

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE March 3, 2026	EFFECTIVE DATE March 3, 2026	No. 033-26
SUBJECT: Response to Resistance/Aggression & Subject Management Resistance Report		DISTRIBUTION All Personnel	AMENDS
REFERENCE: NYSLEAP 14.4, 20.1, 32.3, 32.4, 40.2, 43.8, 64.1 NYSSA-JAIL 26, 43, 73, 74, 79, 80, 90 NYS Penal Law Article 35, Graham V. Connor, Executive Order No. 13929, MPTC Use of Force Model Policy, Executive Law 840 (4)(d)(3), Executive Law 837-t, 837-v 9NYCRR 6058			RESCINDS 033-24

Purpose: To define the policies of the Monroe County Sheriff's Office (MCSO) regarding the response, management and control of resistant, aggressive or non-compliant subjects and to explain the use of the MB-119 Subject Management Resistance Report (SMRR).

* **Policy:** Members of the MCSO will use only the amount of force that is objectively reasonable under the circumstances for a deputy to effect an arrest, prevent an escape, or defend themselves or others. Staff members will follow all lawful objectives in accordance with Article 35 of the New York State Penal Law. Only those members who have satisfactorily completed an agency approved training program will be authorized to carry issued weapons. This general order shall apply to use of force on-duty and off-duty.

Definitions: Physical Force - Any force used against another person applied to overcome resistance and achieve compliance, including the use of agency issued and approved lethal or less-than-lethal weapons.

Deadly Physical Force - Physical force which, under the circumstances in which it is used is readily capable of causing death and/or other serious physical injury.

De-escalation – members of the MCSO will use or employ de-escalation techniques when it is safe to do so and applicable before the use of force on a subject.

Objectively Reasonable – an objective standard used to judge a deputy's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable deputy 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 deputy at the time that the force was used.

Imminent Threat – may exist if there is a reasonable belief that: means, capability and intent

- a. The subject possesses a weapon, or is attempting to gain access to a weapon, or is indicating an intention to use a weapon against the officer or others;
- b. The subject is armed and moving to gain the tactical advantage;
- c. A subject has the capability of inflicting death or serious physical harm, or otherwise incapacitating officers or others without a deadly weapon or is demonstrating an intention to do so.

Physical Injury – Impairment of physical condition or substantial pain.

Serious Physical Injury - Physical injury which creates a substantial risk of death, serious and/or protracted disfigurement, or protracted loss or impairment of the function of any bodily member, organ or mental faculty.

Brandishing – Displaying a firearm and/or a less lethal weapon (ASR, Taser, Baton, etc.) in the presences of a subject for the purpose of gaining compliance. Brandishing includes but is not limited to the following;

1. To point a firearm at a person or persons.
2. To point a chemical agent at a person or persons.
3. To point a electronic control weapon at a person or persons.
4. To point an impact weapon at a person or persons.

I. General Guidelines

- A. Use of Deadly Physical Force: Deadly physical force may be used by a deputy to protect themselves or another person from what the deputy reasonably believes is an imminent threat of serious physical injury and/or death.

* Note: If a member discharges their weapon on-duty or off-duty, refer to **MBGO-015 Firearms / Deadly Physical Force and MBGO 110 Investigative and Administrative Response to Law Enforcement Incidents Resulting in Serious Physical Injury or Death** for reporting guidelines.

Note: If a member engages in the use of their ASR, Taser or Baton on another individual, refer to MBGO 012-Less Lethal Weapons.

- B. When used, force should be only that which is objectively reasonable and proportional given the circumstances perceived by the deputy at the time of the event. Factors that may be used in determining the reasonableness of force include, but are not limited to:

1. The severity of the crime or circumstance;
2. The level and immediacy of threat or resistance posed by the suspect;
3. The potential for injury to citizens, deputies, and suspects;
4. The risk or attempt of the suspect to escape;
5. The knowledge, training, and experience of the deputy;
6. Deputies/subject considerations such as age, size, relative strength, skill level, injury or exhaustion and the number of deputy or subjects;
7. Other environmental conditions or exigent circumstances.

- C. Members using physical force on another person will ensure that their actions are consistent with current training and policies of the MCSO and:

1. Utilize only agency-issued weapons and equipment when applying the techniques of subject management.

Note: In accordance with Article 35 (NYSPL), should exigent circumstances exist, members may use such force as necessary to avoid imminent public or private injury which is about to occur.

2. Ensure that the subject has been properly restrained, or no longer poses an immediate threat to the safety and security of agency members and/or others.

Discretion may be used if exceptional circumstances exist, such as a person who is very elderly, handicapped, etc.

- * 3. Without unreasonable delay notify their on-duty command officer of the incident.
 - * 4. In the case of off-duty incidents, the member will notify the on-duty command officer after said use of force and the police agency of jurisdiction without unreasonable delay.
 - 5. Prepare and submit a SMRR and any other reports as directed by a supervisor/command officer. The primary deputy will complete page one (1) and two (2) of the SMRR and each assisting deputy using force will complete page 2 of the SMRR. Page three (3) is reserved for supervisor review.
- D. Force shall not be used by a deputy for the following reason:
- 1. To extract an item from the anus or vagina of a subject 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 purposes of scientific testing in lieu of a court order where required;
 - 4. Any intentional 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 justified.
- E. Duty to Intervene
- 1. Any deputy present and observing another law enforcement officer 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 deputy has a realistic opportunity to prevent harm.
 - 2. A deputy who observed another law enforcement officer use force that exceeds the degree of force as described in the above shall promptly report these observations to a supervisor.
- F. Rendering Aid / Post Restraint
- 1. When a subject is under arrest or otherwise in the custody of a police officer, peace officer and/or other law enforcement representatives, such officer, shall have a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances even if a use of force incident does not occur.
 - 2. After physical force is used, the member shall have an affirmative duty to perform a medical screening check on the subject, to include but not limited to, visually observing the subject and asking the subject if he/she requires medical attention. The member shall arrange for such treatment if the subject is injured, complains of injury or discomfort. This shall include cases where the source of injury or pain is related to the use of agency issued weapons and/or the extended wearing of handcuffs or other restraining devices.
 - 3. Persons who are injured and/or who report an injury will follow protocol set forth in MBGO 018 Sick Leave. Any time force is used against an incarcerated

individual in the jail a duty nurse will assess the incarcerated individual for any injuries or other appropriate medical needs.

4. Restrained subjects should be positioned in an upright or seated position and should not remain in a prone position. Restrained subjects may be placed on their side as a recovery position if needed.
5. In cases where individuals being taken into custody refuse medical treatment, the refusal shall be documented by the respective medical staff, hospital personnel or ambulance personnel and on the SMRR.

II. Responsibilities of Supervisors and Command Officer

- A. Respond to the scene of the incident immediately upon learning of a subject management.

Note: For Police Bureau incidents, if the member's immediate supervisor and Lieutenant are both not available, a supervisor and/or Lieutenant from another zone will be dispatched to the scene.

- B. Conduct a medical screening on the subject restrained and ensure that members receive necessary assistance including medical treatment and that any injuries/exposures are properly documented on an Employee Injury Form in accordance with current agency directives. The original injury / exposure report(s) shall be sent to the Undersheriff's Office, through the chain-of-command, within twenty-four (24) hours.

- C. Any time force is used, photographs will be taken regardless of injury. An on-duty Technician will take photographs for all use of force incidents.

Note: In the event a technician is not available, the on-duty supervisor will take the photographs.

- D. Sergeants in all Bureaus will conduct a thorough investigation. (In cases of deadly physical force, Internal Affairs and CIS will conduct parallel investigations.) Sergeants will identify all witnesses to the incident and obtain written statements whenever possible, including depositions and/or statements of fact. The witness information will be noted on the SMRR. The Sergeant's report must contain conclusions regarding the reasonableness of the use and level of force that is affected.

Note: If additional investigation is necessary a command officer will complete the investigation and their findings will be documented on an Intra Departmental Correspondence.

- E. Sergeants and above who are at the scene of an incident at the time force is used and who themselves use force, shall defer the investigation to an equivalent or higher-ranking uninvolved supervisor to conduct the subject management investigation. Simply witnessing the event does not preclude the supervisor from completing this investigation.

- F. Members involved in an incident whose action(s) or use of force results in serious physical injury or the death of another person shall be relieved of their assigned duties with pay, and placed on administrative assignment until it is deemed appropriate to return them to the original assignment.

1. The nature of the administrative assignment will be determined by the Sheriff or authorized designee.
2. The member shall be available at all times for official interviews and statements regarding the case and shall be subject to recall to duty at any time.

3. Members shall not discuss the case with anyone except members of the District Attorney's Office, their personal attorney, Union representative, or authorized department personnel as designated by the Sheriff.
4. Upon completion of the investigation the Sheriff will determine what course of action shall be taken.

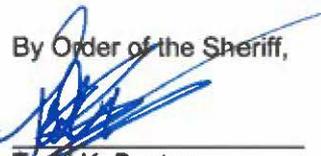
III. Brandishing

- A. For a brandish only incident, check the "Brandish Only" box at the top of the right corner on the first page of MB-119 Subject Management Resistance Report (SMRR). Pages one and two of the SMRR will be completed to include section VIII of page two (narrative). Page three will be utilized for supervisor sign-off only. No investigation is required for a brandish only, unless directed by a command officer.
- B. If a use of force occurs where physical techniques are utilized by personnel, and other personnel only brandish their weapons. The designated primary deputy will complete pages one and two. All other responding staff will complete page two regardless if they used physical techniques, or brandished a weapon only.

IV. Review and Distribution

- A. Following first line review, the SMRR will be forwarded through the chain-of-command to the appropriate Bureau Chief. Following their review, all reports will be forwarded to the Staff Services Bureau.
- B. The Standards and Compliance Unit (SCU) will input and track data of the information from the SMRR.
- C. The Undersheriff's office will retain all investigations in Bureau specific files. Copies of reports will no longer be placed into an employee's personnel file.
- D. In addition to the preliminary review indicated above, each Bureau Chief shall, on a quarterly basis, review the compendium of incidents of use of force occurring in their respective area of responsibility, as provided by the Staff Services Bureau.
- E. The SCU will conduct a yearly analysis of all SMRR and will attempt to identify patterns or trends that may indicate a need to alter training, use of techniques, or policy positions.

By Order of the Sheriff,



Todd K. Baxter

* Indicates a change or addition from the previous order