

35 SRR -

II)A) Members 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 Rochester Police Department (RPD). Appropriateness of force used is dependent on the “totality of the circumstances” at the moment the force is used. The Use of Deadly Physical Force will be governed by G.O. 340. It is the responsibility of each member to be aware of the requirements of Article 35 and to guide their actions based upon that law and Departmental policy and training.

Use of Force - 5 (violation of deadly force 5a)

(II)(B)Only issued or approved equipment will be carried on duty and used when using force, except in emergency situations when members may use any resources at their disposal.

Other misconduct - 1

II C: All force used, to include displaying a chemical agent (PLS, O.C. and chemical munitions), with the exception of mere handcuffing, blanketing, escorting or application of hobble, will require a Subject Resistance Report (SRR). This report will be completed in the current electronic format (Blue Team).

Failure to Act - 1 (*This has a very minimal impact on community members. However, there is a pattern of not completing SRRs on incidents where force is alleged or someone is killed)

II D. Only those members that have successfully completed an approved RPD Taser course will be authorized to deploy the Taser. Each member will complete biennial re-certification training with the Taser and the Taser will be used in accordance with this training

Use of Force - 5 (comfortable going lower)

II E. All SRRs involving Taser deployment will be reviewed by a Department-approved Section Taser Reviewing supervisor.

Failure to Act - 1

II F. Only those members that have successfully completed an approved Pepperball Launching System (PLS) training course will be authorized to deploy the PLS. Each member will complete annual training with the PLS and the PLS will be used in accordance with this training.

Use of Force - 5 (comfortable going lower)

II G. Use of restraining devices is mandatory on all prisoners unless in the member's judgment unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g. prisoner is very elderly, handicapped, etc.).

Failure to Act - 1

II H. Any member present and observing another member using force that they reasonably believe to be beyond that which is objectively reasonable under the circumstances shall: 1. Intercede to prevent the use of unreasonable force if and when they have a realistic opportunity to do so; and 2. Promptly report the other member's unreasonable use of force to a supervisor.

Failure to Act - 5

III. PROCEDURES A. Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: 1. If on-duty and assigned a Body-Worn Camera (BWC), ensure the BWC is activated and recording in accordance with policy. See Body Worn Camera Manual.

Failure to Act - 5

III 2. Immediately notify their immediate supervisor of the incident. a) If the supervisor is not on duty (e.g. Technicians on 1st or 3rd platoon), the supervisor in the Section of occurrence will be notified.

failure to act - 1 (willing to go higher)

b) In the case of off-duty incidents, the member will immediately notify the supervisor in the area of occurrence or if outside the City, the Commander of the Patrol Division or Staff Duty Officer and the police agency of jurisdiction. (Incidents that stem from additional employment will follow guidelines in G.O. 245.).

failure to act - lets discuss. Probably minimal impact, maybe 1, but that doesn't feel right

III 3. In cases of a non-arrest or unarrest incident where force has been used, the member will obtain permission from a supervisor prior to the release of the subject. An Incident Report describing the incident must be completed.

Failure to Act - 1

III 4. After force is used, immediately evaluate the need for medical attention or treatment for that person upon whom the techniques were used and arrange for appropriate treatment when: a) The subject has a visible injury requiring medical attention, including injuries prior to the use of force; b) The Subject complains of injury or requests medical attention; c) OC, PLS or the Taser was used. NOTE: ALL subjects who are exposed to a Taser application, has apparent injuries or complains of injury that requires medical attention or is unconscious or semi-conscious due to alcohol or drug consumption, needs to be transported to a hospital to be seen by a medical professional for treatment. d) The subject appears to be mentally ill and is conducting themselves in a manner which is likely to result in serious harm to themselves or others.

Failure to Act - 4

5. Exposure to OC or PLS a) After application, and when safe to do so, members will provide fresh air for the exposed person, and monitor their condition and breathing. b) Persons exposed to OC or PLS will then be taken to the Eyewash Facility located in the Public Safety Building (PSB) garage to flush the affected area with water only, before being released or brought to booking. (1) At no time will a member touch, rub, or wipe the eyes or affected area of an exposed person. NOTE: Deficiencies to the PSB Eyewash Facility will be forwarded through the chain of command to the Commanding Officer of the Technical Services Section (TSS).

c) Persons will not be brought to the Eyewash Facility if they continue to be combative, display excessive hyperactive behavior after OC or PLS has been administered, exhibit any other signs of physical distress (e.g. difficulty breathing, chest pain and/or other physical complaints) or have other physical injuries or

complaints of injuries needing physical attention. Such treatment will be rendered without delay and will be noted on the SRR.

Failure to Act - 4

d) Persons being taken into custody or who will be issued an appearance ticket and who refuse medical treatment, must be transported to a hospital where their refusal will be witnessed by hospital medical staff (must be either a doctor, physician's assistant, or nurse) and noted on the SRR. e) Refusal for treatment at the Eyewash Facility by a person exposed to OC or PLS who does not require additional medical attention must be witnessed by an on-duty supervisor and noted on the SRR.

Failure to Act - 1 (can discuss)

f) Persons who are to be released without arrest should be encouraged to go to the hospital and transported if requested, however they cannot be compelled to do so unless they are unable to make a rational determination themselves. The subject's acceptance or refusal of medical care will be noted on the SRR.

Abuse of Authority - 2

III 6. After force is used, photograph all subjects upon whom the techniques were used prior to being released or brought to booking (non-custodial persons have the right to refuse). SUBJECT: ORDER# PAGE# SUBJECT RESISTANCE REPORT 335 - 6 - a) In a Taser or PLS incident, photos of the Taser or PLS contact area (to include the impact area of a PLS deployment in a civil disorder incident) are necessary. b) In minor incidents, the issued camera or BWC may be used (SD card and Digital Image Pack Report, RPD 1350, are to be turned in immediately for processing, BWC downloaded per current directives.).

Failure to Act - 3

7. Report, or cause to be reported, all facts relative to the incident on the SRR, whether or not an arrest was made.

8. Force used against crowds or unknown persons will be documented recording all possible information.

Failure to Act - 2

9. Attempt to locate and identify any witnesses and depose their observations. Original Depositions will be attached to the criminal package and electronic copies attached to the SRR, utilizing the current reporting format. If there is no criminal package, the original depositions will be forwarded to the Professional Standards Section (PSS).

Failure to Act - 1 or 2

10. Prepare and submit the SRR and related reports to their supervisor by the end of their tour of duty, unless directed otherwise by a platoon supervisor. All criminal incidents will be documented on an RMS Incident Report with the appropriate 'Occurred Incident Type.' All copies of these report(s) will be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.

Failure to Act - 1? (frequent violation)

a) If more than one member is involved in a force incident, one member will be designated the "primary" officer and complete the SRR detailing their involvement in the incident. The primary officer will also identify all the other members that used force, known as "assisting officers," within the SRR. Each assisting officer will complete their own SRR, detailing their involvement or use of force. b) Additional subjects will be documented on separate SRR reports. c) Brandishing only exception: (1) A Show of Force report will be utilized via the current electronic format. (2) If more than one officer is involved in a "brandishing/display only" the "primary" officer may complete one report and document the brandishing technique(s) of all "assisting" officers. Similarly, multiple subjects can be documented on one Show of Force report in a brandishing only event (i.e.: high risk traffic stop or search warrant).

Failure to Act - 1

11. Notify a platoon supervisor for any SRR or related report(s) that cannot be completed by the end of that tour of duty. The supervisor will grant approval to complete the SRR immediately or grant approval to complete the SRR during the following tour of duty. If approval is granted to complete the reports the next day, the supervisor will ensure that any reports or documents (e.g. accusatory instrument) that are immediately required for an arrest are completed and submitted before the member secures from that tour of duty.

Failure to Act - 1

a) If any of the following factors are present, the supervisor will not approve completion of the SRR and related reports during the following tour of duty, SUBJECT: ORDER# PAGE# SUBJECT RESISTANCE REPORT 335 - 8 - but will direct the member to complete the report prior to leaving. (1) Member is not working the next day (e.g. scheduled R days, vacation, training, etc.);

Failure to Act - 1

- (2) Subject was injured in a manner that required hospitalization;
- (3) There is no BWC recording of the actual use of force incident;
- (4) A complaint is made or anticipated to be made; or,

Failure - 2 or 3?

- (5) A custodial arrest is not made.

Failure - 1?

12. If a paper SRR is completed due to an electronic reporting outage, copies of all related reports and any partially completed or "draft" reports will be placed in a secure location within each section office designated by the Section Captain where they are readily available if needed. a) When the system becomes available, members shall enter the information from the paper report into the electronic reporting system before the end of their shift unless directed otherwise by the Commanding Officer of the Professional Standards Section.

Failure - 1

B. Supervisors will: 1. Respond to the scene of the incident immediately. If the member's immediate supervisor is not available, such supervisor will arrange for another on-duty supervisor to respond to the scene.

2. Ensure that members receive any necessary assistance, including medical treatment. They will also ensure that any injuries or exposures to members are properly documented on an Injury and Exposure Report, RPD 1250, and noted on the Prisoner Data Report (PDR) so that the judge conducting the arrestee's arraignment is aware of the incident.

3. Ensure that medical treatment for the subject is evaluated and provided per Section III.A.2.

Failure - 4?

6. Ensure that a thorough neighborhood check of the SRR scene is conducted and documented on the SRR form.

Failure - 2

8. If necessary, request training by indicating such in comment box during the review process.

9. Review the SRR and all related reports for completion and accuracy before forwarding them to the Platoon Commanding Officer. NOTE: If the Platoon Commanding Officer is a Sergeant, the SRR and related reports must be forwarded to a section Lieutenant for review as well. The Sergeant will approve the SRR as the Reviewing Supervisor and the Lieutenant as the Platoon Commanding Officer. NOTE: If the incident occurred in a section other than that of the involved member, the supervisor will also send a copy to the section of occurrence.

C. Section Taser Reviewing Supervisors will: 1. Review all SRRs where a Taser was deployed and if necessary, request training by indicating such in comment box during the review process.

2. Once reviewed, all reports must be forwarded to the Platoon Commanding Officer.

Failure - 1

D. Platoon Commanding Officers will:

1. Review the SRR for completion and accuracy. Defensive Tactics Instructors may be requested to assist in the review of the SRR.

3. Ensure that all SRRs involving Taser deployment have been reviewed by a Section Taser Reviewing Supervisor.

Failure - 1

5. Ensure that training has been received if training was requested within the section, and that an Additional Training Report, RPD 1347, is completed and attached to the SRR.

Failure - 3?

6. Once the training has been completed, the SRR will be forwarded to the Section Captain for review.

7. Forward the original SRR and related reports to PSS within two weeks of the incident, unless approved otherwise by the Section Captain and proper notification to the PSS Commanding Officer.

Failure - 1

E. Additional Training 1. The Additional Training Report, RPD 1347 (Attachment B), will be used to document any deficiencies or any request for additional training when members are involved in use of force incidents. 2. An RPD 1347 form will be completed for each member that receives training regarding use of force incidents. 3. When RPD 1347 is completed, the original form will be forwarded to PSS and a copy electronically attached to the SRR, which will be maintained by PSS. 4. Each RPD 1347 form completed will be electronically attached to the SRR, regardless of when or who performed the training and completed the form. a) When the Section completes RPD 1347 before the SRR is sent to PSS, the form will be electronically attached to the SRR, then be sent together to the Section Captain for review before forwarding to PSS. b) When PSS directs training through an internal investigation, RPD 1347 will be completed by the appropriate member conducting the training and the original form will be sent to PSS to be attached to the original SRR packet. c) When the Professional Development Section (PDS) directs or conducts training, Form 1347 will either be sent or completed by PDS and attached to the original SRR packet that PDS will have upon routine review. PDS will then return the original SRR packet with Form 1347 already attached to PSS.

Failure - 1

F. Force Reporting to DCJS

1. The Professional Standards Section (PSS) will be responsible for ensuring that the categories of reportable Use of Force incidents as outlined below are reported to DCJS through the current reporting process:

a) Display a Chemical Agent – To point a chemical agent at a subject.

b) Use/Deploy a Chemical Agent – The operation of the chemical agent against a person in a manner capable of causing physical injury.

c) Uses/Discharges a Firearm – The operation of a firearm against a person in a manner capable of causing physical injury. d) Uses/Deploys an Impact Weapon or Electronic Control Weapon – The operation of an impact weapon or electronic control weapon against a person in a manner capable of causing physical injury.

e) Uses a Chokehold or Other Similar Restraint - Any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air.

f) Conduct that Resulted in Death

Should be a 5

g) Serious Bodily Injury - Bodily injury that creates or causes: a) A substantial risk of death; or b) Unconsciousness; or c) Serious and protracted disfigurement; or d) Protracted loss or impairment of the function of any bodily member, organ or mental faculty.

Thoughts on remainder of this? WHO is responsible for reporting?

Duty to Intervene - 336

II. POLICY

A. All Members have an affirmative duty to intervene to prevent or stop any member from using unreasonable force or otherwise acting contrary to law or RPD policy.

B. When Members observe such conduct, they shall intervene when it is safe and feasible to do so.

C. All Members are expected to accept an intervention from another member when it occurs.

D. All Members are prohibited from retaliating, interfering, or using intimidation or coercion against any other member who has performed his or her affirmative duty to intervene and report misconduct.

E. A Member's failure to intervene to prevent unreasonable force may result in departmental discipline or other remedial measures in accordance with RPD policy.

Failure - 4

III. PROCEDURES

A. Interventions may be verbal and/or physical depending on the situation and the level of misconduct. Any use of physical force to intervene must be objectively reasonable, necessary, and proportional under the totality of the circumstances.

Failure - 4

B. A Member must as soon as practical, report the offending Member's unreasonable use of force or other misconduct to a supervisor.

Failure - 2

C. All supervisors, when made aware of an unreasonable use of force or other misconduct, are required to address the behavior by the applicable General Orders, including RPD General Order 301

Failure - 3

Use of Force 337

III. POLICY

A. RPD recognizes and respects the value and sanctity of all human life. Members are expected to carry out their duties and act with the highest regard for the preservation of human life and the safety of all persons involved.

Use of force - 5

B. RPD's goal is to gain voluntary compliance of persons without resorting to the use of force. Though Members are authorized to use reasonable force when necessary, Members should attempt to resolve situations without using force whenever possible.

Use of Force - 4

C. Members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to effect a lawful purpose, including to ensure the safety of a Member or third person, stop an attack, make an arrest, control a person evading a Member's lawful commands, or prevent escape.

Use of force - 4 or 5 (maybe 5 bc it mentions lawful?)

D. Members shall use the least amount of force necessary based on the totality of circumstances and shall cease using any force once a person becomes compliant.

Use of force - 4 or 5

E. Members using force must continually assess the situation and adjust the use of force as necessary. As a person's resistance decreases, Members shall decrease their use of force accordingly.

Use of force - 4 or 5

F. Whenever safe and feasible to do so, prior to using force, Members should provide verbal commands. Members should defer using force for an objectively reasonable amount of time to allow the person to comply with the command.

Use of force - 4 or 5

G. Members must act with due regard for the safety of all persons during any use of force.

Use of force - 5

H. Members shall use de-escalation techniques and tactics, when it is safe and feasible to do so, to prevent and minimize the need to use force and to increase the likelihood of securing a person's voluntary compliance with police instructions. Members should refer to RPD's De-Escalation policy, G.O. 575.

Use of force - 4

I. Members have an affirmative duty to intervene to prevent or stop any Member from using unreasonable force or otherwise acting contrary to law or RPD policy. Members should refer to RPD's Duty to Intervene policy, G.O. 336.

Use of force - 4 or 5

J. After a use of force, Members shall render medical assistance consistent with their training as follows:

1. When safe and feasible to do so, Members shall immediately evaluate the need for medical attention for the person upon whom force was used. Members shall request medical assistance without delay for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, is suicidal or encountering a mental health crisis, or who was rendered unconscious.

Failure - 5

2. Any person who is exposed to a Conducted Electrical Weapon ("CEW") application and has apparent injuries or complains of injury, or is unconscious or semi-conscious due to alcohol or drug consumption must be transported to a hospital to be seen by a medical professional for treatment.

Failure - 5

3. Members are expected to document whether they render aid to any individual in a Subject Resistance Report. Members are required to follow RPD's Subject Resistance Report policy, G.O. 335.

Failure - 1 or 2

IV. PROHIBITED USES OF FORCE

Members will not use force in any of the following situations:

A. Against persons who are handcuffed or restrained except to prevent injury; escape; or otherwise overcome resistance posed by the person; 1. Members shall not position a restrained person face-down for a prolonged period of time as it may cause positional asphyxia, or on their back as it may cause radial nerve damage to the wrist and forearm area. Restrained persons should be seated or placed on their side, as soon as safe and practical.

B. To coerce a confession;

C. As punishment or retaliation (e.g., force used to punish or retaliate against an individual for fleeing, resisting arrest or insulting a Member);

D. To respond to those engaged in the lawful exercise of First Amendment protected activity, including peaceful protest, the right to assemble, and recording police activity (unless a person's doing so impedes a Member's legitimate law enforcement

E. Based on bias against the person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, immigration status, or any other protected characteristic;

F. To obtain blood, saliva, urine or other bodily fluid or cells, from an individual for the purpose of scientific testing in lieu of a court order where required; or

G. To extract an item from inside the body of a person, except where exigent circumstances are present;

H. To stop a person from swallowing a substance that is already in their mouth. A Member may, however, use reasonable force to prevent a suspect from putting a substance in their mouth.

Members are further prohibited from using the following tactics:

I. Using chokeholds, lateral vascular neck restraints and/or carotid restraints, strangleholds or otherwise impeding the normal breathing and blood circulation (including by blocking a person's nose or mouth) except in extreme circumstances where deadly physical force is authorized. For further procedures on the use of chokeholds and other restraints, Members will refer to G.O. 341 on Chokeholds.

U of f - 5a

J. Firing warning shots.

K. Discharging a firearm from or at a moving vehicle unless the Member reasonably believes that an individual or an occupant(s) of a vehicle are using or are about to use deadly physical force against the Member or another person.

Use of force - 5

V. USE OF DEADLY PHYSICAL FORCE

A. The use of Deadly Physical Force is a last resort.

B. Members may use Deadly Physical Force, as defined by Article 10 of the New York State Penal Law, only when it is necessary to defend the Member or another person from what the Member reasonably believes to be the use or imminent threat of use of Deadly Physical Force or Serious Physical Injury. Members must be aware of their surroundings and the potential of harm to uninvolved individuals when using Deadly Physical Force.

C. Deadly Physical Force is that which, under the circumstances, is readily capable of causing death or serious physical injury. Deadly Physical Force includes, but is not limited to:

1. Discharging a firearm in the direction of a person;

2. Intentional striking of a person's head, neck, sternum, spine, groin, or kidneys with an impact weapon;

3. Intentional striking of a person's head against a hard, fixed object such as a floor or wall;

4. Intentional knee strikes or kicks to a person's head or throat;

5. Application of a chokehold, lateral vascular neck restraints and/or carotid restraints, strangleholds or otherwise impeding the normal breathing and blood circulation (including by blocking a person's nose or mouth);

6. Intentionally discharging a CEW to the neck, groin, or face of a person.

D. An Imminent Threat is when it is objectively reasonable to believe that:

1. The person's actions are immediately likely to cause death or serious physical injury to the Member or others unless action is taken; and

2. The person has the means or instruments to cause death or serious physical injury; and

3. The person has the opportunity and ability to cause death or serious physical injury.

E. A Serious Physical Injury creates a substantial risk of death, or causes death or serious disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

F. A Member may use deadly physical force to prevent the escape of a fleeing person if force is authorized and no objectively reasonable force alternative exists, the Member has identified themselves as a law enforcement officer and given a verbal warning to the person (if time, safety, and circumstances permit), and there is probable cause to believe that:

1. The person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death; and

2. The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the Member or another unless the person is apprehended without delay.

G. Members are prohibited from using deadly physical force against an individual who poses a danger only to him or herself.

H. Members are prohibited from using deadly physical force against an individual who poses a danger only to property (deadly force is justified when it is necessary to defend himself/herself or someone else from what he/she believes to be the imminent use of unlawful deadly physical force.)

I. Members are prohibited from using deadly physical force on persons who are handcuffed or otherwise restrained absent special circumstances.

J. Patrol Rifle

1. The use of a firearm is a use of deadly physical force.

2. The decision to deploy the rifle will be made by the Designated Rifleman and/or the supervisor on scene. Typical deployments would include, but not limited to: hostage situations, barricaded persons, sniper situations, active shooters, or any other incidents where deployment of the rifle would be appropriate.

3. The patrol rifle will not be deployed or used in situations involving a civil demonstration, protest, or crowd control unless exigent circumstances exist involving a threat from firearms, explosives, or other dangerous weapons. Members will make every effort not to have rifles displayed during peaceful protest events and must adhere to all Special Teams policies and procedures relating to rifle deployments.

4. Deployment of a patrol rifle is not to be used as a substitute for a SWAT response. If the situation merits a SWAT response, the on-scene supervisor should request SWAT through the prescribed chain of command.

5. Nothing above shall preclude an officer, in emergency or exigent circumstances, from deploying the rifle in any fashion to protect himself or another person, provided said actions are objectively reasonable, necessary, and proportional to the threat posed.

Use of force - 5a

VI. USE OF LESS LETHAL FORCE OPTIONS

A. General Principles

1. Less lethal force options are techniques and devices to apply force or restrain aggressive subjects but that are less likely to cause death or serious physical injury than those techniques and devices categorized as Deadly Physical Force.

2. Only those Members who have successfully completed the specific Department approved training and have demonstrated proficiency in the use of each less lethal weapon will be authorized to carry and deploy it.

3. Only currently RPD-approved and issued less lethal weapons will be authorized for use by trained Members.

Use of force - 5 (could be 5a because it's only less lethal, not non-lethal)

B. Holding and Control Techniques

1. Holding techniques such as grab controls, applying pressure, joint manipulations, take-downs, and non-impact baton control to stop, separate, or escort a person in a manner that would not reasonably cause pain.

2. Members may use holding and control techniques against a person who, at minimum, is Non-Compliant/Avoiding Custody.

Use of force / Abuse of authority - 3 or 4

C. Oleoresin Capsicum Spray 1. Members may use OC spray against a person who is NonCompliant/Avoiding Custody.

2. Members shall refrain from using OC Spray against individuals who appear to be at a greater risk of injury, including the elderly, juveniles and those that are pregnant, unless the person is, at minimum, NonCompliant/Assaultive towards the Member or others. Members shall refer to G.O. 338 for further guidance on the prohibitions against using OC Spray on Juveniles.

3. Members who deploy OC spray on a person must continuously evaluate the person's need for medical attention, and when needed, provide the person with medical assistance as trained. Members must assist a person exposed to OC spray with decontamination as soon as it is safe and feasible to do so.

4. During a protest event, if an individual against whom OC Spray may be used is part of a group or crowd, the use of OC spray is only authorized after obtaining approval from the Police Chief or his/her designee.

Use of force - 4

D. Impact Weapons

1. Members may use impact weapons on a person who, at minimum, is Non-Compliant/Avoiding Custody, (e.g., joint manipulation).

2. Members may only use impact weapons to strike a person who, at minimum, is Non-Compliant/Assaultive.

Use of force - 5

3. The following uses of impact weapon strikes are prohibited unless Deadly Physical Force would be permitted:

a) Using an impact weapon to intentionally strike a persons in the head, neck, sternum, spine, groin or kidneys.

b) If the person is obviously pregnant.

c) If the person is apparently elderly.

d) If the person is apparently a juvenile.

e) If the person is visibly frail.

f) If the person is in apparent medical crisis

g) If the person is in physical control of a vehicle in motion.

h) If the person is in danger of falling from a significant

Use of force - 5a

E. Conducted Electrical Weapons (CEW)

1. Members may only use a CEW when:

a) Grounds for arrest or detention are present and the person is, at minimum, Non-Compliant/Assaultive; or

b) Such force is necessary to protect the Member or another person from immediate physical harm.

2. Members shall avoid multiple repeated, prolonged, extended, or continuous CEW exposures. If the CEW is not achieving compliance, then consider alternative techniques that may be available. A total of

fifteen (15) seconds or three standard (5 seconds) cycles of exposure is considered a significant safety point.

a) Each deployment of a CEW is considered a separate use of force, requiring the same assessment of whether the deployment is reasonable, necessary, and proportionate under the totality of the circumstances.

3. Members shall consider that persons upon whom a CEW was used may not be immediately responsive and compliant with commands. Members shall allow for sufficient time for the person to comply prior to discharging the CEW again.

Use of force - 5

4. The following uses of a CEW are prohibited unless Deadly Physical Force would be permitted:

a) If the person has been exposed to flammable material, such as gasoline or an alcohol-based pepper spray.

b) If the person is obviously pregnant.

c) If the person is apparently elderly.

d) If the person is apparently a juvenile.

e) If the person is visibly frail.

f) If the person is in apparent medical crisis.

g) If the person is in physical control of a vehicle in motion.

h) If the person is in danger of falling from a significant height.

i) More than three standard cycles or 15 total seconds of a CEW exposure upon a person during a single incident.

j) If the person is fleeing and does not otherwise pose an imminent threat of physical harm to the Member or others.

Use of force - 5a

F. Pepperball Launching System (PLS)

1. Members may use the PLS as a means of less lethal force.
2. Members may use the PLS as an impact weapon on a person who, at minimum, is Non-Complaint/Assaultive.
3. When deploying the PLS a Member will make a notification over the police radio that they are on scene with a PLS.
4. Use of PLS will be at the discretion of the authorized Member once on scene, in accordance with current training and standard operating procedure guidelines and with supervisory approval when there is time to obtain approval. For situations involving crowd control/Mobile Field Force (MFF) authorization for use and deployment of the PLS will be obtained prior to its use from the Incident Commander or MFF Commander. Members should refer to G.O. 605 for the department's policy on MFF.
5. When deploying the PLS, Members should formulate a plan and be prepared to implement it. The plan should include, at a minimum:
 - a) Deadly physical force coverage by another Member;
 - b) A takedown team of a least two (2) Members;
 - c) Providing the person with an opportunity to comply without risk to the safety of Members or others.

U of f - 5 (could be 5a)

6. The following uses of impact weapon strikes are prohibited unless Deadly Physical Force would be permitted:
 - a) Using an impact weapon to intentionally strike persons in the head, neck, sternum, spine, groin or kidneys
 - b) If the person is obviously pregnant.
 - c) If the person is apparently elderly.
 - d) If the person is apparently a juvenile.
 - e) If the person is visibly frail.
 - f) If the person is in apparent medical crisis.
 - g) If the person is in physical control of a vehicle in motion.
 - h) If the person is in danger of falling from a significant height.

u of f - 5a

G. Spit Socks

1. Members may use a spit sock, also known as spit hood or spit masks, if the detainee is actively spitting. Prior to using the spit sock, Members must, when safe and feasible to do so, issue a verbal warning to the person and others present that a spit sock will be used.

Failure to act - 4 ?? Maybe 3

2. When using a spit sock, Members must:

- a) Continually observe the detainee;
- b) Remove the spit sock and request medical assistance without delay if there are any indications or respiratory stress or any other indications requiring medical attention.
- c) Continually assess the need for the spit sock

Failure - 5

3. Members using a spit sock must report the use of the spit sock by notifying a supervisor. Members must also document on an SRR, why the spit sock was applied and whether the officer observed any ill effects to the person – or lack thereof – caused by the application of the spit sock.

Failure - 3 (or 2)

VII. FAILURE TO FOLLOW POLICY

A. Members who fail to respond to resistance in accordance with departmental policies and the law may be subjected to departmental discipline, criminal prosecution, and/or civil liability

U of f / abuse - 5 or 5a

III. POLICY

A. Members are encouraged to engage in positive interactions with juveniles while conducting non-enforcement activities. When interacting with juveniles, Members shall treat all juveniles with courtesy, professionalism, dignity, respect, and equality. Members should communicate with juveniles in an age-appropriate manner.

Discourteous - 3

B. Members will safeguard and respect the constitutional rights of juveniles in both custodial and non-custodial contexts.

Discrimination, Civil Rights Violations, and Bias - 5

C. Members will use de-escalation tactics and techniques in all situations involving juveniles when it is safe and practicable to do so. This includes, but is not limited to, using a calm and natural demeanor with juveniles and explaining the purpose of the interaction in an age-appropriate manner.

Could be discourteous/failure/use of force/maybe abuse of authority? 5

D. Members should recognize that juveniles might not immediately comply, including due to fear or lack of understanding, and that multiple attempts for a juvenile's compliance may be needed without resorting to the use or threats of force.

Could be discourteous/failure/use of force/maybe abuse of authority? 5?

E. Members are expected to continually assess the totality of the circumstances and seek peaceful resolutions during interactions with juveniles. Members should consider several factors when interacting with juveniles including:

- Apparent age, body size, physical build, physical condition, and relative strength of the juvenile;
- Apparent behavior, mental capacity, disability status, and emotional condition;
- Seriousness of the complaint or risk posed by the juvenile;
- Whether the juvenile possesses or has ready access to a weapon(s);
- The nature of the alleged committed offense(s);

- Prior criminal involvement; and
- Possibility of compliance with involvement of a parent or Person Legally Responsible (PLR). If it is not objectively apparent whether a person is a juvenile or an adult, Members shall assume that a person is a juvenile until the Member can reasonably and safely verify the person's actual age.

F. For further procedures, Members will refer to G.O. 435, Juvenile Procedures.

Failure - 5

IV. PROCEDURES

A. Use of Force

1. If force against a juvenile becomes necessary, Members should use only the level of force that is necessary and proportional to the threat.

2. Members are prohibited from using chemical agents, including OC Spray, chemical munitions, and Pepperball Launching System against juveniles unless the juvenile is noncompliant/assaultive, poses an immediate threat of harm to the Member or others, and there are no reasonable alternatives.

Use of force - 5

3. Members are prohibited from using an impact weapon to strike a juvenile unless deadly physical force would be permitted. This restriction does not apply to such weapons being used for non-impact purposes including escorting a juvenile.

4. Members are prohibited from using a Conducted Electrical Weapon (CEW) against a juvenile unless deadly physical force would be permitted. NOTE: These restrictions go further for juveniles than for their use in interactions with adults.

Use of force - 5a

B. Handcuffing and Transportation

1. Members shall not handcuff juveniles who the Member reasonably believes to be aged 12 and under unless the juvenile presents a danger to themselves or others.
2. In determining whether to handcuff juveniles aged 13 through 17, members should consider the severity of the offense and the totality of the circumstances, including whether the juvenile is compliant with police instruction and whether the juvenile presents a danger to himself/herself or others.
3. Juveniles who are not being arrested or taken into custody should not be handcuffed during transport unless the juvenile presents a danger to themselves or others.
4. Members shall not transport juveniles with adult prisoners.
5. Members shall not transport male and female juveniles in the same vehicle, unless they are members of the same household or family.
6. Members shall not arrest juveniles for status offenses. For further procedures, Members will refer to G.O. 435, Juvenile Procedures.

Abuse of authority - 5

C. Medical Assistance

1. Members shall render medical assistance consistent with their training and request medical assistance when appropriate. Members shall request medical attention for a juvenile when the following conditions are present:
 - a) Juvenile displays a serious illness or injury;
 - b) Juvenile is suicidal or encountering a mental health crisis;
 - c) Juvenile is intoxicated due to alcohol and/or drug use;

d) Juvenile requests medical treatment; or e) Juvenile otherwise displays an apparent need for medical attention.

Failure - 5? (C does not feel like it should be a 5)

2. Members will document whether they render aid on an RMS Incident Report

Failure- 1 or 2

3. Members will ensure appropriate medical attention for a juvenile prior to processing when necessary.

Failure- 5

4. A Member who uses force against a juvenile and/or takes a juvenile into custody shall ensure that the juvenile's parent or other PLR is aware of the juvenile's condition, status, and location as soon as practicable.

Failure- 3

*Chose mostly higher levels because the fact the violations are against a child feels like it aggravates the proposed penalties. Open for discussion

Use of Deadly physical force 340 (THIS IS WHERE I LEFT OFF – BOTTOM OF GO NOT RANKED)

II. POLICY

A. Members of the Rochester Police Department (RPD) may use deadly physical force, as defined by Article 10 of the New York State Penal Law, only when the use of deadly physical force is necessary to defend the member or another person from what the member reasonably believes to be the use or imminent use of deadly physical force. Reasonable belief exists when both of the following subjective and objective conditions are met:

1. The member reasonably believes another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person, and

2. Evidence or information which appears reliable discloses facts

circumstance which are collectively of such weight and persuasiveness as to convince a member of ordinary intelligence, training, judgment, and experience that another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person.

B. Members of the RPD may use Kinetic Energy Impact Projectiles (KEIP), commonly known as “Bean Bag Rounds”, as a means of less lethal force in non-deadly use of force situations. KEIP are intended to provide a member with a less lethal alternative to safely take into custody violent or dangerous persons by allowing members to deliver impact projectiles from an extended range. Only those members that have successfully completed an annual training course and have demonstrated proficiency in the use of KEIP will be authorized to deploy same. The impact projectiles are designed to incapacitate a subject with a minimal potential for causing death or serious physical injury compared to standard projectiles when used consistent with training. However, members must recognize that a potential for death or serious physical injury from these impact projectiles does exist, and that care must be exercised in their use.

C. The Pepperball Launching System (PLS) may be used as a means of less lethal force. The PLS delivers an irritant, Capsaicin II, by means of a compressed gas propellant. Only those members that have successfully completed an annual PLS training course and have demonstrated proficiency in the use of PLS will be authorized to deploy same. Its primary use is to disperse groups engaged in civil disorder from a safe distance, but also allows members to take violent or dangerous individuals into custody. Nothing shall preclude it from being used in other situations in accordance with current directives and training.

D. Conducted Electrical Weapons (CEW) may be used as a means of less lethal force in accordance with current directives and training. Only those members that have successfully completed the specific Department approved training and have demonstrated proficiency in the use of CEW's will be authorized to deploy same. See Taser Conducted Electrical Weapon Standard Operating Procedure.

E. Less lethal force will be consistent with Departmental training and use of force continuum.

F. The fact that a member is justified in using deadly physical force or less lethal force does not relieve the member from the duty to act with due regard for the safety of all persons, nor will such provisions protect members from the consequences of their reckless disregard for the safety of other.

III. FIREARM GUIDELINES A. Members are justified in removing firearms from holsters and/or gun mounts and pointing the firearm if the member reasonably believes:

1. That a person or a situation poses or may pose an immediate threat of death or serious physical injury either to themselves or another person.

2. There is justification to use a firearm against an animal pursuant to Section III.B below.

B. Members may use firearms against animals when they are:

1. Attacking or presenting an imminent danger to any person.

2. Destructive, injured, or threatening, with supervisory approval when there is time to obtain it.

C. Warning shots are prohibited.

D. Discharge of a firearm from or at a moving vehicle is prohibited unless the member reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly physical force against the member or another person. Therefore, shooting at a fleeing vehicle that is traveling away from the member and is no longer a threat to the member or a third person is prohibited.

IV. GUIDELINES – PATROL RIFLE

A. Only those members who have successfully completed the specific Department-approved Designated Rifleman training and have demonstrated weapon proficiency will be authorized to carry a patrol rifle on duty.

B. Patrol Rifles will be signed out only by Designated Riflemen and will be physically and visually inspected at the beginning and the end of each tour of duty.

C. During the tour of duty, the patrol rifle will be secured in a vehicle mount with the safety “on”, bolt forward on an empty chamber and a loaded magazine in the magazine well.

D. Upon completion of each tour, every patrol rifle will be stored in locked safes located at each Section/Unit, unloaded with the magazine removed and bolt locked open.

E. The decision to deploy the rifle will be made by the Designated Rifleman and/or the supervisor on scene. Typical deployments would include, but not limited to:

hostage situations, barricaded subjects, sniper situations, active shooters, or any other incidents where deployment of the rifle would be appropriate.

1. The patrol rifle will not be deployed or used in situations involving a civil demonstration, protest, or crowd control unless exigent circumstances exist involving a threat from firearms, explosives, or other dangerous weapons.

F. Deployment of a patrol rifle is not to be used as a substitute for a SWAT response. If the situation merits a SWAT response, the on-scene supervisor should request SWAT through the prescribed chain of command.

G. Nothing above shall preclude an officer, in emergency or exigent circumstances, from deploying the rifle in any fashion to protect himself or another person, provided said actions are consistent with law and departmental policy and training relative to the use of the patrol rifle, the use of force, and/or the use of deadly physical force.

V. GUIDELINES – LESS LETHAL SHOTGUN AND KINETIC ENERGY IMPACT PROJECTILES

A. Only those members who have successfully completed the specific Department approved training and have demonstrated proficiency in the use of less lethal force shotguns will be authorized to deploy KEIP.

B. Only Department approved KEIP and shotguns assigned for their exclusive use will be authorized for use by trained members. The only weapon designated for use with less lethal ammunition is the RPD's Remington 870 shotgun, 12 gauge, pump action, with orange colored stocks to differentiate them from the standard RPD issued shotgun.

C. Less lethal shotguns will be stored unloaded in a rifle case in the trunk of marked patrol vehicles. The weapon is to remain in its case in the trunk until needed for field use situations or routine maintenance. It is not to be placed in the shotgun rack in the interior of the patrol vehicle. Only KEIP will be stored in the rifle case and used with less lethal shotguns.

D. KEIP should only be used when lesser levels of force have been unsuccessful or their use is inappropriate, as defined by the use of force continuum.

E. Use of KEIP will be at the discretion of the authorized member once on scene, and with supervisory approval when there is time to obtain approval.

F. The member with the less lethal shotgun should formulate a plan and be prepared to implement it. The plan should include, at a minimum:

1. Deadly physical force coverage by another member;
2. A takedown team of a least two (2) members;
3. Notification to all members on scene that impact projectiles are going to be deployed to prevent the firing of unintentional deadly physical force rounds, unless done so with cause.
4. Providing the subject with an opportunity to comply. The subject should not be forewarned of being struck with impact projectiles, as this will only diminish any desired effect.

G. All impact projectiles that are fired at and strike any person in a field use situation will be processed and preserved as evidence by an Evidence Technician.

VI. GUIDELINES – LESS LETHAL PEPPERBALL LAUNCHING SYSTEM

A. Only those members who have successfully completed the specific Department approved training and have demonstrated proficiency in the use of PLS will be authorized to deploy same.

B. Only Department approved PLS will be authorized for use by trained members.

C. When not in use, the PLS will be stored in a designated, secure location that is only accessible by certified users.

D. When deploying the PLS a member will make a notification over the police radio that they are on scene.

E. The PLS should only be used when lesser levels of force have been unsuccessful or their use is inappropriate, as defined by the use of force continuum.

F. Use of PLS will be at the discretion of the authorized member once on scene, in accordance with current training and standard operating procedure guidelines and with supervisory approval when there is time to obtain approval. For situations involving crowd control/Mobile Field Force (MFF) authorization for use and deployment of the PLS will be obtained prior to its use from the Incident Commander or MFF Commander.

G. The member with the PLS should formulate a plan and be prepared to implement it. The plan should include, at a minimum:

1. Deadly physical force coverage by another member;
2. A takedown team of a least two (2) members;
3. Providing the subject with an opportunity to comply without risk to the safety of members or others.

VII. GUIDELINES-CONDUCTED ELECTRICAL WEAPONS (CEW)

A. Only those members who have successfully completed the specific Department approved training and have demonstrated proficiency in the use of CEW's will be authorized to deploy same.

B. Only currently approved Department CEW's will be authorized for use by trained members.

C. The CEW should only be used when lesser levels of force have been unsuccessful or their use is inappropriate, as defined by the use of force continuum. All applications of the TASER CEW are listed on the force continuum at level 3 on a subject who is demonstrating assaultive behavior.

D. Members are authorized to use CEW's on subjects who demonstrate "Assaultive Behavior" as defined by the use of force continuum. The CEW should only be applied to a handcuffed subject who is demonstrating "Assaultive Behavior" and there are one or more "Special Circumstance" present and other techniques/tactics were used and not effective and/or other techniques/tactics could not be reasonably attempted under the circumstances.

E. All persons subjected to a CEW shall be examined by ambulance personnel. If a real or potential medical emergency is identified by EMS personnel, the subject will be transported to a hospital by ambulance.. The subject must be transported to a hospital for treatment for the removal of probes, if utilized. The subject will remain in custody while that occurs.

F. Members will adhere to the procedures in the Taser Conducted Electrical Weapons (CEW) Standard Operating Procedure.

VIII. PROCEDURES

When a member discharges a firearm, whether on or off duty, other than for training, legal hunting, or target practice, or uses deadly physical force with any instrument, he will immediately notify the on-duty supervisor of his Division, Section or Unit and submit the required reports following guidelines listed in Attachment A.

A. If a firearm discharge is accidental or unintentional and did not injure anyone:

1. The member's supervisor will respond to the scene and ensure that an Incident Report documenting the particulars is completed.

2. The member's Section Platoon Commanding Officer will:

- a) Respond to the scene.
- b) Notify an on-duty supervisor within the area of occurrence if outside the jurisdiction of the City of Rochester.
- c) Conduct a preliminary investigation into the incident.

NOTE: If response to the scene is inappropriate due to the distance from the City of Rochester, the member's Section Platoon Commanding Officer will obtain preliminary information from the case coordinator of the investigating agency.

- d) Notify the Staff Duty Officer, if on duty, the Patrol Division Commander, if the incident occurred within his Patrol Division Command, and the member's Bureau/Section/Division Commanding Officer.

3. The Staff Duty Officer, Patrol Division Commander or member's Bureau/Section/Division Commanding Officer, will notify the Deputy Chief of Operations, and the Commanding Officer of the Professional Standards Section (PSS). 4. The Deputy Chief of Operations and Commanding Officer of PSS will: SUBJECT: ORDER# PAGE# Use of Deadly Physical Force 340 9 a) Make a determination based on the circumstances of the situation as to whether to respond to the scene. b) The Commanding Officer of PSS will document any non-response to the scene by the Deputy Chief of Operations or PSS personnel and make it a part of the PSS incident file. 5. All reports will be immediately forwarded through the chain of command, a copy of which will be forwarded to PSS. B. If the discharge of a firearm, which includes the less lethal shotgun, is directed at a person (whether or not that person is struck), or if as a result of any discharge, a person is injured or a death occurs: 1. The member's supervisor will: a) Respond to the scene. b) Call for medical assistance, if needed. c) Secure the scene and any evidence. d) Manage the scene by controlling access to it. Access is limited to: (1) Evidence Technicians (2) Major Crimes Investigations (3) PSS personnel (4) District Attorney's Office personnel NOTE: All others will be restricted and only allowed entry with the permission of the ranking officer at the scene or the assigned member of the Technician's Unit on-scene. e) Notwithstanding the need for medical attention, isolate and secure the involved member(s). Until directed to another location by a supervisor of the rank of Captain or higher, keep the involved member(s) at the scene or near the scene, out of view of the public, but accessible to responding Command Officers. SUBJECT: ORDER# PAGE# Use of Deadly Physical Force 340 10 f) Gather preliminary information from the involved member(s) as to circumstances of the incident. g) Establish a command post and staging area. h) Advise their on-duty Commanding Officer. i)

Immediately prepare and submit an Incident Report, Subject Resistance Report, RPD 1377, and any other reports so directed by the RPD. 2. The member's supervisor, or Section Platoon Commanding Officer, will notify the Staff Duty Officer if on duty, the Patrol Division Commander, if the incident occurred within his Patrol Division Command, and the member's Bureau/Section Commanding Officer. A response to the scene is required (whether the incident is on or off duty). If the scene is located outside the City of Rochester, the Patrol Division Commander or the member's Bureau/Section Commanding Officer, will determine whether to respond to the scene after considering: a) Apparent surrounding circumstances; b) Injuries to police and/or non-police personnel; c) Distance from the City of Rochester. 3. The Patrol Commander will: a) Immediately notify the Deputy Chief of Operations, the Commanding Officer of PSS, and the member's Bureau/Section Commanding Officer. a) Ensure that the involved member(s): (1) Receives medical assistance, if needed. (2) Is afforded privacy from inquiries from the public and all Departmental personnel not involved in the actual investigation of the incident. (3) Receives trauma crisis counseling as required in Section C below. SUBJECT: ORDER# PAGE# Use of Deadly Physical Force 340 11 b) Ensure that the involved member's supervisor is relieved from the scene if experiencing psychological trauma. c) Initiate and coordinate a preliminary investigation of the circumstances surrounding the incident (unless otherwise directed by established authority) and promptly report the results of the preliminary investigation to the member's Bureau/Division Commanding Officer, Deputy Chief of Operations, or the Chief of Police if applicable, according to the chain of command. d) Appoint supervisory personnel to make notify/transport of the involved member's significant others. e) Be responsible for ensuring the notify/transport functions, to include periodic MDC updates. NOTE: Only the appointed supervisor will conduct the notify/transport and periodic updates. f) Except as directed by the Chief of Police, ensure that the firearm used (and any related equipment), other than the less lethal shotgun when used in an incident which there was no serious physical injury or death, is secured by a supervisor or an Evidence Technician and that said firearm is properly rendered safe when secured. NOTE: If necessary, firearms will be placed in the Property Clerk's Office until the completion of any internal or legal proceedings; or, in the case of an accidental/unintentional discharge not resulting in damage or injury, until said firearm is examined by a Firearms Training Unit armorer and found to be functioning properly. The Firearms Training Unit staff will replace the weapon and equipment as directed by the Chief of Police or a Deputy Chief of Police. 4. The DCO and Commanding Officer of PSS will: a) Make a determination based on the circumstances of the situation as to whether to respond to the scene. SUBJECT: ORDER# PAGE# Use of Deadly Physical Force 340 12 b) The Commanding Officer of PSS will document any non-response to the scene by the Deputy Chief of Operations or PSS personnel and make it a part of the PSS incident file. 5. The reports will be forwarded through the chain of command to the Chief of Police prior to the conclusion of the tour of duty on which the incident occurred by the member or if the member is incapacitated, by their on-duty supervisor. 6. The Office of the Chief of Police will forward: a) The original case package to PSS. b) Copies to the Professional Development Section and Law Department. C. Critical Incident Counseling is mandated in all cases of use of deadly physical force: 1. On-scene and/or at any other location as directed by the Chief of Police or his designee. 2. At two week follow-up. 3. At six week follow-up. 4. At one year follow-up. 5. Other counseling as may be requested by the employee or directed by the Chief of Police. D. If a firearm discharge is directed at an animal: 1. The member's supervisor will submit an Incident Report. 2. The member's Section Platoon Commanding Officer will: a) Respond to the scene of the incident, and direct a thorough investigation. NOTE: Attachment A should be used as a guide when investigating the incident. b) Notify the Commanding Officer of PSS. SUBJECT: ORDER# PAGE# Use of Deadly Physical

Force 340 13 3. The Commanding Officer of PSS will: a) Make a determination based on the circumstances of the situation as to whether to respond to the scene and/or make further notifications. b) Document any non-response to the scene by PSS and make it a part of the incident file. 4. The supervisor will ensure that: a) An Evidence Technician responds to the scene for photos and recovery of any on-scene evidence. b) The City of Rochester's Animal Services (RAS) personnel are called to the scene of any animal shot in the City or which appears to be suffering from disease (e.g., rabies). c) If the animal has suffered a fatal wound and does not appear to be diseased: (1) The animal can be released to the owner for proper disposal; or (2) If the owner cannot be located or does not request custody of the animal, the City of Rochester Service Bureau will be notified for immediate pickup. A member should remain at the scene until the Service Bureau arrives, unless directed otherwise by a supervisor. (3) RAS will be the only means by which an animal is transferred to a designated animal hospital or veterinarian for euthanasia in incidents where the animal suffers from an untreatable/unsurvivable wound. NOTE: Owners may be allowed, if requested, to transport the animal. Members will not transport the animal. d) If the animal has suffered a non-fatal wound: SUBJECT: ORDER# PAGE# Use of Deadly Physical Force 340 14 (1) Allow the owner to transport the animal to their veterinarian for treatment; or (2) RAS personnel will transport the animal to: (a) The owner's veterinarian of choice within Monroe County if the animal has a treatable injury. (b) An approved emergency veterinarian service if the owner does not have a veterinarian of choice and the animal has a treatable injury. e) The Incident Report is forward through the normal distribution process, a copy of which will be forwarded to PSS. E. If the owner inquires about reimbursement for veterinarian fees or compensation for the animal, the supervisor will instruct the owner to contact the City of Rochester's Law Department office on the next business day to receive instructions on how to file a claim against the City. IX. ASSIGNMENT TO ADMINISTRATIVE DUTY A. When a member is involved in a shooting or other use of a countermeasure that results in serious physical injury or death, the Chief of Police or his designee will assign that member to administrative duty. The temporary placement to an administrative assignment does not imply the guilt or innocence of the member involved. 1. The administrative duty will not assign the member to duties that have a high potential for arrest and subject resistance incidents. 2. Administrative duty assignment will be made in the best interest of the Department and the member. B. When a member is assigned to administrative duty, they will: SUBJECT: ORDER# PAGE# Use of Deadly Physical Force 340 15 1. Refrain from routine exercise of patrol function arrest and intervention powers. 2. Refrain from any public discussion of their administrative assignment or circumstances related to the incident. 3. Retain all rights, privileges and employee benefits. 4. Retain responsibility for compliance with all laws, Departmental Rules and Regulations, General and Administrative Orders, and directives governing Department personnel. C. A member's return to full-duty status will be based upon the results of relevant investigations and the Chief's decision regarding these matters. Attachment SUBJECT: ORDER# PAGE# Use of Deadly Physical Force 340 16 APPENDIX FIREARMS DISCHARGE REPORTING GUIDELINES Any Crime, Incident, or subject Resistance Report relating to the discharge of a firearm or the use of deadly physical force by a member should include, but not be limited to, the following: 1. Nature of the incident; how dispatched and/or initial perception 2. Lighting and weather conditions 3. Whether the member was on or off duty / uniform or plainclothes 4. Circumstances leading to the discharge of the firearm (reason for use of deadly physical force) include any escalation of force, if applicable 5. Number of rounds fired by the member and adversary. If applicable, include succession of rounds fired 6. Description of firearm(s) used, if applicable, including: a) whether or not authorized service weapon b) type (e.g., revolver, semi-automatic, shotgun, rifle, etc) c) make, caliber and serial number d) number of

rounds (capacity and actual) e) type of ammunition used f) type of holster and whether Department issued g) pistol permit number, if applicable 7. A complete description of any instrument/weapon used by the officer other than Department issued firearms 8. Witness(es) contact data, including daytime and evening contact information, and witness(es) who may have seen only part or the entire incident 9. Name(s) and assignment(s) of members present at the scene with statements as to their involvement 10. Complete description of weapon(s) used by adversary and the weapons complete description 11. Suspect information in narrative should indicate any previous knowledge of suspect and any known tendencies towards violence