

DPS STANDARD OPERATING PROCEDURE

	SUBJECT:	SECTION(S):	DISTRIBUTION:
	<p align="center">USE OF FORCE DPS SOP 2011-02</p>	<p>ALL</p>	<p>ALL PERSONNEL</p>
ISSUING AUTHORITY:		EFFECTIVE DATE:	SUPERSEDES:
<p>ROBERT MALDONADO CHIEF OF PUBLIC SAFETY (ELECTRONICALLY SIGNED)</p>		<p>JUNE 24, 2011 REVISED DATE: JUNE 17, 2020</p>	<p>SOP 2010-27 AND ALL PREVIOUS Personnel Title Change</p>

Use of Force

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REFERENCES:

- Article 35 – Defense of Justification, New York State Penal Law
- Section 6450 of the Education Law of the State of New York
- Section 2.10, sub: 77 a, b, c, d, & 2.20 b of NYS Criminal Procedure Law
- SOP 2008-18 Firearms
- SOP 2011-28 LTLW Impact Weapon
- SOP 2011-29 LTLW Aerosol Subject Restraint Spray
- SOP 2011-53 Notifications to DPS of other Univ. Depts.
- SOP 2015-02 Body Worn Cameras (BWC)
- Use of Force Report (In Forms Folder on G Drive)
- Weapons Use Report (In Forms Folder on G Drive)
- New York State Executive Law 837-t

ATTACHMENTS: None

I. APPLICABILITY: This procedure is applicable to all members of the Syracuse University Department of Public Safety.

II. PURPOSE: To establish policy, guidelines and procedures for the appropriate and proper use of force to include physical force, less than lethal force and deadly physical force by members of the S.U. Department of Public Safety. This procedure also establishes reporting procedures for all use of force situations and prescribes a mandatory evaluation process for the use of such force.

DPS recognizes and respects the value of each human life. Public Safety Officers are invested with the lawful authority to use force to protect the community’s welfare and the responsibility to carefully balance all human and statutory interests when doing so. Deciding whether to use force when authorized is among the most critical decisions made by law enforcement officers. It is a decision that can be irrevocable and it is a decision that must be made quickly and under difficult, often unpredictable circumstances. Sound judgment and the appropriate exercise of discretion will always be the foundation of law enforcement decision-making in the broad range of possible use of force situations.

It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this policy is intended to provide the best guidance and direction possible to DPS Officers when called upon to confront and address the most difficult of situations.

III. POLICY: It is the policy of the S.U. Department of Public Safety that Officers embrace and exemplify the *Guardian Philosophy* that places the “High value of life” as a guiding value relating generally to the provision of service and specifically to the use of force. The DPS Officers, on or off duty and acting under color of employment with the DPS, will use only that level of physical force that is authorized to lawfully bring an incident under control. De-escalation of difficult situations, including the minimal use of force necessary to safeguard and protect the lives of the officer or others is encouraged. Officers shall use force only when no reasonably effective

alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same circumstances. Force is only authorized in response to a threat or resistance. **(7.1.1) (4.1.1)**

- A.** Officers may use only the minimum level of physical force necessary and reasonable in the performance of their duties within the limits established by:
 - 1. Article 35 - Defense of Justification, New York State Penal Law; Section 6450 of the Education Law of the State of New York; Section 2.10, sub: 77 a, b, c, d, and 2.20 b of the New York State Criminal Procedure Law.
 - 2. The applicable Syracuse University Use of Force policies and S.U. DPS Policies as stated in this Standard Operating Procedure.(10/25/15)
 - 3. Officers are permitted to use “Non-standard force” to protect themselves or another, or to de-escalate a matter when confronted with a unique situation.
- B.** Each DPS Officer has the personal responsibility to know and understand the statutory requirements cited above and act in accordance with those laws and within department policy, and their assigned and associated job duties.
 - 1. Questions or concerns regarding the intent or application of this policy should be addressed to an employee’s immediate superior for clarification.

IV. DEFINITIONS: (7.1.2) (4.1.2)

- A.** De-Escalation: Is the philosophy and process that allows a law enforcement officer to attempt to resolve potential conflicts by use of procedures and communication that tends to make a more peaceful outcome possible. This concept should be considered when the de-escalation does not increase jeopardy to the Officer or others by use of this tactic.
- B.** Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer’s evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force was used and upon what a reasonably prudent officer would use under the same or similar circumstances.
- C.** Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of evidence, the escape of a suspect, or some other consequence improperly interfering with legitimate law enforcement duties.
- D.** Non-Standard Force: Is an improvised response which includes use of a tactic, technique or item that falls outside of written policy, or that is not a specifically trained technique, or a variation of a specifically trained technique, that the officer has adapted to survive, de-escalate or to protect the public.
- E.** Less than Lethal Weapon or Substance: For the purpose of this order, The Department of Public Safety authorized less than lethal weapons or substances include the expandable baton, and an aerosol subject restraint spray. Officers should bear in mind that less than lethal weapons were NOT INTENDED for use against armed/ threatening assailants, but that they may have application in some unusual circumstances.
- F.** Physical Force: Physical action against another and includes confinement. A degree of physical contact that includes, but is not limited to, striking, kicking, pushing, biting, or disabling, by means of a less than lethal weapon and/or substance, capable of causing

discomfort or pain, when such contact is unlikely to result in serious physical injury or death.

- G. Less than Lethal Force: Any force which is unlikely, when properly utilized, to result in serious physical injury or death.
- H. Deadly Physical Force: Physical force which under the circumstances used, is readily capable of causing death or other serious physical injury.
- I. Serious Physical Injury: Physical injury that creates a substantial risk of death or causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- J. Reasonable Belief: Those facts and circumstances within the knowledge of the individual which would make a reasonable and prudent person tend to believe that the facts and circumstances are true.
- K. Imminent Danger: Typical considerations defining “imminent danger include the attacker’s apparent intent to cause great bodily injury or death, the device used by the attacker to cause great bodily injury or death, and the attacker’s opportunity and ability to use the means to cause great bodily injury or death (10/25/15)
- L. Significant Threat: Whether a particular risk poses a significant threat depends on: a) the nature of the risk (how communicated or presented), (b) the duration of the risk (how long has it existed as known), (c) the severity of the risk (what is the potential harm to third parties) and (d) the probabilities that the risk, if acted upon will cause serious, life threatening harm. (10/25/15)
- M. Non-Sworn Officer: Includes DPS Employees who are either Community Service Officers (CSO’s) who hold NYS Security Guard status, or Fire and Life Safety (F&LSS) Officers who possess NYS Code Enforcement Certification. Neither Officer has authority to carry weapons, nor any training in weaponless physical intervention, nor do they have job duties or expectations requiring physical intervention of a person.

V. PROCEDURES: Use of Force General Protocols:

The application of force includes a wide range of alternatives, some requiring the use of either lethal or less than lethal weapons or substances. When feasible, enforcement personnel should attempt to generate voluntary compliance through non-forceful means, such as their professional presence, verbal commands and tactical communication.

When force is necessary, DPS Officers will use only the force necessary to affect lawful objectives or those reasonably believed to be lawful.

The use or application of force will be discontinued when it becomes apparent to the officer that the force is no longer needed in accordance with the following protocols:

- A. **Unnecessary Use of Force**: The unnecessary use of force, or the use of force in an excessive or unreasonable amount, or the use of force in a ‘punishing’ manner is an unjustified use of force and violates this policy.
- B. **An officer has a duty to intervene to prevent or stop the use of excessive force by another officer** when it is safe and reasonable to do so.
 - 1. When an officer observes the use of excessive force by another officer and the conditions to intervene are neither reasonable, nor safe, the officer is directed to

report their observations to their immediate supervisor at the earliest safe opportunity to do so.

- C. Physical force shall not be used against persons in restraints**, except as objectively reasonable to prevent their escape, or prevent imminent bodily injury to the individual, the officer or another person. In those situations, only the minimal amount of force necessary to control the situation shall be used.
- D. Members Must Justify Their Use of Any Force:** Members must justify their use of any force in any criminal, civil, or administrative proceedings. Members who do not or will not comply with this policy will be subject to disciplinary action up to and including termination.
- E. Physical Restraint by Non-Sworn Officers:** The DPS employs both sworn and non-sworn officers. (see Non-Sworn Officer Definition)
1. Non-sworn DPS Officers are not expected to physically restrain any persons that they come into contact with as a part of their employment duties. They are expected and required only to withdraw a safe distance and closely observe the person as they request a campus peace officer be dispatched to assist them and continue to observe and provide updates to the ECC if safe to do so, until a peace or police officer's arrival.
 - a. If retreat is not possible or prudent, these non-sworn Officers have the personal option to physically restrain a person and/or to defend themselves as any other citizen would be lawfully authorized if the person is threatening them and the intervention is chosen by the officer as the best way to stabilize the threat that person represents. **(9.2.11 a)**
 - b. The authority for that restraint would be from the statutes authorizing a citizen's use of force and a Citizen's Arrest for a crime committed in their presence.
 2. The Post Arrest Procedures of notifying a police officer (or a peace officer in their GAOE) with jurisdiction and turning over the person restrained to them is required by Section 140.40 of the NYS Criminal Procedure Law. Refer to SOP 2009-05 Arrest, Detention and Transportation of Prisoners, Citizen's Arrests. **(9.2.11 c)**
 3. The Officer will then complete and submit follow-up reporting required for their use of physical force in a supplemental report. A use of force report is also required. **(9.2.11 d)**
 4. The restraint used to control a person by the Non-sworn Officer must conform to the "Use of Force" requirements associated with this Policy. **(9.2.11 b)**
- F. Use of Force Terms Relating to Decision Making Protocols:** Members must align their use of force with the concepts and principles of the Department's Use-of-Force Policy.
1. There are 3 interacting variables relating to Use of Force Decisions:
 - a. The level of a person's resistance or threat.
 - b. The level of force used by the officer to overcome the person's level of resistance or threat.
 - c. The tactics and/or weapons, and/or substances/instruments used by the officer to overcome suspect resistance or threat.

Note: Generally, as a person's resistance or threat escalates, so may the officer's level of force (escalate). Conversely, if a person's resistance or threat de-escalates, the officer's use of force must de-escalate as well.

2. The levels of Resistance or Threat described in the 'If Then' Chart that follows: (Decision making Guide) (*The "If-Then" chart is presented for illustrational purposes and does not require in any way that force be applied in a progression of escalating responses for example, when a threat may be initially presented as life threatening the appropriate responses must quickly counter and control that level of threat.*):
 - a. Cooperative: The person willingly complies with the reasonable directions of the officer who is attempting to accomplish a lawful and safe arrest or custody. The person offers no resistance or threat.
 - b. Intimidation: This is the first level of resistance or threat. Intimidation inflames and creates a possibility of resistance or threat, if left unchecked. Resistance or threat may take several different forms starting with passive resistance or threat and including other acts such as verbal taunting, attempts to distract the officer, threats of injury, making racial slurs and using profanity or vulgarity of the nature that would tend to inflame another.
 - c. Constructively Resistive: Walking away from an officer's commands, failing to comply with the officer's verbal commands or any other attempts on the officer's part to gain control of the situation are examples. Physical attempts to pull or jerk away from the officer are at this level. The person does not direct physical force towards the officer.
 - d. Physically Resistive: This includes grabbing, pushing, punching, kicking, biting, and throwing objects at the officer. The person has committed an unlawful battery on the officer.
 - e. Deadly Resistive: The highest level of resistance or threat and includes the person's demonstrated intentions to seriously injure the officer or render him/her unconscious or incapable of self-protection. Such actions as attempts to grab the officer's pistol, baton and Aerosol Subject Restraint Spray, high-velocity strikes and blows at the officer's head, throat, or vital organs and any action that if successfully completed would have a high probability of causing serious lasting or permanent injury or death.

'IF-THEN' CHART- Decision Making Guide for Use of Force

Note: This chart is not inclusive of all possible situations or responses

IF RESISTANCE ENCOUNTERED IS:	THEN APPLY THIS LEVEL OF FORCE:	APPROPRIATE TACTICS:
Cooperative	Compliance Control	Words and actions that amount to a constructive seizure or arrest. (Note: handcuffing may occur when safety is a concern.)
Intimidation	Physical Control, plus above	Above, plus handcuffing, touching grabbing, directing tactics
Constructively Resistive	Persuasive Tactics, plus above	Hair Control, Pain Compliance, Pressure Points, plus above
Physically Resistive	Non-Lethal Tactics, plus above	Strikes, Kicks, Impact Weapons and/or aerosol subject restraint spray, plus above
Deadly Resistive	Survival Tactics, plus above	Any tactic or instrument to stop the attack, plus above

G. Protocols for the Use of Force and Deadly Force: (7.1.2) (4.1.2) Section 6450 of the New York State Education Law authorizes private College Campus Security Officers (Public Safety Officers), and Section 2.20(b.) of the New York State Criminal Procedure Law (Powers of Peace Officers) authorizes the use of deadly force ONLY:

1. When it is objectively reasonable under the totality of the circumstances that deadly force is necessary to defend himself / herself or a third person(s) from what he/she reasonably believes to be the use, imminent use or significant threat of deadly physical force, and only when the officer reasonably believes that the action is in defense of human life, or
2. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death and the officer reasonably believes that there is the imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
3. Deadly force should not be used against persons whose actions are a threat ONLY to themselves or to property.
4. Officers are permitted to use non-standard force, techniques or objects to de-escalate a matter when confronted with a unique situation.
5. Less-Than Lethal Force: (4.1.4) Where deadly force is not authorized, officers should assess the incident in order to determine which less than lethal technique, weapon and/or substance will best de-escalate the incident and bring it under control in a safe manner.

Public Safety officers are authorized to use departmentally approved less-than-lethal weaponless force techniques, less-than-lethal weapons, and/or substances as follows: **(06/17/20)**

- a. To protect themselves or others from physical harm
- b. To restrain or subdue a resistant individual
- c. When necessary to preserve the peace

Refer to SOP 2011-28 LTLF Impact Weapon & SOP 2011-29 LTLF Aerosol Subject Restraint Spray for instructions on their use.

6. Training: Each officer will be given annual in-service refresher training by a certified instructor in less-than lethal weaponless techniques to show proficiency. A record shall be maintained of such in-service training. **(4.3.3 a,b) (06/17/20)**

7. Alternatives to Deadly Force: An officer is under no obligation to retreat or desist when resistance is encountered or threatened, but may choose to de-escalate the situation under certain circumstances that do not increase the risk to the officer or another person.

An officer shall not use deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate the imminent danger of death or serious bodily harm and achieve the law enforcement purpose without additional risk to the officer or another person.

8. Warning Shots Prohibited: The use of discharging 'warning shots' is a proscribed use of deadly force and officers will not engage in that practice owing to the potential for indiscriminate harm. **(7.1.3) (4.1.3)**

9. Discharge of Firearm at Vehicles: Generally, officers should not fire from a moving vehicle or at the driver or occupant of a moving vehicle. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons.

The safety of innocent persons may be jeopardized when a fleeing suspect is disabled and loses control of his or her moving vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved or involved to a lesser extent, in the actions which necessitated the use of deadly force.

Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, Officers should not fire from a moving vehicle or at the driver, or occupant of a moving vehicle, unless the circumstances are such as to allow for no other reasonable course of action to control and intervene on the life threatening circumstances created by the events underway.

10. The use of any chokehold or similar restraint meant to obstruct breathing or blood circulation of another person is prohibited. **(06/17/20)**

H. Exhibiting a Firearm/Drawing a Weapon: A law enforcement officer should not unholster or display a firearm except under any of the following circumstances:

1. For maintenance of the firearm
2. To secure the firearm as required (including the weapons storage room, or a vehicle shotgun carrier)
3. During training exercises, practice or qualification with the firearm
4. When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm i.e., searching a building pursuant to a report of a burglary, high risk traffic stop (*A Weapon Use Report* may be required)
5. When circumstances create a reasonable belief that display of a firearm, as an element of constructive authority, helps establish or maintain control in a potentially dangerous situation, in an effort to discourage resistance and ensure officer safety, or when faced with an immediate life-threatening danger.
6. When the firearm is pointed in the direction of a specific person, a *Weapon Use Report* is required.

VI. PROCEDURES: RESPONSES TO USE OF PHYSICAL FORCE:

The use of any active countermeasures, including but not limited to striking, kicking, pushing, biting, or disabling, by means of a less than lethal weapon and/or substance pressure points control, baton or asp, or chemical agent is considered a use of physical force, as further defined in this policy.

The incident will be appropriately documented by Sworn Officers in both an incident - Investigation Report and a Use of Force Report, both of which will be scanned into CNYLEADS and marked "Law Enforcement Sensitive". Non-sworn Officers using physical force will submit a supplemental report and a Use of Force Report.

Following are Duties and Responsibilities of officers and supervisory/command personnel regarding actions to be taken, notifications to be made and other considerations associated with a use of force incident:

A. Officer Duties and Responsibilities: When physical force is used sworn officers will:

1. Immediately stop/interrupt whatever force is observed being applied unreasonably or unnecessarily to a person by another.
2. If it has become necessary for the officer to use physical force they are to be guided by this SOP in the amount, intensity and duration of force used and they will deescalate their force as the subject becomes compliant or under their control.
3. Immediately evaluate the need for medical attention or treatment for the subject upon which the force was used. The officer will render first aid when appropriate and will summon emergency medical services when required or requested. If the subject refuses treatment he/she must sign the appropriate refusal form or the refusal to sign must be duly witnessed and documented in the Use of Force Report.
4. Attempt to locate, identify and separate any possible witnesses to the use of force.
5. Immediately notify a DPS supervisor and request their presence at the scene.

6. Fully cooperate with the subsequent investigation and report all facts relative to the incident in an investigation report to include the documentation of all injuries or absence of injuries, whether or not an arrest was made, whether there were any witnesses, and whether affidavits were obtained.
7. The officer will also complete the officer portion of the Use of Force report and have it reviewed by the supervisor who responded to the scene.
8. All related documents completed by Officers associated with the investigation, awaiting review and approval by a supervisor, are to be placed in the document tray located in the supervisor's office.
9. A Use of Force report is not required in those instances where the subject is initially verbally resistant, but after direction becomes compliant without physical contact and follows directions and does not offer any physical resistance.

B. Supervisory Duties & Responsibilities: Whenever there is a reported use of force the supervisor will:

1. Respond to the scene as promptly as possible.
2. Ensure that the officer receives any assistance required to include medical treatment for the officer or the subject as required/necessary.
3. Interview the subject [suspect] and incorporate any admissions or statements into a supplemental report.
4. Ensure that any witnesses are separated and thoroughly interviewed and affidavits obtained if necessary (affidavits from people who claim to have seen nothing also have probative value).
5. Photograph, if applicable, using scale and color film or digital camera, photograph any injuries sustained by either the officer or the subject, any damage to property, and equally as important the lack of any injuries to the subject.
 - a. File those photographs on the G Drive in the 'Photo Case Files' folder by the DR #.
5. Review all Body Worn Camera (BWC) footage applicable to the incident and save footage (under the categorization "Use of Force" with applicable BWC # and incident #) in the BWC-CCTV folder located in the "Supervisor's Only" folder on the G Drive. Refer to SOP 2015-02 Body Worn Cameras.
6. Ensure that the Duty Officer is apprised of the incident and be able to answer the following questions:
 - a. Is either the officer or subject injured and what medical attention are they receiving?
 - b. Was a firearm discharged or deadly physical force utilized?
 - c. Was a less than lethal weapon utilized?
 - d. If the subject is a university student what is his/her name, SUID, year of study and associated school.
7. Follow the Memorandum of Understanding (MOU) with the SPD and notify the SPD Shift Supervisor who will then be responsible for making additional SPD notifications as required.

8. Ensure that the Use of Force report is completed and forwarded through the chain of command to the Chief of Public Safety.
9. In the event that an officer is physically/emotionally incapable of completing the Use of Force report due to some trauma, the supervisor will complete the requisite Use of Force report whenever possible.
10. Thoroughly review and approve all reports and insure that completed Investigation Reports, Supplemental Reports and Use of Force Reports, including witness statements are completed by end of shift.
 - a. Endeavor to have reports returned to officers corrected and resubmitted ASAP.

C. Duties and Responsibilities of the Duty Officer: When notified about a use of force the Duty Officer will, depending on the circumstances, make a determination as to the necessity of responding to the scene, but will always make the required departmental notifications and will ensure that the necessary university notifications are made.

1. The Duty Officer will always respond in any instance where:
 - a. Deadly force is utilized
 - b. An officer discharges his/her weapon
 - c. An officer receives serious injury
 - d. The subject [defendant] receives significant and/or serious injury

D. Duties & Responsibilities of the Chief in Certain Use of Force Incidents: (7.1.7) (4.2.3)

1. In Use of Force Incidents involving:
 - a. Serious Physical Injury, or Death, or the
 - b. Discharge of an issue firearm causing injury or death, or where the
 - c. Serious Physical injury or death was inflicted by use of an issue lethal or non-lethal weapon.
2. The Chief will be Responsible to insure the Following Steps are taken:
 - a. Make required University notifications: Make or direct that required University notifications are accomplished without undue delay per SOP 2011-53 Emergency & Incident Notification of Other University Depts.
 - b. Liaison: Act as liaison with the Syracuse Police Dept. when required
 - c. Remove Employee(s) Involved in Incidents Involving Death/Serious Injury from Line-Duty Assignment: Any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, be removed from line-duty assignment, pending an administrative review.
 - d. Weapon Held as Evidence: In incidents involving the discharge of an Officer's issue firearm, or the use of issue non-lethal weapon resulting in physical injury, or death, the Chief will instruct that the firearm or weapon will be taken from the involved officer and logged as evidence pending a review of the incident and possible court action.

- i. Issue of a replacement weapon: If appropriate for the circumstances of the incident, when the officer's weapon is secured as evidence, ensure that the involved Officer will be issued a replacement weapon of the same type as was issued by Department Firearms Instructor.
 - ii. Ensure that when the officer has been approved to return to duty that the officer be scheduled for immediate range qualification with the replacement duty weapon prior to a patrol assignment.
- e. Counseling: Ensuring that any employee involved in any incident resulting in death or serious injury receives post-incident counseling, and that family members likewise have access to counseling.

VII. MEDICAL ASSISTANCE: (7.1.4) (4.1.5)

- A. Medical Attention Provided in Timely Appropriate Manner:** Officers will ensure that any individual against whom force was used is provided timely medical attention, taking into consideration:
- 1. The amount and type of force used
 - 2. Any apparent or probable injuries
 - 3. Claims of injuries made by the subject
 - 4. Any apparent or suspected diminished capacity of the person as a result of drug/alcohol intoxication or mental condition.
- B. Quality of Care:** Medical assistance afforded will be the same as for any other individual with similar injuries, including:
- 1. First aid administered by the officer within the limits of the officer's level of training and available resources.
 - 2. Calling or offering to call emergency medical services as appropriate.

VIII. DOCUMENTING USE OF FORCE/USE OF FORCE REPORTING: (7.1.5 a, b, c) (4.2.1 a, b, c, d)

- A. Reports Required:** In addition to documenting use of physical force on or off duty and acting under the color of employment with the DPS in their investigative report, officers shall complete the Use of Force Report (and a Weapon Report when a firearm was deployed) when:
- 1. Any physical force is used: An employee takes an action with or without a weapon that results in physically restraining a person, or is alleged to have resulted in, injury or death of another person.
 - 2. LTLW Deployed: The person's level of resistance or threat required deployment or use of a less than lethal weapon.
 - 3. Discharge of Firearm: The use of force results in the discharge of a firearm regardless of whether a person is struck or injured by the projectile.

4. Resisting Arrest: The subject is charged with NYS Penal Law Section 205.30 – Resisting Arrest.
5. Control of MH Law Person: The subject is detained or taken into custody under section 9.41 of the Mental Health Law and force is required to place the subject under control.
6. When directed by a Supervisor: The officer/supervisor is otherwise directed to complete the report by a supervisor or superior officer.

B. Each Officer Involved Completes a Use of Force Report: If more than one officer is involved in the use of force, each officer is required to complete a Use of Force report detailing his/her specific actions.

C. Reports Entered into CNYLEADS: Copies of all records associated with the investigation including the Investigation Report, Supplemental Reports, Use of Force Report, and witness statements are to be scanned into the CNYLEADS database and classified as “Sensitive” thereby preventing unauthorized access.

The Risk Management Insurance Injury Reports and Workers Compensation forms associated with the incident are University administrative forms and will not be scanned into CNYLEADS.

D. Crowds: Any physical force used against a crowd will be documented as accurately and thoroughly as possible using all information available.

E. Incapacitated Officer’s Report: If an officer is incapacitated or injured, the supervisor will complete the Use of Force report based upon the supervisor’s investigation and the officer’s verbal account.

F. Supervisory Review: (12/11/15)

1. The first-line Supervisor performs and completes the supervisory review portion of each Use of Force Report submitted.
2. Upon completion of the supervisory review, the original Use of Force Report(s) will be submitted through normal channels.
3. Copy to the Deputy Chief for Law Enforcement and Community Policing: The Supervisor will then submit a copy of the approved Use of Force Report(s) to the Deputy Chief of Law Enforcement and Community Policing.
4. Forward Findings to Chief: Upon completing the review of an investigation, the Deputy Chief for Law Enforcement and Community Policing will forward their findings to the Chief for review and subsequent sharing with other university leaders as required.
5. Administrative Review: The Chief, or his/her designee, shall review all investigative and administrative reports regarding the use of physical force to ensure that the force used was authorized, necessary, not reckless, reasonable, and adhered to departmental policies and training.
 - a. The Chief or designee shall be responsible for making a final determination as to the resolution of each incident.

G. Report Administration:

1. All related documents completed by DPS members associated with the investigation, including the Use of Force report(s) awaiting supervisory review and approval are to be placed the document trays located in the supervisor's office.
2. The Commander of Administrative and Operational Support or a designee will obtain the documents from the completed document trays and process the documents and turn over to the Records and Logistics Coordinator for scanning and filing.
3. The Records, Logistics and Property Manager will scan the Use of Force Report(s) into CNY LEADS and mark the case as "Law Enforcement Sensitive" to limit unauthorized access.
 - a. A copy will be placed in the Use of Force Reports electronic file on G Drive to use for the Annual Supervisory Review, and the Training and Accreditation Units.
4. The original copy of the Use of Force Report is to be kept with the original case file along with all documents associated with the investigation and filed by the DR number.
5. The Use of Force Report should be considered an internal DPS document and is not disseminated outside the department unless the Chief, or a designee directs to do so.
6. Original reports are not to be either circulated internally or outside the department unless directed by the Chief, or a designee. If a document copy is required for investigative purposes a copy is to be made by the Records and Logistics Manager or printed from CNY LEADS case file.

IX. EVALUATING THE USE OF FORCE: (7.1.6) (4.2.2)

- A. Supervisory Oversight and Review of Employees' Use of Force:** Supervisors are responsible for monitoring subordinate behavior relating to their use of force. They are responsible for ensuring that subordinates act with restraint and that their use of force is necessary, reasonable and that their actions adhere to departmental policies and procedures. Accordingly, supervisors must:
 1. Take immediate corrective action to stop any apparent abuse of authority, or any action on the part of a subordinate that is inconsistent with DPS Use of Force policies and procedures.
 2. Notify the Duty Officer regarding any perceived infractions.
 3. Depending on the incident and the direction of the Duty Officer, complete an investigative report and/or a written departmental memorandum regarding any observed /reported use of force.

- B. Administrative Review of Use of Force Incident Reports:** The Deputy Chief for Law Enforcement and Community Policing, or a designee (Commander Rank) is required to review all use of force incidents. That person will make a determination as to whether the use of force was 'Objectively Reasonable', as defined in this policy, necessary and justified, and that it also:
 1. Adhered to SU and DPS policies, procedures and training. (10/25/15)

2. Adhered to NYS Penal Law Article 35.00 and the New York State Education Law, Section 6450.
3. The Deputy Chief for Law Enforcement and Community Policing or designee, will complete an Administrative Review Report for each use of force incident. This information will be summarized on an Excel sheet by year of occurrence for the purpose of preparing the Annual Administrative Analysis Report. This report is kept on the G: drive. The Administrative review report will be submitted through the regular written report system and secured as a supplement to the original Use of Force Report.

C. Annual Administrative Analysis: (4.2.4 a-e) The Chief of DPS, or his designee, will conduct an administrative analysis of use of force activities, policies and practices. This analysis should identify: (05/04/18)

1. Date and times of incidents;
2. Types of encounters;
3. Trends or patterns related to race, age and gender of subjects involved;
4. Trends or patterns resulting in injury to any person including employees; and
5. Impact of findings on policies, practices, equipment and training.

D. Reporting Use of Force Incidents to the Division of Criminal Justice Services (DCJS):

1. The Administrative and Operational Support Commander will make a report to DCJS in accordance with New York State Executive Law 837-t of any instances of use of force by members of the Department of Public Safety when:
 - a. An officer engages in conduct which results in the death or serious bodily injury of another person;
 - b. Brandishes, uses or discharges a firearm at or in the direction of another person;
 - c. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
 - d. Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
 - e. Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
2. Data to be transmitted to DCJS include date of incident, agency involved, county, town/city, description of circumstances and demographics of all persons involved in the incident. Documentation to be used to capture this information will include, but not limited to:
 - a. CNYLeads Investigation Report
 - b. CNYLeads Non-Criminal Incident Report

- c. Syracuse University Department of Public Safety Use of Force Report
 - d. Syracuse University Department of Public Safety Weapon Use Form
3. The Administrative and Operational Support Commander will enter the required information into the eJusticeNY Integrated Justice Portal for transmission to DCJS. An entry will be made into the DPS Use of Force log indicating that the use of force information was sent to DCJS.

POLICY REVISION HISTORY

NO	SECTION REVISED	DATE ISSUED
1	Revised/reformatted re CALEA standards entire document and LTLW ASR Spray Pgs.8-9, Deadly Force Parameters Pg. 7	10/19/12
2	Pg. 4-6 Continuum of Force, Any Use of Force Pg. 14, Pg. 15 Evaluating Use of Force Reporting.	4/26/13
3	Revisions in CNY Leads Rpts. & on Pgs. 3, 8, 9,10,11, 13, 14	6/17/14
4	Reviewed/Revised	01/24/15
5	Revised re IACLEA Definitions/ Deadly Force, Reporting	10/25/15
6	Revised re non-sworn officers use of force, primarily Pg.4	11/20/15
7	Revised re CALEA, 21 st Century Rpt., Consensus Policy	03/10/17
8	CALEA LE-1revision annual administrative analysis	05/04/18
9	Added requirements for NYS Executive Law 837-T, Pg.15	07/13/19
10	Added chokehold prohibition, weaponless techniques	06/17/20
11		