REFUSING TO AID A PEACE OR A POLICE OFFICER
(B Misdemeanor)
PENAL LAW 195.10
(Committed on or after Sept. 1, 1980)

The _____ 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 term, "command," used in this definition has its own special meaning in our law. I will now give you the meaning of that term.[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*)

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[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).

Select appropriate alternative(s)

in effecting an arrest, [or]

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.

Therefore, if you find that the People have proven beyond a reasonable doubt (both or each) of those elements, you must find the defendant guilty of the crime of Refusing to Aid a Peace or a Police Officer as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt (either one or both or any one or more) of those elements, you must find the defendant not guilty of the crime of Refusing to Aid a Peace or a Police Officer as charged in the _____ count.