



SYRACUSE REGIONAL AIRPORT AUTHORITY POLICE DEPARTMENT GENERAL ORDER

No. 213

Subject: Use of Physical Force		
Issuing Authority: Chief of Police	Effective Date: 03/01/2023	Supersedes:

- I. **PURPOSE:** The purpose of this order is to establish policy and procedures for the use of physical force by sworn officers of the Syracuse Regional Airport Authority Police Department and to establish procedures for reporting and evaluating the use of such force.
- II. **POLICY:** It is the policy of the Syracuse Regional Airport Authority Police Department to recognize the value of all human life and dignity without prejudice to anyone and to use a reasonable amount of force necessary in the performance of their duties;
 - A. Sworn officers may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Syracuse Regional Airport Authority Police Department. Officers will employ the minimum degree of force that is necessary to achieve their lawful objectives. It is the responsibility of each officer to be aware of the requirements of Article 35 and to guide his actions based upon that law and department policy and training.
 - B. Each officer should be aware of the standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*. As the Supreme Court has recognized, this inquiry embodies allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.
 - C. Only issued or approved equipment will be carried on duty and deployed when encountering resistance, except in extreme emergency situations when an employee may use any justifiable resource at his disposal.
 - D. The use of any active countermeasure, including but not limited to, pressure point control; the actively pointing or deploying a baton or impact munitions; the actively pointing or deploying of an CEW or the actively pointing of or deploying of a chemical agent, including but not limited to, oleoresin capsicum, pepper spray or tear gas is considered a use of physical force and will require a police report. Any use of force shall be documented in an officer's incident report and when required, a "Use of Force Report" as outlined in this order.
- III. **DEFINITIONS:**
 - A. **PHYSICAL FORCE** - A degree of physical contact directed against a person. Physical force includes, but is not limited to, striking, kicking, pushing, biting, pressure points, joint manipulation, joint locks, use of a choke hold or similar restraint, actively pointing a firearm at another person or any force used to disable by means actively pointing or deploying a chemical agent, including but not limited to, oleoresin capsicum, pepper spray or tear gas; actively pointing or deploying any impact weapon, including, but not limited to a baton or billy or actively pointing or deploying an CEW and when such force is unlikely to result in serious physical injury or death.

- B. **DEADLY PHYSICAL FORCE** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
- C. **PHYSICAL INJURY** - Impairment of physical condition or substantial pain.
- D. **SERIOUS PHYSICAL INJURY/SERIOUS BODILY INJURY** - Physical injury which creates a substantial risk of death, unconsciousness or which causes death or serious and protracted and obvious disfigurement, protracted impairment of health or protracted loss or impairment of a bodily member, organ or mental faculty.
- E. **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.
- F. **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 facts that are known to that officer at the time that the force was used.
- G. **ACTIVELY POINTING** - The intentional targeting of a person with a Conducted Energy Weapon (CEW), firearm, impact weapon, impact projectile or chemical agent.

IV. **USE OF FORCE**

- A. Force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of oneself or another.
- B. Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.

V. **DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE:**

- A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
- B. Factors that may be used in determining the reasonableness of force include, but are not limited to:
 - 1. The severity of the crime or circumstances.
 - 2. The level and immediacy of threat or resistance posed by the suspect.
 - 3. The potential for the injury to citizens, officers, and suspects.
 - 4. The risk or attempt of the suspect to escape.
 - 5. The knowledge, training, and experience of the officer.
 - 6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion and the number of officers or subjects.
 - 7. Other environmental conditions or exigent circumstances.

VI. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. Any officer who observes another officer use force that exceeds the degree of force as described should promptly report these observations to a Captain or Chief of Police.

VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.
- B. Deadly physical force may be used to stop a fleeing suspect where:
 - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
 - 3. Where feasible, some warning should be given prior to the use of deadly physical force.
- C. Chokeholds and Obstruction of Breathing or Blood Circulation
 - 1. 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, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.

VIII. PROHIBITED USE OF FORCE:

- A. Force shall not be used by an officer for the following reasons:
 - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
 - 2. To coerce a confession from a subject in custody.
 - 3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required.
 - 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

IX. REPORTING & REVIEWING THE USE OF FORCE

- A. A police or peace officer or other law enforcement entity who has custody of a person must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith to include whenever physical force is employed and results in

physical injury that a reasonable person would believe is likely to cause injury, complaint of pain from the suspect (except minor discomfort from handcuffing) or where an CEW was intentionally or accidentally deployed while actively pointing the officer should do the following:

1. Immediately evaluate the need for medical attention or treatment for the person upon whom the force was used. The officer shall arrange for such treatment by requesting emergency medical services when the person has sustained a visible injury, complains of injury or discomfort, requests medical attention or if pepper spray was deployed.
2. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
3. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.
4. If the person refuses to be treated, they must sign the refusal statement on the emergency medical service's Pre-hospital Care Report form. If the person refuses to sign, the refusal must be witnessed on the form. The subject's acceptance or refusal of medical care shall also be documented in the officer's police report.

B. Members involved in use of force incidents on or off duty as described below shall notify the Captain or Chief of Police, or Duty Chief in his absence as soon as practicable and shall complete a departmental use of force report. Note: If the member is off-duty and outside the Syracuse Regional Airport Authority when the use of force occurred, he will also notify the police agency with jurisdiction for investigation of the incident.

1. Use of force that results in a physical injury.
2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
4. Incidents where a Conducted Energy Weapon (CEW) was intentionally discharged or accidentally discharged after being displayed.
5. Incidents where a firearm was discharged at a subject.

C. A standardized use of force form should be used to document any reportable use of force incident.

D. Officers should document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.

E. Attempt to locate and identify any witnesses, documenting their statements.

F. Document and photograph all injuries. A photograph showing an absence of injury may be as important as one that shows injury.

G. Report or cause to be reported all facts relative to the incident on a police incident report, whether or not an arrest was made. In addition, complete a "Use of Force Report" when required as noted in this order.

X. DUTIES OF THE CAPTAIN OR CHIEF OF POLICE

- A. The Captain or Chief of Police will immediately respond to the scene of the incident to insure that:
1. The officer involved receives necessary assistance, including medical treatment.
 2. The person upon whom the force was used receives necessary medical attention.
 3. Injuries to the officer or the person upon whom the force was used are photographed and documented.
 4. A thorough preliminary internal affairs investigation is initiated.
 5. All officer involved prepare reports, including a "Use of Force Report" when applicable. In the event that an officer is unable to complete reports due to injuries, the Captain or Chief of Police will prepare or cause them to be prepared, along with his own reports of the incident.
- B. The Duty Chief is to be notified if, through the use of force:
1. Injury is sustained or inflicted by a member of the department.
 2. A Conducted Electrical Weapon or firearm was discharged, or deadly physical force was employed.
 3. There is an allegation of misconduct on the part of a member of the department.
 4. The Duty Chief will respond to the scene when and if he deems appropriate. In the absence of the Captain or Chief of Police, the Duty Chief will ensure that all tasks described are accomplished.

XI. Use of Force Reports

- A. In addition to documenting a use of physical force in their police report, officers will prepare and submit a "Use of Force Report" when:
1. A person is injured or complains of an injury as a result of the use of physical force.
 2. The use of force involved acts such as striking, punching, kicking or the use of pressure point controls.
 3. The use of force involved the employment of an impact weapon, chemical agent, or pepper sprays.
 4. The person is charged with the crime of resisting arrest.

5. The use of force involved the Conducted Electrical Weapon whether through drawing the weapon and or laser compliance upon a subject, utilizing a spark display technique or deployment to include drive stun.
 6. When a "Use of Force Report" is required as a result of a firearms discharge, a "Discharge of a Firearm Report" must also be completed by the officer who used deadly physical force, whether or not a person was struck or injured by the projectile. This form must be completed by any officer who discharges a departmental or personal weapon other than for recreational or training purposes (GO # 214). In the instance that this officer is unable to complete the report the Captain or Chief of Police, or in his absence the Duty Chief or designee, will prepare the report.
 7. The officer is directed to complete a "Use of Force Report" by a superior officer.
 8. One "Use of Force Report" will be completed for each person against whom force has been used in the application of physical or deadly physical force.
 9. Physical force used against crowds or unknown persons will be documented recording all possible information.
 10. If an officer is incapacitated, the Captain or Chief of Police will prepare the use of force report based upon the Captain or Chief of Police's investigation of the incident.
- B. A Captain or Chief of Police will review the "Use of Force Report" for completeness and accuracy.
- C. The original "Use of Force Report", along with the Captain or Chief of Police's investigative report, will be forwarded to the Internal Affairs Officer with copies directed to the Chief of Police. A copy of the "Use of Force Report" will be directed to the officer's immediate Captain or Chief of Police and the Police Captain.
- D. Approval – The Captain or Chief of Police, must approve this report. If the Chief of Police completes the "Use of Force Report", the Captain must be the approving officer. Every "Use of Force Report" must be reviewed and approved by the Chief of Police.

XII. Evaluating the Use of Force

- A. The Internal Affairs Officer will review the incident to ensure that the use of force was authorized, necessary, reasonable and justified and will determine whether the use of force:
1. Complied with department policy and applicable laws.
 2. Violated department policy and/or applicable laws.
- B. The Internal Affairs Officer will report his findings, together with any recommendations, to the Chief of Police.
- C. The Chief of Police must approve internal investigations that are initiated by the use of force.

- D. The Internal Affairs Officer will annually review all Use of Force incidents and complete a report of findings to the Chief of Police.

XIII. Distribution of Use of Force Directives

- A. This Use of Force policy shall be conspicuously posted on the department's public website in accordance with Executive Law Section 837-t (Currently 72 hours after amendments).
- B. All officers will receive copies of all directives regulating the use of physical force (GO # 213) and deadly physical force (GO # 214). To ensure officers understand and compliance with these directives, all Captain or Chief of Polices will review these documents with their subordinates.
- C. Any officer who evinces uncertainty or doubt regarding these directives will receive immediate remedial training by the Captain or Chief of Police for those sections of the directive(s) which are in question.
- D. If the officer still does not understand all provisions of the use of force directives after remedial training, the officer:
 - 1. Will immediately be placed on administrative duties.
 - 2. Be relieved of all department issued weapons; and
 - 3. Be subject to such remedial training as will bring him into compliance with departmental directives.

XI. TRAINING

- A. All officers should receive training and demonstrate their understanding on the proper application of force
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct

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