



Volume 1, Article 4 – Rules of Conduct

Section 3.00

Use of Physical Force

3.00 POLICY: 4,5

The purpose of this policy is to establish policies and procedures for the use of physical force by sworn officers of the Syracuse Police Department and to establish procedures for reporting and evaluating the use of such force.

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 Syracuse Police Department.

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.

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.

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.

The use of any active countermeasure, including but not limited to, pressure point control, baton, or chemical mace is considered a use of physical force and will require a police report. Any use of force shall be documented in an Incident Report (Form 3.6) and, when required, a Use of Force entry within IAPro Blue Team.

3.10 DEFINITIONS:

- A. Physical Force - A degree of physical contact that includes, but is not limited to striking, kicking, pushing, biting, or disabling action by means of a chemical agent capable of causing discomfort or pain, when such contact is unlikely to result in serious physical injury or death.

3.11 PROCEDURE:**3.12 NOTIFICATION REQUIRED:**

- A. 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.

3.13 RESPONSIBILITIES: ^{2,4}

- A. Whenever physical force is used, all **Officers** shall:
1. 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 services shall be requested. If the person refuses to be treated, he must sign the refusal statement on the emergency medical service's Pre-hospital Care Report form. If the person refuses to sign, the refusal must be witnessed on the form. The subject's acceptance or refusal of medical care shall also be documented in the officer's police report.
 2. Attempt to locate and identify any witnesses and document the incident.
 3. Notify a supervisor of the incident and 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 must be taken regardless if an injury exists or not.
 4. 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.
- B. It shall be the investigating **Supervisor's** responsibility to immediately respond to the scene of the incident to ensure that:
1. The officer involved receives necessary assistance, including medical treatment if needed.
 2. The person upon whom the force was used receives necessary medical attention.
 3. Color photographs are 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.
 4. Injuries to the officer or the person upon whom the force was used are fully documented.

5. 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.
 6. All necessary information is gathered for the IAPro/Blue Team entry, if required, by completing a Subject Resistance Checklist (Form 4.15).
 7. The **Duty Chief** is notified if through the use of force:
 - a. Injury is sustained or inflicted by a member of the Department.
 - b. A firearm is discharged or deadly physical force is employed.
 - c. There is an allegation of misconduct on the part of a member of the Department.
- C. The **Duty Chief** shall respond to the scene if deemed appropriate.

3.14 SUBJECT RESISTANCE DOCUMENTATION: 1, 2, 3, 4, 5

- A. In addition to ensuring all involved officers complete the necessary reports when possible, the investigating supervisor shall be responsible for creating a new use of force entry in Blue Team when:
1. Any time physical force is used.
 - a. The use of physical force involving acts such as striking, punching, kicking, biting, choking, or the use of pressure point controls must be described in the Blue Team entry.
 2. A police canine bites a person or strikes a person with a muzzle.
 3. The use of force involves the employment of a Less Lethal Weapon.
 4. The use of force involves the discharge of a firearm, whether or not a person is struck or injured by the projectile.
 5. The person is charged with the crime of resisting arrest and/or obstructing governmental administration.
 6. The use of physical force is employed in the handling of persons under sections of the Mental Hygiene Law.
 7. The use of physical force is employed in the handling of juveniles.
 8. The supervisor is directed to complete a Blue Team entry by a superior officer.
- B. A Subject Resistance Checklist and a Blue Team Entry will be done for each person that force is used upon.

- C. If more than one officer is involved in the use of physical force, each officer shall complete a supplemental report describing the force used by that officer.
- D. Physical force used against crowds or unknown persons will be documented recording all possible information.
- E. If an officer is incapacitated, his or her supervisor shall describe that officer's use of force in the Blue Team entry based upon the supervisor's investigation of the incident.
- F. The completed Subject Resistance Checklist(s) (Form 4.15) will be forwarded to the Office of Professional Standards by the investigating supervisor prior to the end of his/her shift.
- G. The completed Blue Team entry shall be forwarded through the Chain of Command to a superior officer for review within 14 days. The superior officer will review the entry for accuracy and completeness, and then forward it to the Office of Professional Standards through the Blue Team System.

3.15 EVALUATING THE USE OF PHYSICAL FORCE: ^{2,4}

- A. All supervisory officers are responsible for monitoring subordinate behavior relative to the use of physical force employed by subordinates in the performance of duty, to ensure that Departmental policies and procedures are followed.
 - 1. Supervisors must take immediate corrective action when subordinate behavior is observed to be inconsistent with Department's policies and procedures regarding any facet of the use of force.
 - 2. A supervisor must notify the Office of Professional Standards in writing (forms 10.1 and 9.17B) when behavior that is inconsistent with the Department's policy and procedures on the use of force is observed.
- B. The Office of Professional Standards is required to conduct an investigation when a complaint is made regarding the use of physical force. The Office of Professional Standards shall assess and determine whether the force used was necessary, reasonable and justified and whether the force used was:
 - 1. Within Departmental Policy and applicable laws, or
 - 2. Inconsistent with Departmental policy and/or a violation of applicable laws.
 - 3. The disposition of all cases logged by the Office of Professional Standards shall be compiled and analyzed annually. The disposition of all cases logged, together with any recommendations, shall be reported to the Chief of Police.
- C. The Training Division is responsible for the design and implementation of training programs relative to the use of physical force. The Training Division will ensure that each employee receives in-service training annually on the Department's "use of force" policies and procedures, and demonstrates proficiency with the weapon(s) each employee is assigned and authorized to use.

- D. The Office of Professional Standards shall conduct an annual analysis of the incidence of the use of force based upon Departmental report final action codes, for the purpose of identifying patterns and trends. The Office of Professional Standards shall submit findings, together with any recommendations, to the Chief of Police annually.
- E. The Chief of Police, or his designee, shall review all investigation and administrative reports regarding the use of physical force to ensure that the force used was justified, necessary and reasonable, and in accordance with Department policy.
1. At the conclusion of each Departmental and/or criminal investigation involving the use of physical force, the Chief of Police shall make the final determination of action to be taken.

POLICY REVISION HISTORY

NO	SECTION REVISED	DATE ISSUED	G.O. #
1	Revised Section 3.14 – references to Central Records Division changed.	02/05/2004	04-02
2	Revised section 3.13 sub B 5 reworded, section 3.14 regarding report distribution and section 3.15 regarding responsibility for annual analysis of force.	02/28/2005	2005-05
3	Revised Section 3.14 in reference to the Records Management Section.	12/21/2005	2005-20
4	Section 3.00 updated to current Departmental procedures. Section 3.13 sub A4 updated to current Departmental procedures, old sub B3 moved to sub B4, old sub B4 moved to sub B3, new sub B6, B6a added, old sub B6 moved to new sub B7. Section 3.14 renamed Subject Resistance Documentation, subs A, A1a, A8, updated to current Departmental procedures, new sub B added, section re-lettered accordingly, subs C, E, F and G updated to current Departmental procedures referencing Blue Team entries and officer/supervisor responsibilities. Section 3.15 sub A2, B, B3, and D updated to reflect Office of Professional Standards name change.	06/15/2012	2012-20
5	Section 3.00 updated to current Departmental procedures. Section 3.13 sub B6a deleted. Section 3.14 new subs F and G added.	10/13/2015	2015-21

Policy is applicable to the following New York State Accreditation Standard(s):

20.1: Necessary Force (**Critical Standard**); **21.1:** Review of Firearms Use; **21.2:** Review of Force Causing Injuries; **32.4:** Use of Less Lethal Substances/Devices; **40.2:** Supervisor Responsibilities.