I. PURPOSE

To establish policy and procedures for subject resistance as it relates to the use and investigation of the use of physical force by members of the University Police Department.

II. DEFINITIONS

A. Appropriate Force: reasonable force, based upon the totality of the circumstances known by the member, to affect an arrest, overcome resistance, control an individual or situation, defend self or others, or to prevent a subject's escape.

B. Medical Attention: the summoning of an ambulance and/or a certified Emergency Medical Technician (EMT).

C. Medical Treatment: medical care received at a medical facility, e.g. hospital.

D. Physical Force (Force): any intentional physical strength or energy exerted or brought to bear upon or against a person for the purpose of compulsion, constraint, or restraint.

III. POLICY

A. While in the performance of their duties, members may use only that level of physical force necessary within the limits established by Article 35 of the NYS Penal Law, and consistent with the policies and training of the University Police Department. The appropriateness of force used is dependent upon the "totality of the circumstances" at the moment the force is used. The use of deadly physical force shall be governed by GO 340.

B. It is the responsibility of each member to be aware of the requirements of Article 35 and to ensure her/his actions are consistent with that law, department policy and training.

C. Any incident wherein an officer takes an action that results in or is alleged to have resulted in physical injury shall be fully documented, reviewed, and disposed of pursuant to this and other directives.

D. Only issued or approved equipment will be carried while on-duty and used when applying physical force, except in emergency situations when a member must use any resources at his disposal.

E. Members shall use less-than-lethal substances and devices, such as self-defense spray, pursuant to the Article 35 of the NYS Penal Law, departmentally approved training and current directives.

F. Use of restraining devices is mandatory on all prisoners, unless in the member's judgment, unusual circumstances exist which make the use of restraining devices impossible or
unnecessary (e.g. prisoner is very elderly or handicapped, etc.). The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. However, when handcuffs become an appliance to exert force necessary to further subdue a prisoner or where the suspect physically resists the application of handcuffs, a use of physical force has occurred.

IV. PROCEDURES – SUBJECT RESISTANCE

A. Members involved in on-duty use of force incidents shall:
   1. immediately evaluate the need for medical attention or for medical treatment for the subject upon whom the physical force was used;
   2. summon an ambulance to provide medical attention for any subject adversely affected by the use of self-defense spray;
   3. arrange for medical treatment when the subject complains of injury or specifically requests such treatment;
   4. notify an on-duty shift supervisor immediately after the incident, or the Assistant Chief if no shift supervisor is on-duty;
   5. attempt to locate and identify any witnesses and obtain a deposition which describes their observations of the incident.

B. Members shall prepare and submit all reports required by current directives and forward them through the chain of command for review. If more than one member is involved in a use of force, the arresting officer shall complete the Subject Resistance Report (SRR) (Attachment) outlining the force used by ALL members involved in the incident. Other involved members shall complete a separate narrative to the SJS report outlining their involvement in the use of force.

C. An SRR is not required in situations where force is used against an animal. However, an Incident Report must be completed.

D. Members involved in off-duty incidents involving a use of force will immediately notify the law enforcement agency with primary jurisdiction where the incident occurred. Such incidents must be reported to an on-duty shift supervisor as soon as possible, or the Assistant Chief if no shift supervisor is on-duty. Said members will also complete an SRR as soon as possible and submit it through the chain of command for review.

*NOTE: When a subject refuses medical attention or medical treatment, such refusal shall be noted on the SRR. A photocopy of any release form signed by the person shall also be attached to the report.

V. PROCEDURES – SUPERVISORY RESPONSIBILITIES

When on-duty, shift supervisors shall:

A. If available, immediately respond to the scene of a use of force incident;

B. Ensure that members receive any necessary assistance, including medical treatment and that any injuries or exposures to members are properly documented;

C. Determine if an Evidence Technician is needed to respond to the scene and the level of technician services to be utilized (including photos, measurements and diagrams). If an injury or complaint of pain exists, supervisors are encouraged to obtain and/or take photographs;

*NOTE: A photograph showing no injury may be as important as one that shows injury;
D. Ensure a thorough investigation is conducted and all reports are accurately prepared and submitted. In the event that a member is unable to complete reports due to injuries, the supervising officer will prepare or cause them to be prepared and submit them through the chain of command. A completed package, including the SRR and copies of all related reports will be forwarded through the chain of command to the Chief of Police who will or their designee will conduct a thorough administrative review of the incident in comparison to department policy, guidelines and appropriate rules of law and take action as necessary while operating within the confines of the collective bargaining agreement.

VI. PROCEDURES – SUBJECT RESISTANCE REPORT

A. A Subject Resistance Report shall be completed in its entirety.

B. All information will be noted specifically and precisely. "N/A" will be noted on any sections of the report not applicable to the incident.

C. Upon completion, the SRR shall be forwarded through the chain-of-command to the Chief of Police for final review. Each level of supervisory review shall be indicated by signature, initials, or check box as appropriate.

D. Once final review and approval of the SRR occurs, the original shall be forwarded to the Department Secretary for filing. Copies of the report shall be included in the case file.

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Attachment – Subject Resistance Report (SRR)