

# Use of Force

## 300.1 PURPOSE AND SCOPE

### Best Practice

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

### 300.1.1 DEFINITIONS

#### Federal MODIFIED

Definitions related to this policy include:

**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 (Executive Law § 840).

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Force** - The application of physical techniques or tactics, chemical agents, or weapons, including pointing a firearm at a person, to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**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.

## 300.2 POLICY

### Best Practice

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

# Binghamton Police Department

## Policy Manual

### *Use of Force*

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The Binghamton Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

#### 300.2.1 DUTY TO INTERCEDE AND REPORT

**Federal**

Any officer present and observing another law enforcement officer or a member 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.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

#### 300.2.2 PERSPECTIVE

**Best Practice**

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

### 300.3 USE OF FORCE

**Federal**

**MODIFIED**

**NYSLEAP - 20.1 (A)**

Officers shall use only that amount of force that is objectively reasonable and appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers' use of force must conform to standards established in New York State law (NYS Penal Law Article 35) and the United States Constitution and subsequent U.S. Supreme Court decisions regarding application of force; most notably *Graham v Connor* and *Tennessee v Garner*.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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.

Officers shall de-escalate the physical use of force at the earliest possible moment.

Officers shall de-escalate physical force immediately as resistance decreases.

Officers shall use disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, and or calling in specialized units, when possible, in order to reduce the need for physical force and increase officer and civilian safety.

# Binghamton Police Department

## Policy Manual

### Use of Force

---

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

Prior to using force and when feasible, officers should identify him/herself as a police officer and issue verbal commands and or warnings. When feasible, officers should allow a subject an opportunity to comply with verbal commands. A verbal warning is not required in circumstances where an officer has to make a split second decision, or if the warning would place the safety of the officer or others in jeopardy.

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

State **MODIFIED** NYSLEAP - 20.1 (A)

Justification - A police officer may use reasonable physical force to effect an arrest, prevent escape from custody of a person whom the Officer believes has committed an offense, or in defense of self or others from imminent physical force (Penal Law § 35.30).

Force shall not be used by an officer to (Executive Law § 840):

- (a) Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
- (b) Coerce a confession from a subject in custody.
- (c) Obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.

# Binghamton Police Department

## Policy Manual

### *Use of Force*

---

- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

##### **Best Practice**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

#### 300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

##### **Best Practice** **NYSLEAP - 58.2 (l)**

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce

# Binghamton Police Department

## Policy Manual

### Use of Force

---

the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

#### 300.3.5 CAROTID CONTROL HOLD

##### Best Practice

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

#### 300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

##### State

Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air is prohibited unless deadly physical force is authorized (Exec. Law § 840).

This application is subject to the same guidelines and requirements as a carotid control hold.

#### 300.3.7 USE OF FORCE TO SEIZE EVIDENCE

##### Best Practice

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Binghamton Police Department for this specific purpose.

# Binghamton Police Department

## Policy Manual

### *Use of Force*

---

#### **300.4 DEADLY FORCE APPLICATIONS**

Federal MODIFIED

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a police officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

##### **300.4.1 MOVING VEHICLES**

Best Practice MODIFIED

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of serious physical injury or death by means of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

Officers should not fire their weapons at a fleeing vehicle or a vehicle that is leaving the scene and traveling away from the officer, and others.

#### **300.5 REPORTING THE USE OF FORCE**

Best Practice MODIFIED NYSLEAP - 21.1 (A), 20.1 (B)

# Binghamton Police Department

## Policy Manual

### Use of Force

---

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. 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 (Executive Law § 840).

[SUBJECT RESISTANCE REPORT Revised 08-19-15](#)

[RESPONSIBILITIES OF OFFICER'S USING FORCE](#)

#### 300.5.1 NOTIFICATIONS TO SUPERVISORS

**Best Practice** **MODIFIED** NYSLEAP - 21.1 (A), 20.1 (B)

Supervisory notification shall be made as soon as practicable following any application of Level 1 force, and immediately for any Level 2 or 3 application of force; as defined in Section 300.7.

The Chief of Police will be notified immediately whenever a use of force results in the serious physical injury or death of a person.

Refer to *328 Major Incident Notification policy*.

#### 300.6 MEDICAL CONSIDERATIONS

**Best Practice** **MODIFIED**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter shall be continuously monitored until he/she can be medically assessed. The Officer, through the authority of the Desk Lieutenant, shall arrange for such treatment when the subject:

- (a) Has a visible injury requiring medical attention;
- (b) Complains of pain, injury, dizziness or nausea;
- (c) Is unconscious or in a semi-conscious condition;.
- (d) Appears to be in physical distress

Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

The decision to arrange medical treatment for prisoners who are in the process of being booked at Headquarters should normally be made by the Main Desk Lieutenant. However, any observing officer should arrange for medical treatment in cases where an immediate need is apparent.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital depending on medical responder's evaluation of the subject. If

# Binghamton Police Department

## Policy Manual

### *Use of Force*

---

any such individual refuses medical attention, such a refusal shall be fully documented in related reports and 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.

The on-scene supervisor, or if not available, the primary handling 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. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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 should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable.

#### 300.6.1 ADDITIONAL STATE REQUIREMENTS

State **MODIFIED**

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.

Officers should document requests for medical or mental health treatment as well as efforts to arrange for such treatment.

See *410 Emergency Admissions policy*.

#### 300.7 LEVELS OF FORCE

Agency Content

The Department recognizes the following levels of force applied to persons:

- (a) Level 1
  1. A firearm is brandished, or intentionally pointed in the direction of another person;
  2. A chemical agent is displayed including OC spray, or tear gas;
  3. An impact weapon is brandished, including, but not limited to a baton or billy;
  4. A Conducted Energy Device is brandished, including but not limited to an electronic stun gun, a noise/flash diversionary device, or long range acoustic device.
  5. A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g. hair grab, pressure to mastoid or jaw line, and shoulder muscle grab);
  6. An on-duty firearm discharge to dispatch an injured animal; or



# Binghamton Police Department

## Policy Manual

### Use of Force

---

7. A weaponless defense technique control hold is applied (e.g. elbow escort, twist lock, arm bar, bent wrist, pressure point hold).
- (b) Level 2
1. Chemical agent is applied to a person which includes OC spray, or tear gas;
  2. The use of a Conducted Energy Device (CED) involving any of the following circumstances:
    - (a) When one or more probes impacts or penetrates the subject's clothing or skin;
    - (b) When the drive stun arc touches the subject's clothing or skin; or
    - (c) A CED is fired at a person, but misses.
  3. Use of any impact weapon, including specialty impact munitions, or any other instrument on a person, including an attempt to strike another person but no contact is made, regardless of injury;
  4. The impact weapon is used for a non-striking purpose (e.g. prying limbs, moving or controlling a person);
  5. Uses or deploys a noise/flash diversionary device, or long range acoustic device;
  6. A weaponless defense technique, other than control holds, but excluding strikes to the head (e.g. hand/palm/elbow strikes, kicks, leg sweeps and takedowns);
  7. An on-duty firearm discharge at an animal other than to dispatch an injured animal (e.g. aggressive attaching dog);
  8. A police canine is released, regardless of whether a bite occurs or not;
  9. Any use of force resulting in an injury, regardless of whether immediate medical attention is requested or needed.
- (c) Level 3
1. Any use of force resulting in death or serious physical injury;
  2. Any critical firearm discharge regardless of injury;
  3. Any force which creates serious bodily injury or death (serious bodily injury involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty);
  4. Any impact weapon strike to the head;
  5. Any neck restraint, choke hold, or carotid control hold that applies pressure to the throat or windpipe in a manner that may hinder breathing or reduce the intake of air.

### 300.8 SUPERVISOR RESPONSE AND INVESTIGATION

Best Practice **MODIFIED** NYSLEAP - 40.2, 21.1 (A), 21.1 (C), 20.1 (B)

# Binghamton Police Department

## Policy Manual

### Use of Force

---

Upon notification of a Level 2 use of force, a supervisor, when available, should respond to the scene as soon as possible. Notification of a Level 3 use of force will require a supervisor to immediately respond to the scene and begin a preliminary investigation. After being notified of a Level 3 officer-involved shooting, the supervisor should follow the *Officer Involved Shootings and Deaths* policy.

Timetable for Completed Use of Force Investigations - Supervisors will investigate all reported applications of force, and do so in a timely fashion. No initial use of force investigation should take longer than 10 days to complete unless extenuating circumstances exist. Furthermore, all initial investigations of Level 3 Use of Force incidents should be completed and submitted to police administration no later than 2 days. If a supervisor cannot complete a Use of Force investigation in the aforementioned time deadline, they shall notify Police Administration in writing. When a supervisor is able to respond to an incident in which there has been any reported application of force, the supervisor is expected to (Executive Law § 840):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  1. Photos of scene should include grounds, furnishings, public area, lighting to document existing conditions.
  2. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports, including any officers present at the incident.
- (f) Review and approve all related reports.
  1. Supervisors should require that officers who engaged in the use of force submit the appropriate report.
- (g) Determine if there is any indication that the individual may pursue civil litigation.

# Binghamton Police Department

## Policy Manual

### Use of Force

---

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim to Police Administration.
  - (h) Evaluate the circumstances surrounding the incident and determine if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
  - (i) Identify and preserve all video of the incident including all agency sources (in-car cameras, pole cameras, or BWC) and from private commercial or residential cameras.
  - (j) Forward the completed investigation through the appropriate chain of command.
  - (k) Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

[SUPERVISOR CHECKLIST FOR CRITICAL UOF](#)

[SUPERVISOR INQUIRY FOR UOF](#)

#### 300.8.1 RESPONSIBILITY FOR REVIEW

##### **Agency Content**

A reportable use of force should be reviewed and investigated by a supervisor of a higher rank than the officer using the force. A supervisor who uses force, authorizes the use of force, authorizes conduct leading to the use of force, or is a witness to the use of force shall not be allowed to conduct the investigation.

Supervisors who were present during the incident and applied any level of force during the incident will not conduct the review. In these cases, the supervisors will file Subject Resistance Reports along with any other officers who applied force. The overall final review will be conducted by the unit or shift Captain. In cases where the shift Captain applied force, the review will be conducted by the Administrative Captain. The Detective Division Captain will conduct reviews of any use of force incident involving CRT/SIU and investigative supervisors.

Supervisors conducting the review will complete the “Supervisor Inquiry – Review of Use of Force/ Subject Resistance Report” in its entirety. This form will be attached to the supervisors IDC which will contain their narrative and will answer the questions listed on the form in the section titled SUPERVISOR’S SYNOPSIS OF INVESTIGATIVE FINDINGS. Supervisors should document any and all pertinent details of their findings.

In cases where the appropriate supervisor is not available for an extended period of time, (e.g supervisor is on vacation and the review is time sensitive) the review will be conducted by the Administration.

[SUPERVISORY PROCEDURES](#)

# Binghamton Police Department

## Policy Manual

### Use of Force

---

#### 300.8.2 SHIFT OR UNIT OFFICER IN CHARGE RESPONSIBILITIES

**Best Practice** **MODIFIED** NYSLEAP - 21.2 NYSLEAP - 21.1 (A), 21.1 (C), 21.1 (D), 20.1 (B)

The Shift or Unit Officer in Charge shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

All documented use of force investigations will be forwarded to the Administration for review.

The Shift or Unit Officer in Charge should ensure that the Records Administrative Assistant is provided with enough information to meet the DCJS use of force reporting requirements (Executive Law § 837-t; 9 NYCRR 6058.3).

#### SHIFT OR UNIT COMMANDER RESPONSIBILITIES

#### 300.8.3 RECORDS DIVISION RESPONSIBILITIES

**Agency Content**

The Records Administrative Assistant shall ensure that reports are submitted to the DCJS when an officer (Executive Law § 837-t; 9 NYCRR 6058.3):

- (a) Brandishes, uses, or discharges a firearm at or in the direction of another person.
- (b) Uses a carotid control hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that is reasonably likely to hinder breathing or reduce intake of air.
- (c) Displays, uses, or deploys a chemical agent or control device, including but not limited to oleoresin capsicum (OC), pepper projectiles, tear gas, batons, or kinetic energy projectiles (see the Control Devices Policy).
- (d) Brandishes, uses, or deploys an impact weapon.
- (e) Brandishes, uses, or deploys an electronic control weapon, including an electronic stun gun, flash bomb, or long-range acoustic device (see the Conducted Energy Device Policy).
- (f) Engages in conduct which results in the death or serious bodily injury of another person.

#### 300.9 POLICY AVAILABILITY

**State** NYSLEAP - 20.1 (C)

This policy shall be readily available to the public upon request and shall be posted on the department website (Executive Law § 840).

#### 300.10 USE OF FORCE ANALYSIS

**Best Practice**

At least annually, the Operations I Assistant Chief should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.

# Binghamton Police Department

## Policy Manual

### *Use of Force*

---

- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

#### **300.11 TRAINING**

**Best Practice** NYSLEAP - 33.1

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.
- (c) Applications of use of force and conflict strategies as required by the state Use of Force Model Policy (Executive Law § 840).

## **Attachments**

**SUBJECT RESISTANCE REPORT  
(Use of Force) Revised 08-19-15.xlsx**

## **SUPERVISOR CHECKLIST FOR UOF.pdf**



DATE

# **BINGHAMTON POLICE DEPARTMENT**

INCIDENT #

## **BPD SUPERVISOR'S CHECKLIST FOR CRITICAL UOF INCIDENTS** (Protocols for personnel on scene prior to the arrival of investigators)

- First Priority-Control the Hot Scene** (transition into investigation after)
  - Ensure Command & Control concepts are in place
- Personnel Safety is primary focus**
  - Quickly provide medical treatment if necessary; take care of personnel needs. If necessary the involved officer should be medically evaluated
- If suspect(s) outstanding, focus on apprehension efforts**
  - Commence suspect broadcast
  - Assign & coordinate apprehension unit and efforts
- Immediately identify and secure ALL crime scenes** (avoid assumptions)
  - Never move items of evidence unless absolutely necessary (exception; safety reasons)
  - Ensure involved personnel do not manipulate their firearms (don't unload, reload or manipulate firearms used in UOF/OIS incidents)
- Commence "Command & Control" efforts**
  - Make preliminary notifications as required (Chiefs – Admin. – Dets. – I.D. – Assisting Agencies)
  - Implement Incident Command System (ICS) if needed
  - Perimeter control-outer ingress/egress; inner-protect crime scene
  - Start Crime scene log, control access to crime scene
  - Separate & Monitor involved personnel (avoid collusion perception)
  - Cause immediate safety checks in ahead of bullet paths
- Quickly identify independent witnesses-ask for cooperation, interview those willing, get thorough contact information on those unwilling**
  - Document witnesses stating, "I never saw anything" verbatim
  - Ensure no illegal detentions for witnesses
  - Begin witness canvasses where appropriate (Focus on areas overlooking incident)
  - Locate and identify video evidence sources
- Have supervisor obtain Public Safety Statement from all shooting personnel**
  - Ask the appropriate questions
  - Ensure all weapons are located and secured
  - Cause personnel to conduct safety checks in the direction of shots fired
- Direct involved personnel back to the station unless:**
  - Tactical situation requires their presence at scene.
  - They are required to remain at scene for field show up or identification purposes
- Gather all appropriate information for investigators**
  - Crime scene logs, notes, field interview info., depositions / statements, EMS run information
- Order necessary scene resources as appropriate**
  - Traffic control
  - Lighting
  - Additional personnel
- Cooperate with Departmental Investigators , DA / ADA, other assisting L.E. agencies at scene**

## **SUPERVISOR INQUIRY FOR UOF.pdf**

# BINGHAMTON POLICE DEPARTMENT

## SUPERVISOR INQUIRY - REVIEW OF USE OF FORCE / SUBJECT RESISTANCE REPORT

DATE / /	TIME	LOCATION	CASE #
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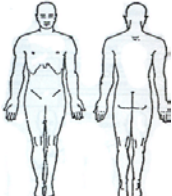
REASON THE OFFICER USED FORCE (Check all that apply):

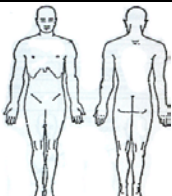
<input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> TO DEFEND SELF	<input type="checkbox"/> TO DEFEND ANOTHER OFFICER <input type="checkbox"/> TO DEFEND ANOTHER PERSON	<input type="checkbox"/> TO PREVENT A VIOLENT FELONY <input type="checkbox"/> TO PREVENT A VIOLENT MISDEMEANOR	<input type="checkbox"/> TO RESTRAIN FOR SUBJECT'S SAFETY
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<b>SUPERVISOR'S SYNOPSIS OF FINDINGS:</b>	NUMBER OF OFFICERS APPLYING FORCE: _____
(1) OFFICER APPLYING FORCE _____ DID THE OFFICER FOLLOW DEPARTMENTAL POLICY: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS OFFICER'S USE OF FORCE APPROPRIATE TO INCIDENT: <input type="checkbox"/> YES <input type="checkbox"/> NO	(2) OFFICER APPLYING FORCE: _____ DID THE OFFICER FOLLOW DEPARTMENTAL POLICY: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS OFFICER'S USE OF FORCE APPROPRIATE TO INCIDENT: <input type="checkbox"/> YES <input type="checkbox"/> NO
(3) OFFICER APPLYING FORCE _____ DID THE OFFICER FOLLOW DEPARTMENTAL POLICY: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS OFFICER'S USE OF FORCE APPROPRIATE TO INCIDENT: <input type="checkbox"/> YES <input type="checkbox"/> NO	(4) OFFICER APPLYING FORCE: _____ DID THE OFFICER FOLLOW DEPARTMENTAL POLICY: <input type="checkbox"/> YES <input type="checkbox"/> NO WAS OFFICER'S USE OF FORCE APPROPRIATE TO INCIDENT: <input type="checkbox"/> YES <input type="checkbox"/> NO

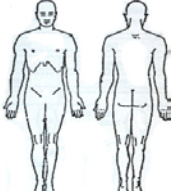
**SUPERVISOR'S SYNOPSIS OF INVESTIGATIVE FINDINGS -** (Based on statements from officers, witnesses and defendants).  
A DETAILED IDC SUMMARIZING THE SUPERVISORY INQUIRY AND FORCE REVIEW MUST BE ATTACHED TO THIS REPORT AND SUBMITTED TO POLICE ADMINISTRATION THIS IDC IS NOT LIMITED IN DETAIL AND MUST ANSWER THE FOLLOWING: DID SUBJECT(S) RESIST, IF SO TO WHAT EXTENT – BY WHAT MEANS, WHAT DEFENSIVE ACTIONS AND TACTICS WERE USED BY THE OFFICER(S), WAS OFFICER(S) ACTIONS WITHIN POLICY, WHAT WERE THE PHYSICAL SURROUNDINGS WHERE THE ACTIONS OCCURRED. DOCUMENTATION OF ALL PERSONS INTERVIEWED BY THE SUPERVISOR (OFFICERS, WITNESSES, PERSONS WITH KNOWLEDGE OR INVOLVED INDIVIDUALS ETC.) IS REQUIRED. ALL INFORMATION FROM INTERVIEWS MUST BE DETAILED IN THE SUPERVISOR'S NARRATIVE.

WAS SUBJECT(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)	OFFICER(S) TAKING PHOTOS / VIDEO	I.D.#	TOTAL # OF PHOTOS
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 DESCRIBE THE EXTENT OF SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM:	SUBJECT: 1 Name: _____ D.O.B. _____		
	TAKEN TO?: _____	TRANSPORTED BY?: _____	PHYSICIAN: _____
	_____	_____	_____

 DESCRIBE THE EXTENT OF SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM:	SUBJECT: 2 Name: _____ D.O.B. _____		
	TAKEN TO?: _____	TRANSPORTED BY?: _____	PHYSICIAN: _____
	_____	_____	_____

WITNESS OR PERSON WITH KNOWLEDGE : (INCLUDING POLICE OFFICERS & THOSE INTERVIEWED BY THE POLICE SUPERVISOR)	ADDRESS:	PHONE OR CONTACT #:
1)		
2)		
3)		
4)		

OFFICER(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)	OFFICER #	(SEE ABOVE)
 DESCRIBE THE EXTENT OF OFFICER'S INJURIES AND PLACE ON THE DIAGRAM:	TAKEN TO?: _____	
	TRANSPORTED BY?: _____	
	PHYSICIAN: _____	
	_____	

SUPERVISOR'S SIGNATURE / NAME PRINTED / I.D. #	O.I.C. REVIEW (SIGNATURE / I.D. #)	ADMINISTRATIVE REVIEW (SIGNATURE / I.D. #)