



Amherst Police Department
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The Town of Amherst Police Department’s Use of Force policy is in compliance with current New York State Law. This policy is based on the Federal and State standards by which force is measured. Those standards are founded in the basic premise of objective reasonableness. The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in our policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies “allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation.” Our policy is written in recognition of the value and dignity of all human life without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires careful balancing of all interests.

Our policy states that when used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event. Factors that may be used in determining the reasonableness of force include, but are not limited to:

- The severity of the crime or circumstance;
- The level and immediacy of threat or resistance posed by the suspect;
- The potential for injury to citizens, officers, and suspects;
- The risk or attempt of the suspect to escape;
- The knowledge, training, and experience of the officer;
- Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
- Other environmental conditions or exigent circumstances.

Our policy also states that Officers have a duty to intervene. This means that any officer present and observing another 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 officer has a realistic opportunity to prevent harm. Additionally, an officer who observes another officer, using force that exceeds the degree of force as described in the above noted subdivision of this section, should promptly report these observations to a supervisor.

Our use of force policy also addresses the procedure for reporting and investigating use of force incidents involving our officers. It calls for training dedicated to the potential use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.