

Syracuse Police Department

Use of Force (Draft Policy)

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300.1 PURPOSE AND SCOPE

- A. This policy provides guidelines on the reasonable use of force. The authority to use force is a matter of critical concern, both to the public and to the law enforcement community, and is a serious responsibility that must be exercised judiciously. Officers are involved on a daily basis in numerous and varied interactions and, when necessary, may use objectively reasonable force in carrying out their duties consistent with the parameters outlined in this Use of Force Policy.
- B. All officers are obligated to guide their actions according to their training and this policy, whose core principles include commitment to the utmost respect for the **sanctity and dignity of human life**, employment of **de-escalation** whenever safe and feasible, the **duty to intervene** when witnessing the use of excessive force, the preservation and advancement of **community trust and public safety**, and adherence to **constitutional principles**. In granting officers the authority to use reasonable force, the Department acknowledges its responsibility to train, monitor and evaluate officers to ensure awareness of the use of force authorizations and limitations set forth in this policy.
- C. Violations of this Policy will lead to corrective action and/or discipline, up to and including termination of employment.

300.2 DEFINITIONS

Definitions related to this policy include:

- A. **Deadly Force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury.
- B. **De-escalation** - Taking action or communicating, verbally or non-verbally, during a potential force encounter in an attempt to reduce the intensity of conflict, stabilize a situation or reduce the immediacy of a threat so that more time, options, and

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resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

- c. **Safe and Feasible** - Reasonably capable of being carried out under the circumstances to successfully achieve the lawful objective or arrest without increasing risk to the officer or another person.
- d. **Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained
- E. **Imminent** - Ready to take place; approaching; impending. Note that imminent does not mean immediate or instantaneous.
- F. **Intervene** - To verbally or physically interact with another officer so as to prevent or alter a result or course of events.
- G. **Objectively Reasonable** - An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the circumstances that are known to that officer at the time the force was used.
- H. **Necessary** - Force is necessary if it is required in order to make an arrest, investigatory stop, or lawful detention and it is objectively reasonable given the totality of circumstances known to a reasonable officer on the scene.
- I. **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.
- J. **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. (NY Penal Law § 10.00(10))
- K. **Totality of the Circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

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300.3 DE-ESCALATION

- A. Officers shall use de-escalation techniques and tactics when it is safe and feasible to do so under the totality of the circumstances, consistent with the officer's training. Not every potential violent confrontation can be de-escalated, but officers have the ability to impact the direction and the outcome of many situations they encounter, based on their decision-making, and the tactics they choose to employ. De-escalation applies to all encounters between officers and the public, not only those that involve force.
- B. De-escalation may include the use of techniques and tactics, both verbal and non-verbal, such as verbal persuasion, body posture, command presence, commands or warnings, tactical repositioning, or any tactic or force option that in the officer's reasoned judgment is likely to result in a lower level of force being used to accomplish the objective at hand.
- C. Officers are not expected to compromise safety in order to de-escalate a situation if it is likely to result in harm to the officer or others.

300.4 DUTY TO INTERVENE AND REPORT

- A. Any officer on the scene, who is in possession of all necessary facts, who observes another officer or supervisor using force that is not objectively reasonable shall intervene when safe and feasible. Any intervention by an officer must be reported to a supervisor, who must initiate an immediate investigation.
- B. Any officer who observes another officer, including a supervisor, use force that is potentially beyond that which is objectively reasonable or is against policy shall report the force to any supervisor and/or the Office of Professional Standards immediately.

300.5 USE OF FORCE

- A. Officers shall use only that amount of force that reasonably appears necessary given the objective facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
- B. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident, rather than with the 20/20 vision of hindsight. Officers must often make split-second decisions about the amount of force that reasonably appears necessary in a particular situation. Therefore, any evaluation of reasonableness must consider the fact that officers must assess the situation with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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- C. Officers should continually assess the totality of the circumstances as the situation changes, and adjust the use of force appropriately to ensure the level of force remains proportionate to the perceived threat. Authorized use of force should cease when the officer reasonably perceives that the purpose necessitating the use of force has ceased.
- D. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Any exercise of discretion must remain consistent with training.
- E. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury and advance public safety, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.6 USE OF FORCE AUTHORIZATION

- A. Officers are authorized to use objectively reasonable force when necessary to accomplish lawful objectives, including:
 - 1. Effecting an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force;
 - 2. Effecting an investigatory stop or detention where there is reasonable suspicion to believe that criminal conduct has occurred or is ongoing;
 - 3. Taking subjects into protective custody, including civil custody, when authorized by law, such as persons who are a danger to themselves or others or persons incapacitated by intoxicating agents;
 - 4. Preventing a subject from committing suicide or inflicting serious physical injury upon themselves, provided the force shall not rise to the level of deadly physical force;
 - 5. Assisting a licensed medical provider in providing necessary medical treatment;
 - 6. Overcoming resistance to a lawful police order following a verbal warning.

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300.7 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

- A. When determining whether de-escalation is safe and feasible, whether or not to apply force, and the amount and type of force that is reasonable and necessary, the following factors should be taken into consideration, including:
1. The immediacy and severity of the threat to officers or others, including the potential for injury to officers and others;
 2. The seriousness of the suspected offense or reason for contact with the subject;
 3. The level of the subject's resistance, whether the subject is attempting to evade arrest by flight, or is attacking the officer;
 4. Dynamics between the officer and subject (e.g., age, size, physical condition, skill level, injuries sustained, level of exhaustion or fatigue, the length or duration of the encounter, the number of officers available vs. Subjects, etc.);
 5. Whether the subject exhibits any pre-assault indicators, such as verbal aggression, posture change, physiological changes consistent with stressor events, target glance, undirected over-compliance, aggression directed at another person or an inanimate object, kinetic body movements, physical non-compliance, defensive or offensive physical posturing, or any combination;
 6. A subject's escalation of verbal, physical, or emotional response;
 7. The relative physical leverage, or position of physical advantage or disadvantage, created by the proximity or positioning of the officer and subject;
 8. Nature and/or location of the incident, including whether a domestic disturbance or dispute is involved;
 9. Unique characteristics of the subject, including their mental state or capacity; whether they exhibit any effects of drug or alcohol use; their ability to understand and comply with officer commands; and whether they are a member of a vulnerable class (child, elderly, disabled, visibly pregnancy)
 10. The subject's proximity of weapons or dangerous improvised devices;
 11. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained;

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12. The availability of other options and their possible effectiveness;
13. The risk and reasonably foreseeable consequences of escape;
14. The apparent need for immediate control of the subject or a prompt resolution of the situation;
15. Whether the subject's conduct no longer reasonably appears to pose an imminent threat to the officer or others;
16. Environmental factors, for example, elevation, lighting, spatial confinement, weather, presence and proximity of others;
17. Prior contacts and whether the subject is known to have a propensity for violence;
18. Any other exigent circumstances, which include such 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 relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts;
19. Any other conclusions that can be drawn about the subject, circumstances, or environment, which a reasonable officer perceives as a result of training or experience to pose a threat of harm.

300.8 PROHIBITED USES OF FORCE

- A. Generally, officers must cease using force when the officer reasonably perceives that the purpose necessitating the use of force has ended, and must continually assess the situation and changing circumstances, and adjust or discontinue the use of force appropriately.
- B. In addition, force shall not be used in the following circumstances:
 1. To coerce a confession from a subject.
 2. To obtain physical evidence from a subject for the purpose of scientific testing, absent a court order.
 3. Against subjects who are handcuffed or restrained unless it is necessary to prevent injury or escape, or to otherwise overcome resistance posed by the subject.

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4. To torture, unlawfully coerce or punish a subject.
5. To attempt to remove or extract evidence from a subject who has orally injected the evidence, once the subject has placed the potential evidence in his/her mouth.

NOTE: An officer may use reasonable force to *prevent* the person from placing the evidence or contraband in their mouth, but such force must cease once evidence/contraband is in the mouth. Once a subject has ingested potentially harmful evidence such as narcotics, an officer shall request immediate medical attention.

6. To extract an item from the body or cavity of a subject without a warrant, except where exigent circumstances are present (for body cavity searches see the Strip Searches and Body Cavity Searches policy, Volume 1, Article 73, Section 73.14).
- C. For additional limitations and prohibitions related to the use of deadly force, refer to Section 300.10 below.

300.9 USE OF DEADLY FORCE

- A. Deadly force is a measure to be employed only in the most extreme circumstances. An officer may use deadly force only when it is objectively reasonable under the totality of the circumstances.
- B. Use of deadly force is considered objectively reasonable when:
 1. The officer reasonably believes or perceives the subject has a weapon or is attempting to access a weapon and it is reasonable to believe the subject intends to use it against the officer or third person(s).
 2. The officer reasonably believes or perceives the subject is capable of causing serious bodily harm or death to the officer or third person(s) even in the absence of a weapon and it is reasonable to believe the subject intends to do so.
 3. It is necessary to protect the officer or third person(s) from what is reasonably believed or perceived to be an imminent threat of death or serious bodily harm.
 4. It is necessary to prevent the escape of a fleeing subject when the officer has probable cause to believe that the subject has committed, or intends to commit, a felony involving serious bodily harm or death and the officer reasonably

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believes that there is an imminent risk of serious bodily harm or death to the officer or third person(s) if the subject is not immediately apprehended.

C. Officers shall warn of their intent to use deadly force where safe and feasible.

300.10 DEADLY FORCE LIMITATIONS AND PROHIBITIONS

- A. **Chokeholds:** The Department bans the use of chokeholds as a police practice in a manner consistent with the conduct prohibited by NY Penal Law §121.13-A. A chokehold is defined as either (i) a technique that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air (NY Exec. Law §837-t); or (ii) a technique that applies pressure on the throat or neck of such person or blocks the nose or mouth of such person with intent to impede the normal breathing or circulation of the blood of another person (NY Penal Law §121.11).
- B. **Property Destruction:** Officers shall not use deadly force against subjects to prevent the destruction of property.
- C. **Warning Shots:** Officers shall not fire warning shots.
- D. **Drawing or Displaying Weapons:** Officers may only draw and display firearms where there is a reasonable belief there is a possibility of danger to the officer or others, or to ensure the safety of any person.
- E. **Shooting at a Moving Vehicle:** Discharging a firearm at a moving vehicle is prohibited unless an officer reasonably believes or perceives that any occupant(s) of the vehicle are using or are about to use deadly force against the officer or another person, and the officer reasonably believes there are no other reasonable means available to avert the threat posed by the vehicle or its occupants. Due to the inherent danger of this tactic, the following additional guidance applies:
 - 1. When confronted by an oncoming vehicle, officers should not position themselves in the path of the vehicle, and should make every attempt to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
 - 2. Officers should not discharge their firearm at a vehicle when it is reasonable to believe that the vehicle may contain an innocent occupant or when it is reasonably foreseeable that doing so may cause the vehicle to careen out of control and injure an innocent bystander.

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3. Officers should not discharge their firearms at any part of a vehicle in an attempt to disable the vehicle.

F. **Shooting from a Moving Vehicle:** Discharging a firearm from a moving vehicle is prohibited unless an officer reasonably believes or perceives that the subject is using or is about to use deadly force against the officer or another person, and the officer reasonably believes there are no other reasonable means available to avert the threat posed by the subject.

300.11 REPORTING THE USE OF FORCE

- A. All officers involved in a use of force incident shall immediately inform a supervisor of the event. Any use of force by an officer shall be documented promptly, completely, and accurately in an appropriate report prepared by a supervisor according to the Department's Use of Force Reporting Procedures. The officer should articulate the factors perceived and why the officer believed the use of force was reasonable under the circumstances.
- B. Upon notification of a use of force incident, a supervisor shall immediately respond to the scene and conduct an investigation as set forth in the Use of Force Reporting Procedures.
- C. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.
- D. All officers involved in a use of force incident, investigating supervisors, evidence technicians collecting evidence of a use of force incident, and command personnel, where appropriate, shall comply with the Department's Use of Force Reporting Procedures.

300.12 MEDICAL TREATMENT / EVALUATION

- A. Once it is reasonably safe to do so, officers shall immediately request medical assistance for any person who exhibits signs of physical or mental distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious.
- B. An officer should take steps to obtain medical attention for a person who reasonably appears to be mentally ill and is behaving in a manner that is likely to result in serious harm to the person or to others.

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- C. Any individual exhibiting signs of physical or mental distress after an encounter should be continuously monitored until the individual can be medically assessed.
- D. Individuals shall not be placed on their stomachs for an extended period, as this could impair their ability to breathe.
- E. Officers shall render emergency first aid within the limits of their individual skills, training and available equipment until professional medical care providers arrive on the scene
- F. The on-scene supervisor or, if the on-scene supervisor is not available, the primary officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force.
- G. Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons shall be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage nearby if the scene is not yet secure.
- H. Officers should document requests for medical or mental health treatment, refusals of medical or mental health treatment, as well as efforts to arrange for such treatment. Any refusal, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.
- I. The on-scene supervisor shall notify the Duty Chief through the chain of command where any subject requires treatment at a hospital.

300.13 TRAINING

- A. Officers will receive annual in-service training on this policy and demonstrate their knowledge and understanding.
- B. Subject to available resources, officers should receive periodic training on:
 - 1. Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

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2. De-escalation tactics, including alternatives to force.
3. Application of use of force and conflict strategies as required by the New York State Use of Force Model Policy (Executive Law § 840).
4. Firearms qualification, proficiency and training, defensive tactics, constitutional use of force principles, threat assessment, reality-based training, Taser training, and verbal and non-verbal communication skills.

300.14 USE OF FORCE ANALYSIS

At least annually, the Department should prepare an analysis of use of force incidents. The analysis should be submitted to the Chief of Police. The analysis should include a needs assessment and provide recommendations regarding training, equipment, and policy. The analysis should not contain the names of officers, suspects, or case numbers.

300.15 POLICY AVAILABILITY

This policy shall be readily available to the public upon request and shall be posted on the department website.

300.16 PROHIBITED USE OF POLICY

This policy is for internal use only to provide operational guideposts and does not, and is not intended to, define any applicable legal standard, but in many instances defines conduct that exceeds current standards. Nothing in this policy is intended to create or does create an enforceable legal right, duty of care, or private right of action. Any corrective action or discipline taken in response to violation of this policy is subject to the exclusive discretion of the Office of the Chief of Police.