

SUBJECT: USE OF FORCE

The Use of Force policy is designed to provide guidance for Belfast Central School, which employs an armed School Security Officer, on the use of deadly and non-lethal force. The provisions in each of the policies shall be adhered to when considering the use of force, deadly or non-lethal.

Belfast Central School recognizes and respects the value of human life. In vesting a School Security Officer with the lawful authority to use force and to protect the district, a careful balancing of all human interests is required. Therefore, it is the policy of the district, consistent with Article 35 of the New York State Penal Law, that the School Security Officer shall only use that force which is reasonably necessary to effectively bring the incident under control while protecting the physical well-being and the lives of the officer and others. Additionally, a School Security Officer shall only use force when he/she reasonably believes that it is necessary to do so in order to bring the incident under control.

Definitions

- A. A Reasonable Belief - Refers to the conclusion by an officer that a particular fact is true, based on all the attendant circumstances, prior training, and experience of the officer. A reasonable belief is a judgment about a fact that would be arrived at by a person of ordinary intelligence and common morality if such a person had the same information, experience, and training as the officer making the judgment about the fact. A fact need not be ultimately true in order for an officer to reasonably believe it is true at the time judgment is made.
- B. 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.
- C. Imminent Danger - A situation where there is an immediate threat to life.
- D. Significant Threat - A threat where there is a high probability or likelihood that adverse outcomes will happen.
- E. Physical Injury- An impairment of physical condition or substantial pain.
- F. Deadly Physical Force - Any use of force that is likely to cause death or serious physical injury.
- G. Serious Physical Injury - 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.
- H. Non-Lethal Force - Any use of force other than that which is considered deadly force.

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SUBJECT: USE OF FORCE (con't)**Parameters for Use of Non-Lethal Force**

- A. Where deadly force is not authorized, officers should assess the incident in order to determine which non-lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
- B. The School Security Officer is authorized to use approved non-lethal force techniques and issued equipment consistent with Article 35 of the New York State Penal Law, for resolution of incidents, as follows.
 1. To protect themselves or others from physical harm; or
 2. To restrain or subdue a resistant individual; or
 3. To bring an unlawful situation safely and effectively under control.

Parameters for Use of Deadly Physical Force

- A. The School Security Officer is authorized to use deadly physical force pursuant to Article 35 of the New York State Penal Law.
- B. Under the 4th Amendment, a police or peace 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. Before discharging a firearm, a School Security Officer shall identify themselves and state their intent to shoot where feasible.
- D. The use of warning shots is strictly prohibited.

Force Options

- A. Officers have several force options in response to resistance that will be dictated by the actions of the suspect. An officer's actions need not follow any sequential order when responding to the resistance being offered by the suspect. The level of response used by an officer may be equal to or greater than the level of resistance being offered by the suspect. The School Security Officer may be limited in their options due to the circumstances present at the time. The officer's response must be objectively reasonable in light of the circumstances. For example, an officer who immediately observes a subject with a firearm and threatening another may immediately respond with deadly force without considering other force options.
- B. Active Resistance by a suspect:
 1. Once the suspect's active resistance has ceased and control has been gained, an officer is no longer authorized to use force.

Use of Force Options

- A Command Presence: Visual appearance of the officer where it is obvious to the subject due to

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the officer's uniform, badge and gun that the officer has the authority to enforce the law.

- B. Verbal Commands: Words spoken by the officer which are used to direct the subject as to the officer's expectations.
- C. Soft Empty Hand Control: Officer's use of hands on the subject to direct the subject's movement; Techniques that have a low potential of injury to the subject.
- D. Chemical Spray: Where the subject exhibits some level of active resistance/active aggression, officers may use chemical spray to temporarily incapacitate the subject.
- E. Hard Hand Control: Punches and other physical strikes, including knees, kicks, and other strikes that have the possibility of creating mental stunning and/or motor dysfunction.
- F. Impact Weapons: ASP/Expandable baton may be utilized in cases where officers believe the use of such weapon would be reasonable to bring the event under control. In cases where other options have been used but have failed or were based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
- G. Deadly Force: Force that is likely to cause serious physical injury or death.

Use of Chemical Spray

- A. A Chemical spray may be used in the following situations
 - 1. Where verbal direction is ineffective or inappropriate; or
 - 2. Where passive resistance techniques have failed and the officer must use force to maintain control; or
 - 3. When there is verbal non-compliance by the suspect and verbal non-compliance results in resistance to a lawful arrest.
 - 4. Where the use of force is authorized under Article 35 of the New York State Penal Law.
- B. Chemical spray may only be used as a control and compliance measure and shall not be used to intentionally inflict pain and discomfort or for any illicit unlawful purpose.
- C. Officers will only use the amount of spray which is reasonably necessary to achieve the desired effect.
- D. Officers should avoid using chemical spray in areas where such use could reasonably and foreseeably cause panic.
- E. Primary Targets when using Chemical Spray:
 - 1. Face
 - 2. Eyes
 - 3. Nose
 - 4. Mouth

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- F. Decontamination: After control of the suspect has been established and/or resistance has ceased, officers will take every reasonable effort to decontaminate the subject. Those reasonable efforts may include:
1. Removing the person from the sprayed area to fresh air or another ventilated area.
 2. Keeping the person calm by informing them of the anticipated effects of the spray.
 3. Instruct the person to blow his/her nose to remove the spray particles.
 4. Bring the suspect to a water faucet to allow them to wash and flush their face and eye with clear cold water.
 5. If practical, allow the suspect to wash all affected and exposed areas with soap and water.
 6. If the suspect complains of injury, or if the officer reasonably believes that they are in need of medical attention, the officer shall immediately arrange for emergency medical services for the suspect.
- G. Whenever multiple officers are involved in a situation where chemical spray may be used, prior to the use of that spray, the applying officer shall alert other officers of its impending use before applying the spray, giving other officers a reasonable opportunity to disengage from the suspect.

Use of Firearms as a Method of Delivering Physical Force

- A. The School Security Officer will carry a firearm as an instrument readily capable of producing serious physical injury or death. The use of a firearm is limited to those situations in which deadly physical force is justified under Article 35 of the New York State Penal Law as well as the 4th Amendment.
- B. The use of warning shots is strictly prohibited.

Reporting Requirements Regarding the Use of Physical Force (Less than Deadly Physical Force)

- A. In the event that a use of force incident has occurred or may be occurring, the New York State Police will be contacted as soon as possible for assistance and to document the incident.
- B. Upon learning that use of physical force has occurred, an initial inquiry into possible injuries to the School Security Officer and any other involved person must be made, as well as arranging for treatment and documentation of these injuries. In addition to a detailed report of the incident, a Use of Force form must be completed.
- C. Arrangements must be made for a thorough report to be completed, witnesses to be identified and statements taken.
- D. Upon receipt of the report, the Superintendent will conduct an Administrative Review regarding the matter.

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- E. The School Security Officer will complete a Subject Management Report as part of the incident report.
- F. Photographs should be taken and sufficiently document any injuries or lack thereof to the school security officer or suspect(s).

Reporting Requirement Regarding the Use of Deadly Physical Force

- A. When the School Security Officer discharges a firearm, the officer will notify Superintendent.
- B. The School Security Officer will complete a Subject Management Report and a Discharge of Duty Weapon report as part of the Incident Report.
- C. If the discharge was directed at a person or unauthorized target, the School Security Officer is required to notify the Superintendent.
- D. The Superintendent will initiate an investigation when appropriate. The superintendent is responsible for ensuring that the officer involved in the deadly physical force incident receives medical attention if required, privacy from inquiries from the public and other members not involved in the actual investigation, and assistance in performing routine tasks. The involved officer should not be sequestered alone. An attendant to the officer should be designated to stay with him or her.
- E. Unless there is some compelling reason for relieving the officer of his or her weapon(s) immediately, an involved officer will not be disarmed at the scene. At a time and place removed from the scene of the incident, the officer's weapon will be secured as evidence.
- F. As soon as is practical, the NYS Troopers are to be notified and advised of the incident.

Prohibited Use 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 suspect 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 purpose of scientific testing in lieu of a court order where required.
 - 4. Against a person who is handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

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Annual Training

- A. The School Security Officer will annually participate in in-service training on this use of force policy.
- B. The School Security Officer will annually participate in training in the following areas:
 - a. Firearms (re-certification required at least annually)
 - b. Defensive tactics
 - c. Sexual assault response

Adopted 7/11/2023