

VILLAGE OF ELMSFORD POLICE REFORM GUIDE

SECTION 5: "8 CAN'T WAIT" PLATFORM OF POLICIES

# Village of Elmsford Police Reform Guide

## The "8 Can't Wait" Platform of Policies

### 1) Ban Chokeholds and Strangleholds

19.4.1 Members of the Elmsford Police Department will NOT use chokeholds. A chokehold shall include but is not limited to any pressure to the throat or windpipe which may prevent or hinder breathing or reduce intake of air.

### 2) Require De-Escalation

19.2.0 A Police Officer in the course of effecting or attempting to effect an arrest, or in preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, or to prevent a person from injuring himself, may use force when and to the extent he reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or to defend himself or a third person from what he reasonably believes to be the use of imminent physical force. Officers shall to the extent possible utilize an escalating scale of options and will not use a more forceful measure unless it is determined that a lower level of force is inadequate.

### 3) Require Warning Before Shooting

#### DEADLY PHYSICAL FORCE

19.6.0 An officer may use deadly physical force in the following situations:

A. To protect the officer or a third person from what the officer reasonably believes to be the use or imminent use of deadly force;  
or

B. As a last resort and after some warning **(NOT A WARNING SHOT)** of the officer's intent to use deadly physical force has, where feasible, been given, to prevent or terminate a crime which the officer reasonably believes will result in the infliction of serious physical injury or death to a person if allowed to continue; or

C. As a last resort and after some warning **(NOT A WARNING SHOT)** of the officer's intent to use deadly physical force has, where feasible, been given, to effect the arrest or prevent the escape from custody of a suspect whom the officer has reasonable cause to believe has committed a felony involving the infliction or threatened infliction of serious physical injury or death

#### 4) REQUIRES EXHAUST ALL ALTERNATIVES BEFORE SHOOTING

19.6.3 An officer may not use deadly physical force toward a felony suspect when lesser force can be used, when it is reasonable that the suspect can be apprehended thereafter without the use of deadly force, or where there is a substantial danger to bystanders. The requirement of using lesser force, when possible, is a legal statutory rule, other limitations are based on sound public policy. To risk the lives of innocent persons for the purpose of apprehending a felon cannot and will not be justified.

#### 5) DUTY TO INTERVENE

19.4.2 Any Elmsford Police Department member present and observing another Department member 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 member has a realistic opportunity to prevent harm.

19.4.3 Any Elmsford Police Department member who observed another member use force that exceeds the degree of force as described in section 19.4.2 should promptly report these observations to a supervisor.

## 6) BAN SHOOTING AT MOVING VEHICLES

19.7.0 The following rules for the proper use of firearms will be adhered to:

- A. Unauthorized use of firearms will be cause for disciplinary action.
- B. Use of firearms or ammunition which is not sanctioned by the department will be the cause of disciplinary action.
- C. No officer shall fire so-called "warning shots".
- D. No officer shall fire at any vehicle, conveyance or structure when the identity of the occupants is not known to him, except in defense of himself or others as permitted by law, and only where no danger exists to others.

## 7) REQUIRE USE OF FORCE CONTINUUM

19.2.0 A Police Officer in the course of effecting or attempting to effect an arrest, or in preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, or to prevent a person from injuring himself, may use force when and to the extent he reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or to defend himself or a third person from what he reasonably believes to be the use of imminent physical force. Officers shall to the extent possible utilize an escalating scale of options and will not use a more forceful measure unless it is determined that a lower level of force is inadequate. In the following sections is a scale of options in increasing severity.

## 8) REQUIRE COMPREHENSIVE REPORTING

### USE OF FORCE REPORT (EL22)

8.31.0 Anytime an officer uses physical force, or deadly physical force pursuant to his duties as a police officer (whether on or off duty) he shall report or cause to be reported all facts relative to the incident on a Use of Physical Force Report (EL22).

8.31.1 Once completed, the officer will file the Use of Physical Force Report (EL22) with his supervisor, who will review it for neatness and accuracy.

8.31.2 Once the report is reviewed, it will be submitted to the Commissioner of Police with any other relevant reports. The Commissioner of Police will determine the appropriateness of the use of force, as well as if any further investigation should take place.

8.31.3 Once the incident is reviewed and "closed", the Use of Physical Force Report (EL22) will be filed by the Commissioner in the **Use of Physical Force Report (EL22) Binder** located in the Commissioners office where it will remain as a permanent record of the Elmsford Police.

8.31.4 It is the policy of this Department that the information contained on the Use of Physical Force Report (EL22) is not public information under the "Sunshine" Law, and the contents are not to be viewed by persons other than Elmsford Police Department Personnel without the written permission of the Commissioner of Police as is outlined in SECTION 8.1.2.

### DISCHARGE OF WEAPON REPORT (EL23)

8.32.0 Anytime an officer discharges his weapon pursuant to his duties as a police officer (whether on or off duty), except while training at the range, he shall report or cause to be reported all facts relative to the incident on a Discharge of Weapon Report (EL23).

8.32.1 Once completed, the officer will file the Discharge of Weapon Report (EL23) with his supervisor, who will review it for neatness and accuracy.

8.32.2 Once the report is reviewed, it will be submitted to the Commissioner of Police with any other relevant reports. The Commissioner of Police will determine the appropriateness of the use of force, as well as if any further investigation should take place.

8.32.3 Once the incident is reviewed and "closed", the Discharge of Weapon Report (EL34) will be filed by the Commissioner in the **Discharge of Weapon Report (EL34) Binder** located in the Commissioners office where it will remain as a permanent record of the Elmsford Police Department.

8.32.4 It is the policy of this Department that the information contained on the Discharge of Weapon Report (EL23) is not public information under the "Sunshine" Law, and the contents are not to be viewed by persons other than Elmsford Police Department Personnel without the written permission of the Commissioner of Police as is outlined in SECTION 8.1.2.

#### REPORTING

19.8.0 After physical force is used, the officer shall immediately evaluate the need for medical assistance, and if necessary, arrange for such attention. Notification to the immediately superior officer must be made without delay followed by a Department Use of Force Report (EL22) whenever the use of force results in, or is alleged to result in an injury or death to another person, as well as an Aided Report (EL01) which will then be forwarded to the Commissioner of Police.