

Order #: I19-01

Date: 07/13/2019

Category: INTERIM

Title: USE OF FORCE REPORTING

The purpose of this Interim Order is to advise all members of a new law that has taken effect, related to Use of Force reporting requirements, changes in Department procedures related to the requirements, and to ensure full compliance with Section 837-t of the Executive Law by Department members.

1. In April 2019, Governor Andrew M. Cuomo signed into law a new section 837-t to the Executive Law pertaining to law enforcement agencies within New York State reporting use of force incidents to the Division of Criminal Justice Services (DCJS). This new law becomes effective on July 11, 2019.

2. All members will receive an electronic copy of Executive Law 837-t via email and a memorandum explaining our reporting obligations under the law.

3. The Department will report, to DCJS, any occurrence in which a police officer or peace officer employs use of force as listed below:

When an officer engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that 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.

When one of the following is initiated by an officer:

Brandishes, uses or discharges a firearm at or in the direction of another person;
Uses a choke hold 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;

Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capicum, pepper spray or tear gas;

Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;

Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long range acoustic device.

4. Effective immediately, in addition to current procedures set forth in Section 106-1 (Use of Force Weapons) and 125-6 (Use of Force Investigations), any Use of Force that meets the criteria for Data Collection by DCJS, as illustrated in Subdivision 3 of this Order, will be documented in an EPD-100 Supervisor's Report.

5. The Tour Commander, or Patrol Supervisor (if the Patrol Supervisor is acting as Tour Commander or has witnessed the event) shall document the details of the event, after his/her investigation, on the Supervisory Report (EPD-100).

6. The Patrol Division Commander shall review all reports of the use of force by members of the Department and submit, in memo form, his/her findings to the Chief of Police.

7. In the event that the Use of Force is used by a member assigned to a specialized

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assignment (outside of the Patrol Division), e.g. Detective, Youth, SRO, ERU etc., the Division Commander of said Division responsible for the involved member shall review all associated reports and submit, in memo form, his/her findings to the Chief of Police for final review.

8. The Chief of Police and/or his/her designee shall ensure that submission of reporting requirements occurs, in a timely fashion, through the Integrated Justice Portal.

Authority,

Lt. J. Hunter