

<b>INVESTIGATION OF USE OF DEADLY PHYSICAL FORCE</b>		
<input type="checkbox"/> new: <input type="checkbox"/> rescinds: <input checked="" type="checkbox"/> amends: All previous		<b>cross-reference:</b>
<b>effective date:</b> October 20, 2008		<b>accreditation standards:</b> NYSLEAP Standard(s) 20.1 & 21.1
<b>amend date:</b> June 25, 2020		

**I. PURPOSE**

The purpose of this General Order is to establish and describe policies and procedures to be followed by department personnel in reporting, evaluating, and investigating the use of deadly physical force incidents.

**II. POLICY**

The University Police Department’s policy is to provide an immediate and professional response to all situations in which an action by department personnel results in serious physical injury or death. The response will focus on:

- A. Providing all individuals involved with medical care, support, and other attention as necessary;
- B. Ensuring that all steps are taken to preserve items of evidence and identify possible witnesses; and
- C. Conducting a complete investigation and review of the incident.

**III. PROCEDURES**

- A. These procedures will be followed as applicable in all deadly physical force incidents as described below:
  - 1. Officer-involved shooting incidents regardless of whether any person is injured or killed, including every intentional discharge of a firearm except those done to destroy a sick or injured animal or authorized training.
  - 2. Any accidental discharge of a firearm that results in injury to any person.
  - 3. Any police-involved death or serious physical injury, including cases in which a subject is killed or seriously injured by the police, dies or sustains serious physical injury in police custody, or dies or receives a serious physical injury while fleeing from the police.
- B. These procedures will commence as soon as feasible once the situation has been brought under sufficient control to ensure the safety of all persons involved.

- C. These procedures will be followed in all on-duty deadly physical force incidents and all off-duty deadly physical force incidents in which the officer was acting pursuant to their authority as a police officer.
- D. If a University Police Officer is involved in a shooting or other deadly physical force incident outside the SUNY Cortland campus, these procedures will be followed to the greatest extent feasible in coordination and cooperation with the responsible investigating jurisdiction.
- E. Initial Response
  - 1. Officers will notify the Communications Center of the situation and request any necessary emergency medical assistance.
  - 2. Officers will obtain and broadcast the description of any suspects who are not yet in custody.
  - 3. Any uninjured suspects will be taken into custody and removed to police headquarters as soon as possible. Injured suspects will be transported to a medical facility under the guard of an officer. The officer should be alert to secure any potential evidentiary value items and note any statements made by the suspect.
  - 4. An on-duty supervisor or OIC will respond to the scene as quickly as possible and take charge until the arrival of higher-ranking officers. The supervisor or OIC will assess the situation and request other assistance and personnel required under the particular circumstances. The supervisor or OIC will ensure that all individuals involved receive any needed medical assistance.
  - 5. Officers will secure the scene as quickly and effectively as possible consistent with safety needs and the need for medical treatment of any victims. The investigator and any on-duty or available evidence technician will respond to the scene and await instructions.
  - 6. If feasible, officers will photograph the scene before anything is moved.
  - 7. Officers will attempt to identify and secure any witnesses to the incident. As soon as possible, the witnesses will be separated and not allowed to discuss the incident until their statement is taken.
  - 8. If any officers or other persons are injured and are transported for medical treatment, officers will be assigned to accompany them to the medical facility. If officers are not immediately available, the supervisor or OIC will make arrangements to secure additional officers for this duty as soon as possible.
  - 9. If officers are not immediately available to accompany injured persons to the medical facility, the OIC or supervisor will ensure that ambulance personnel, EMTs, and other medical or fire personnel are interviewed regarding any statements overheard or other observations of potential evidentiary value.
  - 10. The supervisor or OIC will initiate and coordinate the preliminary investigation of the incident and brief other Command Staff of the situation. *Defensive Action Reports* and the *Supervisor Inquiry of Officer Defensive Action Report* will be filed.
  - 11. The supervisor or OIC will ensure that all officers with involvement are identified and the necessary reports.

12. If appropriate, under the circumstances, a command post will be set up.
13. The Assistant Chief or Chief will contact the New York State Police to make arrangements for the investigation to be turned over to their agency. **Added 06/24/2020**

#### F. Notification Procedures

1. As soon as possible, the following persons will be notified of a deadly physical force situation:
  - Chief of Police and Assistant Chief of Police;
  - Vice President for Student Affairs;
  - College President;
  - SUNY Administration- University Police Commissioner's Office;
  - The New York State Office of Special Investigation within the Office of the Attorney General. **Amended 06/24/2020**
2. Depending upon the circumstances, the ranking Command Staff member may also notify such other persons as deemed appropriate. These may include:
  - Medical Examiner;
  - N.Y. State Police Employee Assistance Program and UPD PEER Support;
  - Public Information Officer;
  - Victim Services Coordinator;
  - SUNY Counseling Center;
  - Human Resources AVP.

#### G. Evidence Issues

1. Responding officers and supervisors will make every effort to protect the scene of the incident. Officers should not touch or move firearms or other weapons involved unless necessary to do so for safety reasons.
2. The supervisor will ensure that the instrument of deadly physical force, ammunition and related leather gear, and any other uniform pieces are secured by an evidence technician. This will be done at the University Police station.
3. All body-worn camera videos will be downloaded as soon as possible and preserved. *See General Order 1431 Body Worn Cameras.*

#### H. Procedures for Officers Involved in Deadly Physical Force Incidents

1. Officers involved in the use of deadly physical force will remain at or near the scene pending the arrival of a supervisor. Upon the supervisor's arrival, the officer will relay the facts of the incident to the supervisor.
2. While near the scene, the officer should be afforded privacy to the greatest extent possible under the circumstances. The supervisor will ensure that involved officers are provided appropriate assistance in contacting family members or other support persons.
3. Injured officers will be transported to the nearest appropriate medical facility for treatment. The supervisor will ensure that sufficient police personnel are present at the medical facility to

maintain the order and security of all persons. The supervisor will assist the officer with contacting family members and making arrangements for their arrival at the medical facility.

4. If an injured officer is admitted to the hospital, an officer will be assigned to stand by and guard the injured officer for the duration of the stay, unless otherwise ordered by the Chief of Police.

I. Trauma Debriefing

1. Trauma debriefing will be provided in all cases of deadly physical force as follows, at a minimum. More follow up may be conducted as deemed necessary:
  - On-scene, at Police Headquarters or the medical facility as soon as possible;
  - 2-week follow-up;
  - 1- month follow-up;
  - Six months follow up;
  - One year follow-up.
2. Other counseling will be provided as requested by the officer or as directed by the Chief of Police.

J. Follow Up Investigation

1. The department investigator and the New York State Police BCI will be responsible for follow-up investigations of any deadly physical force incident under the overall direction of the Chief of Police or a command staff member of the New York State Police.

**Amended 06/24/2020**
2. The Chief of Police may request assistance from other State or Federal law enforcement agencies.
3. All involved parties will be kept apprised of the status of the investigation.
4. An investigation may commence under the direction of the New York State Office of Special Investigation within the Office of the Attorney General and the Cortland County District Attorney to determine if the force used was within the guidelines of N.Y. State Penal Law and department policies and, if warranted, prosecute any alleged criminal offense or offenses committed by a police or peace officer.

**Amended 06/24/2020**
5. Officers involved in a deadly physical force incident shall be placed on administrative leave or reassigned to light duty during the investigations. In consultation with the Office of Human Resources, the Chief of Police will grant this status on a case-by-case basis.
6. Contact with the media will only be made after consultation with the University officials and SUNY Counsel. The SUNY Cortland Communications Office will create press releases.

BY ORDER OF  
*Mark T. DePaull*  
Mark T. DePaull  
*Chief of Police*