

DEFENSIVE ACTION REPORT		
<input type="checkbox"/> new: <input type="checkbox"/> rescinds: <input checked="" type="checkbox"/> amends: All previous		cross-reference: accreditation standards: NYSLEAP Standard(s) 20.1 & 21.1
effective date: October 20, 2008	amend date: July 04, 2020	

I. PURPOSE

A. This General Order aims to establish and describe policies and procedures for the filing of a *Defensive Action Report* and the *Supervisor Inquiry of Officer Defensive Action Report*.

II. DEFINITIONS

- A. **Deadly Physical Force:** means physical force under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. See NYS Penal Law section 10.00- 11.
- B. **Defensive Action (Physical Force):** means a level of force less than deadly physical force.
- C. **Display and /or Exhibit:** means any time a weapon is drawn from its holster or patrol car gun rack and is used to control a person's actions, except during firearms qualifications and to prepare for a tour of duty.

III. POLICY

- A. It is the policy of the University Police Department that:
 1. All defensive actions and deadly physical force will be consistent with applicable legal standards and departmental policies and procedures.
 2. All use of defensive actions and deadly physical force will be to protect another person or the officer.
 3. All defensive actions or deadly physical force will be fully documented using the *Defensive Action Report* and the *Supervisor Inquiry of Officer Defensive Action*.

IV. PROCEDURES

A. The procedures in this section will be followed anytime an officer uses defensive actions or deadly physical force, either on-duty or off-duty, under their authority as a police officer. For this Order, a "defensive action" will be deemed to have occurred anytime an officer uses physical force or deadly physical force against another person or otherwise subjects another person to any force or contact, including the use of defensive spray. Note: This includes any defensive action beyond cooperative handcuffing or routine searches incident to arrest.

- B. An officer who uses force will notify an on-duty supervisor or OIC immediately. The supervisor will immediately respond to the scene and personally observe the subject upon whom force has been used to verify the existence and extent of injuries or the absence of injury. The supervisor will start completing the *Supervisor Inquiry of Officer Defensive Action Report*. Whether arrested or not, if the subject has any apparent injury or illness or has been exposed to defensive spray (O.C.), emergency medical care will be immediately summoned.
- C. If the officer does not believe there are grounds to arrest a subject against whom force was used, they will notify the supervisor as soon as possible before releasing the subject. The supervisor will respond to the officer's location as soon as possible and review the situation. The supervisor must authorize the release of the subject. In such cases, the officer will complete a case report in addition to the *Defensive Action Report*. Other involved officers will complete supplemental reports.
- D. In all cases in which force is used, photographs of the subject will be taken as necessary to document injuries or the absence of injuries. The digital department camera will be used.
Amended 07/04/2020
- E. Officers will attempt to locate and identify any witnesses and take statements from them.
- F. The on-duty supervisor(s) will be responsible for ensuring that:
 - 1. The subject receives immediate medical treatment as required.
 - 2. Officers receive any necessary assistance, including medical treatment, and then document any injury to an officer;
 - 3. The incident is thoroughly investigated and documented, photographs have been taken, and necessary reports have been completed.
 - 4. Witnesses are located and statements taken;
 - 5. Determine the appropriate reporting level;
 - 6. Determine if additional personnel are needed (i.e., Evidence Technician);
 - 7. Fully complete the *Supervisor Inquiry of Officer Defensive Action Report* and submit it to the Chief or Assistant Chief of Police.
- H. If the subject dies or suffers serious physical injury, the procedures in General Order 903 Investigating a Deadly Physical Force Incident will be followed.
- I. Defensive Action Report (DAR) will be completed in the following circumstances if the officer is on-duty or off-duty acting under their authority as a police officer:
 - 1. Whenever an officer uses any defensive action, physical force, or deadly physical force, regardless of whether an arrest is made and each officer using force against a subject will complete a separate (DAR).
 - 2. Whenever an officer intentionally discharges a firearm, unless the firearms discharge is for the purpose of destroying an injured or dangerous animal or departmental training.

3. Whenever an officer points a firearm in the direction of another person or otherwise uses a firearm to control a person's actions.
4. Whenever an officer displays and or exhibits their firearm on duty.

J. Defensive Action Report (DAR) Review and Approval

1. Upon completing a DAR, the reporting officer will submit the report to an on-duty supervisor for review along with the associated case report.
2. The reviewing supervisor shall make sure that the DAR is fully and properly completed. If the DAR is acceptable, the reviewing supervisor shall sign the DAR and forward it to the Assistant Chief or Chief of Police for review.
3. If the DAR needs correction or amendment, the reviewing supervisor will return it to the reporting officer with instructions for correcting it. The reviewing supervisor or the officer's regular shift supervisor will be responsible for making sure the corrections are made and that the report is filed.
4. Once the supervisor has signed the DAR, it shall be submitted to the Chief of Police for review. The Chief will determine if the amount of force was necessary, whether department policies were followed, if additional training is needed, etc. The Chief of Police will then review the incident with the Assistant Chief, the Training Coordinator and/or the District Attorney's Office. If deemed necessary, another outside law enforcement agency may be utilized for an investigation. The Chief of Police shall determine the steps required to resolve the matter.
5. The Chief or his designee will prepare an annual report synopsisizing the uses of force for the preceding 12 months. The report shall be completed within the coming year's first quarter and will be reviewed by the Campus Safety Committee. **Amended 07/04/2020**
6. This report will be used to analyze training needs, possible equipment upgrades, and policy issues.

BY ORDER OF

Mark T. DePaull

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Chief of Police