



# TOWN OF OGDEN POLICE DEPARTMENT

## General Order # 335

Effective Date: June 1, 2024	Subject: Use of Force and Reporting
Rescind Date: GO 335 issued April 19, 2021	Reference Standard(s): 14.1, 20.1, 20.6, 21.2, 40.2

### I. PURPOSE

This policy directs members of the Ogden Police Department in the use of force, and reporting thereof, as mandated by New York State Penal Law and New York State Executive Law.

### II. POLICY

A. Members shall use only that level of physical force objectively reasonable and necessary under the circumstances to affect an arrest, prevent an escape, or defend themselves or others. Members shall act in a manner consistent with Article 35 of the New York State Penal Law and the training and policies of the Ogden Police Department. The appropriateness of force used is dependent on the extent and type of resistance encountered. General Order #340 shall govern the use of deadly physical force. It is the responsibility of each member to be aware of the requirements of Article 35 and to guide their actions based upon that law and department policy and training.

B. Members shall complete a Subject Control Report (Attachment A, two-sided document) whenever the member:

1. Uses an active countermeasure or pressure point control.
2. Takes an action which results in, or is alleged to have resulted in, the injury, serious bodily injury, or death of another person.
3. Brandishes, uses, or discharges a firearm at or in the direction of another person.
4. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air.

Note - The use of chokeholds or similar restraints is prohibited by Ogden Police Department policy, except in circumstances where the use of deadly physical force is authorized, and such technique is used in an emergency situation.

5. Displays, uses, or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas.
6. Brandishes, uses, or deploys an impact weapon, including, but not limited to, a baton or Billy Club.
7. Brandishes, uses, or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long-range acoustic device.

C. Only issued or approved equipment shall be used when encountering resistance, except in emergency situations when a member may use any resource at their disposal.

D. The mere placing of handcuffs on a prisoner shall not require a Subject Control Report. However, if the handcuffs become an appliance to exert pressure necessary to further control a prisoner or where the suspect physically resists the application of handcuffs, a Subject Control Report shall be completed.

### III. DEFINITIONS

For the purpose of this General Order, the following definitions shall apply:

A. Display a chemical agent:

To point a chemical agent at a person or persons.

B. Use/Deploy a chemical agent:

The operation of the chemical agent against a person or persons in a manner capable of causing physical injury as defined in PL Article 10.

C. Brandishes a firearm:

To point a firearm at a person or persons.

D. Uses/Discharges a firearm:

To discharge a firearm at or in the direction of a person or persons.

E. Brandishes an electronic control weapon:

To point an electronic control weapon at a person or persons.

F. Uses/Deploys electronic control weapon:

The operation of an electronic control weapon against a person or persons in a manner capable of causing physical injury as defined in NYS Penal Law Article 10.

G. Brandishes an impact weapon:

To point an impact weapon at a person or persons.

H. Uses/deploys an impact weapon:

The operation of an impact weapon against a person or persons in a manner capable of causing physical injury as defined in NYS Penal Law Article 10.

I. Uses a chokehold or other similar restraint:

Any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air.

J. Serious bodily injury:

Bodily injury that creates or causes:

1. A substantial risk of death; or
2. Unconsciousness; or
3. Serious and protracted disfigurement; or
4. Protracted loss or impairment of the function of any bodily member, organ, or mental faculty.

#### IV. PROCEDURES

- A. Any member who uses reportable force pursuant to the member's duties, or any off-duty member who uses reportable force pursuant to the member's duty as a police officer, shall:
1. Immediately notify a supervisor of the incident.
  2. If no supervisor is on duty, notify the Chief of Police or the Chief's designee of the incident. In cases where no injuries were sustained by the subject or the member, the member may forego notification until the end of the shift.
  3. In the case of off-duty incidents occurring outside of the Town, immediately notify the police agency of jurisdiction, and complete the proper reports. The member shall also immediately notify the Chief of Police or the Chief's designee.
  4. In cases of a non-arrest or an unarrest incident where countermeasures have been used, fully document the incident, after releasing the subject.
  5. After countermeasures are used, immediately evaluate the need for medical attention or treatment for the person upon whom the techniques were used. Members shall arrange for such treatment under one or more of the following conditions:
    - a. The subject has a visible injury requiring medical attention.
    - b. The subject has a complaint of injury or discomfort.
    - c. The subject requests medical attention
    - d. The subject has been exposed to conducted energy (Taser - probe deployment and/or drive stun mode)
    - e. In cases where medical treatment is refused:
      - i. Persons being taken into custody who refuse medical treatment must be transported to a hospital or evaluated by personnel from an ambulance service, where the refusal shall be witnessed by hospital or ambulance personnel and noted on the Subject Control Report.
      - ii. Persons who are to be released shall be encouraged to go to the hospital (transported, if so requested) but they cannot be compelled to do so unless they are unable to make a rational determination themselves. A subject's acceptance or refusal of medical care shall be noted on the Subject Control Report.
  6. Report or cause to be reported all facts relative to the incident on a Subject Control Report, whether or not an arrest was made. Countermeasures used against crowds or unknown persons shall still be documented, recording all possible information.
  7. Locate and identify any witnesses and document their statements.
  8. Prepare and submit the reports required by current directives (i.e., standardized incident report, MHA report). All copies of these reports(s) shall then be forwarded together, along with other applicable reports, to a supervisor for approval.
  9. If more than one member is involved in a control incident, one member shall complete the Subject Control Report outlining the incident. All other members using countermeasures shall complete an Addendum report outlining their involvement or use of countermeasures. Additional subjects shall be documented on separate Subject Control Reports.
  10. Forward a copy of the Subject Control Report to the Chief of Police before the end of the member's tour of duty.

11. Determine if a technician must respond to the scene and the level of technician's services to be utilized including photos, measurements, and diagrams. All injuries or alleged injuries shall be photographed, whether or not the injury is visible. Members shall photograph and document lack of injury as well. Non-custodial persons have the right to refuse photographs. Any refusal to be photographed by a subject alleging the use of control techniques shall be documented by the member.
12. In circumstances where the Taser or Baton is utilized on a subject, obtain photographs of the affected areas of the subject, when practical.

B. On-duty supervisors shall:

1. Respond immediately to the scene of the incident.
2. Ensure that members receive any necessary assistance, including medical treatment. They shall also ensure that any injuries to the member(s) are properly documented on an Employee Injury Report.
3. Ensure that medical treatment for the subject is obtained, if necessary.
4. Evaluate the incident and notify the Chief of serious injury or other exigent conditions.
5. Ensure that a thorough investigation is conducted, and all reports are prepared and submitted. In the event that a member is unable to complete reports due to injuries, the supervisor shall prepare or cause them to be prepared and submit them with report or comments. A complete package, including Subject Control Report and any copies of all related reports shall be forwarded in duplicate to the Chief.

C. The Chief of Police shall:

1. Review and investigate, or cause to be investigated, each incident wherein force was used.
2. Report information for members involved in use-of-force incidents that meet the criteria of the data collection. The Chief shall submit details of reportable incidents to DCJS, including, but not limited to date of incident, agency involved, county, town/city, description of circumstances, and demographics of all persons engaging in the use of force or suffering such injury.
3. Post or cause to be posted conspicuously on the Department's web page, a current copy of this agency's guidelines pertaining to the use of force by Department members.

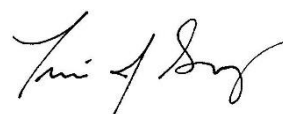
D. Reports Filed

1. The original completed Subject Control Report shall be filed with the corresponding paperwork.
2. A copy of the Subject Control Report shall be filed in the office of the Chief of Police.
3. A copy of the Subject Control Report shall be forwarded to the Defensive Tactics Instructor for review and critique.

**Boldface type** in body denotes change from previously rescinded order.

Attachment A – Subject Control Report

BY ORDER OF:



Travis J. Gray  
Chief of Police

Attachment A – Subject Control Report



TOWN OF OGDEN POLICE DEPARTMENT  
SUBJECT CONTROL REPORT

CR# \_\_\_\_\_

**I** Date of Incident: \_\_\_/\_\_\_/\_\_\_ Time of Incident: \_\_\_\_\_ hours  
Incident Location: \_\_\_\_\_ Incident Nature: \_\_\_\_\_

**II** Subject Name: \_\_\_\_\_ Subject Address: \_\_\_\_\_  
Subject Race: \_\_\_\_\_ Ethnicity: H / NH / Unk \_\_\_\_\_  
Subject Gender: \_\_\_\_\_ Height: \_\_\_' \_\_\_" Weight: \_\_\_\_\_ lbs Date of Birth: \_\_\_/\_\_\_/\_\_\_  
Arrested/Charged:  Yes  No Charges: \_\_\_\_\_

**III Subject Condition**

- Appeared Normal  Abnormal Behavior  Drug Impaired
- Alcohol Influence  Alcohol Intoxicated  Unknown

Subject Injured:  Yes  No Nature of Injury: \_\_\_\_\_  
Pre-Existing Injury:  Yes  No Nature of Injury: \_\_\_\_\_  
Subject Refuse Treatment:  Yes Witness to Refusal: \_\_\_\_\_  
 No Transported By: \_\_\_\_\_ To: \_\_\_\_\_  
Attending Care-Giver: \_\_\_\_\_

**IV Reason for Use of Subject Control**

- Necessary to Affect Arrest/Order  To Prevent Violent Forcible Felony
- Necessary to Defend Reporting Officer  To Restrain for Subject's Own Safety
- Necessary to Defend Another  Other: \_\_\_\_\_

**V Level of Subject Resistance**

- Non-Verbal Intimidation (Behavioral Cues from Subject): \_\_\_\_\_
- Verbal Threats (Direct or Indirect Statements Made): \_\_\_\_\_
- Passive Resistance (Non-Aggressive and Non-Compliant to Lawful Commands): \_\_\_\_\_
- Defensive Resistance (Physical Actions That Attempt To Prevent the Officer's Control but Make No Direct Attempt to Harm Officer): \_\_\_\_\_
- Active Aggression (Subject is Actively Combative with Another): \_\_\_\_\_
- Aggravated Aggression (Subject's Actions Pose Threat of SPI or Death to Another): \_\_\_\_\_
- Officer/Subject Factors: \_\_\_\_\_
- Special Circumstances: \_\_\_\_\_

**VI Employees at Scene**

Name and Agency	Age	Uniformed	Injured	Treated	Addendum
		Y/N	Y/N	Y/N	Reporting
		Y/N	Y/N	Y/N	Y/N
		Y/N	Y/N	Y/N	Y/N

**VII Witnesses**

Name	Address	Telephone

**VIII Tactic Effectiveness**

Describe what you did to control the subject. Be specific and utilize an addendum if necessary.

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Continued to addendum consisting of \_\_\_\_ page(s)

**IX Taser**

Drive Stun

Probe Deployment

Taser Serial Number \_\_\_\_\_

Cartridge Serial Number \_\_\_\_\_

Number of Cycles \_\_\_\_

Number of Cartridges \_\_\_\_

**X Additional Forms Attached**

Photograph Log

Prisoner Data Report

Mental Hygiene Report

Custody Log

Property Custody Report

Crime Report

Other: \_\_\_\_\_

Technician Report - Performed By: \_\_\_\_\_

Reporting Officer	Date	Supervisor	Date
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