: 01/01/2027	Pages: 1	

## I. Purpose

To define the policy of the South Glens Falls Police Department concerning the use of firearms and deadly physical force by its members

## II. Policy

Members of the South Glens Falls Police Department may use deadly physical force ONLY in accordance with the New York State Penal Law, Section 35.30, subdivision 1(c) when:

"... the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the imminent use of deadly physical force..."

- **NOTE:** 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; if force may injure innocent persons whom he is not seeking to arrest or retain in custody.

**Chokeholds and Obstructing of Breathing or Blood Circulation:** Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized (NYS Penal Law section 121.13-a the crime of Aggravated Strangulation).

**Prohibited Uses of Force:** Force shall not be used to extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present, or to coerce a confession from a subject in custody.

This policy is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.