I. PURPOSE

The purpose of this directive is to remind personnel to use only the force necessary to effect lawful objectives consistent with Article 35 of NYS Penal Law. This directive establishes the limits and guidelines within which the use of force and the use of deadly physical force, particularly the use of firearms, by members of this Department are permitted.

II. POLICY

Members of the Stony Brook University Police Department shall only use the force necessary to affect lawful objectives. Members shall use the least amount of force necessary to effect cooperation and control of a situation which requires police intervention. It will be only used after all other reasonable alternatives have been exhausted or are not available.

A police officer may in the course of effecting or attempting to effect an arrest or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonable believes such to be necessary to effect the arrest, or to prevent the escape from custody. A police officer may also use physical force in self defense or to defend a third person from what he or she reasonable believes to be the use or imminent use of physical force.

The fact that a police officer is justified in using deadly physical force under certain circumstances does not constitute justification of reckless conduct by such police officer to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.

III. DEFINITIONS

Justification – a defense, which means the defendant, must interpose it at trial and the prosecution must disprove it beyond a reasonable doubt

Serious Physical Injury – any physical injury which creates a substantial risk of death or which causes death or serious protracted disfigurement, protracted impairment of health, or protracted impairment or loss of the function of any bodily organ

Deadly Physical Force – physical force which under the circumstances in which it is used is readily capable of causing death or other serious physical injury
Physical Force – any physical force that does not amount to deadly physical force

Reasonable Cause to Believe – all the facts taken together that would lead a reasonable and prudent person to believe that an offense was committed

Necessity – no other alternative

IV. GUIDELINES FOR THE USE OF FIREARMS

- Police Officers shall not use deadly physical force against another person unless they have probable cause to believe they must protect themselves or another person present from imminent death or serious physical injury.
- Police Officers shall not discharge their weapons when doing so will unnecessarily endanger innocent persons.
- Police Officers shall not discharge their firearms in defense of property.
- Police Officers shall not discharge their firearms to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to themselves or another person present.
- Police Officers shall not fire warning shots.
- Police Officers shall not discharge their weapons to summon assistance except in emergency situations when someone’s personal safety is endangered and unless no other reasonable means is available.
- Police Officers shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than a moving vehicle.
- Police Officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat unless directed by a Deputy Chief or above.

V. TRAINING

All sworn officers will receive training on use of force in the police academy. Officers will be able to successfully fulfill the knowledge requirements for completion of the Use of Force Lesson Plan.

Officers will receive a refresher course of Article 35 annually and will be able to successfully fulfill the knowledge requirement for completion of this course.