



POLICY AND PROCEDURES MANUAL

Policy Number: 130.15

Approved by: Erika Taylor, Chief of Police

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Applies to: University Police Department, Police Division

DCJS Accreditation Standard: 20.1, 20.6, 21.1, 21.2

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Use of Physical Force

Review Date: 10/18/2023	Change Description: Policy reviewed
Revised Date: 10/18/2023	Change Description: Policy updated, Section VI, 1 section D and H

I. Purpose

The purpose of this policy is to establish policies and procedures for the use of physical force by sworn officers of the New York State University Police Department at Upstate Medical University and to establish procedures for reporting and evaluating the use of such force.

II. Policy

1. Sworn officers shall use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the New York State University Police Department at Upstate Medical University.
2. Furthermore, any use of force by law enforcement officers must be consistent with the standard established by the United States Supreme Court in *Graham v. Connor*, which held that in order for an officer's use of force to be deemed objectively reasonable, that officer must consider: the severity of the crime at issue; whether the suspect poses an immediate threat to the safety of the officer(s) or others; and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Accordingly, officers shall employ only that level of force that is objectively reasonable and necessary to achieve their lawful objectives.
-Refer: *Graham v. Conner*, 490 U.S. 386 at 396-97 (1989)



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3. It is the responsibility of each officer to be aware of the requirements of Article 35 and to guide their actions based upon that law and Department policy and training. Members shall not unnecessarily or unreasonably endanger themselves or others in applying these guidelines to actual situations.
4. Only issued or approved equipment will be carried on duty and used when encountering resistance, except in emergency situations when an employee may use any justifiable resource at his disposal.
5. The use of any active countermeasure, including but not limited to, pressure point control
6. ASP baton, or chemical spray is considered a use of physical force and will require a police report. Any use of force shall be documented in a Use of Force Report.

III. Definitions:

Refer to Policy 130.10, section III

IV. Notification required:

1. Officers involved in use of force incidents, on or off-duty, shall immediately notify a supervisor. If the member is off-duty and outside the City of Syracuse when the use of force occurs, the officer shall also notify the police agency with jurisdiction for investigation of the incident.

V. Responsibilities:

1. Whenever physical force is used, all Officers shall:
 - a) Immediately evaluate the need for medical attention or treatment for the person upon whom the force was used. The officer will determine if there is any injured person and render first aid when appropriate. If needed, emergency medical



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services shall be requested. The subject's acceptance or refusal of medical care shall also be documented in the officer's police report.

- b) Attempt to locate and identify any witnesses and document the incident.
 - c) Notify a supervisor of the incident and/or an evidence technician so photographs can be taken. Note: A photograph showing an absence of injury is as important as one that shows injury. Photographs may be taken regardless if an injury exists or not.
 - d) Report or cause to be reported all facts relative to the incident in a police incident report including injuries to the subject and/or officers, force utilized by the subject and/or officers, and whether or not an arrest is made. Each officer involved in the use of force will complete a supplemental report documenting such use (Use of Force Report).
2. It shall be the investigating Supervisor's responsibility to immediately respond to the scene of the incident to ensure that:
- a) The officer involved receives necessary assistance, including medical treatment if needed.
 - b) The person upon whom the force was used receives necessary medical attention.
 - c) If possible, color photographs are to be taken of any person upon whom force was used in order to document the presence of, or lack of, injuries resulting from the use of force.
 - d) Injuries to the officer or the person upon whom the force was used are fully documented.
 - e) All reports are prepared and forwarded per Department policy. In the event that an officer is unable to complete reports due to injuries, the supervisor shall prepare or cause them to be prepared, along with his own reports of the incident.



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- f) The Deputy Chief and Chief of Police is notified if through the use of force:
 - i. Injury is sustained or inflicted by a member of the Department.
 - ii. A firearm is discharged or deadly physical force is employed.
 - iii. There is an allegation of misconduct on the part of a member of the Department.
- g) The Deputy Chief and or Chief of Police shall respond to the scene if deemed appropriate.

VI. Use of Force Report:

1. In addition to documenting a use of physical force in their police report, officers shall prepare and submit a "Use of Force Report" when:
 - a) The use of force involved the discharge of a firearm, other than training or recreational purposes, whether or not a person was struck or injured by the projectile.
 - b) He takes action that results in, or is alleged to have resulted in, injury of another person.
 - c) The use of force involved acts such as striking, punching, kicking, K-9 bite or the use of pressure point controls.
 - d) The use of force involved the employment of an impact weapon, impact munitions, chemical agents, ECD (Taser) device, chokehold or pepper spray or threatens/displays to use said weapon/device.
 - e) The person is charged with the crime of resisting arrest.
 - f) The officer actively points a firearm at another person.
 - g) The officer is directed to complete a "Use of Force Report" by a superior officer.
 - h) Officers who un-holster and display the Taser laser (e.g. laser compliance) involving no probe discharge or drive stun, shall document their actions in a Taser Use of Force Report. Refer to Department Policy 302.90 Use of Electronic Control Device.
2. If more than one officer is involved in the use of force, each officer shall complete the "Use of Force Report" describing the force used by that officer.



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3. Physical force used against crowds or unknown persons will be documented recording all possible information.
4. If an officer is incapacitated, his supervisor shall prepare the use of force report based upon the supervisor's investigation of the incident. This will satisfy the use of force requirement.
5. A superior officer shall review the "Use of Force Report" for completeness and accuracy.
6. All other use of force reports, following initial supervisory review shall be directed to:
 - a) The office of the Deputy Chief.
 - b) And the Chief of Police for review and findings.

VII. Evaluating the use of force

1. The Command Staff shall review the incident to ensure that the use of force was reasonable, authorized, necessary, not reckless, and therefore justified.
2. The Command Staff shall determine whether the use of force was:
 - a) Within department policy and applicable laws.
 - b) Out of department policy and/or in violation of applicable laws.
3. The Command Staff shall annually submit to the Chief of Police an analysis of all Use of Force incidents in order to identify:
 - a) Patterns or trends that support training needs.
 - b) Any equipment upgrades.
 - c) Any policy modifications.

VII. TRAINING

- A. All officers should receive training and demonstrate their understanding on the proper application of force.

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B. Training topics could include 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.

VIII. Duty to Intercede

1. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another officer use of force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.