

REFUSING TO AID A PEACE OR A POLICE OFFICER
Penal Law § 195.10
(Committed on or after Sept. 1, 1980)

The (specify) count is Refusing to Aid a Peace or a Police Officer.

Under our law, a person is guilty of Refusing to Aid a Peace or a Police Officer when, upon command by a peace or a police officer identifiable or identified to him or her as such, he or she unreasonably fails or refuses to aid such peace or a police officer

Select appropriate alternative(s)

in effecting an arrest, [or]

in preventing the commission by another person of any offense.

The following term used in that definition has a special meaning: ¹

COMMAND means an authoritative direction.²

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following (specify number of) elements:

1. That on or about (date) , in the county of (county) , the defendant, (defendant's name), upon command of (specify) unreasonably failed or refused to aid (specify) *Select appropriate alternative(s)*

in effecting an arrest, [or]

¹ If in issue, the definition of "peace officer" is in CPL 2.10 and the definition of "police officer" is in CPL 1.20(34).

² Cf. *People v Couser*, 94 NY2d 631 (2000).

in preventing the commission by another person of any offense; and

2. That (*specify*) was a peace/police officer who was identifiable or identified to the defendant as such.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.