**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.

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