



## Division of Criminal Justice Services

### MEMORANDUM

TO: New York State Law Enforcement Agencies

FROM: Mary Schmitt, New York State Crime Reporting Program

DATE: December 31, 2019

SUBJECT: Defining Use of Force Reporting Incidents

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#### **REPORTING ALERT: DEFINING USE OF FORCE REPORTING INCIDENTS**

The Division of Criminal Justice Services (DCJS) convened a panel of key stakeholders to define the terms of reportable Use of Force incidents in order to assist agencies with reporting by providing clarity of the terms used in the statute. On December 4, 2019, the NYS Municipal Police Training Council (MPTC) endorsed these definitions for the Use of Force reporting. DCJS has updated the online reporting tool to accommodate the definitions for Use of Force reporting and will begin using these categories on January 1, 2020.

Effective immediately, the categories of reportable Use of Force incidents are as follows:

- **Display a chemical agent** – To point a chemical agent at a subject.
- **Use/Deploy a chemical agent** – The operation of the chemical agent against a person in a manner capable of causing physical injury.
- **Brandishes/Uses/Discharges a firearm** – The operation of a firearm against a person in a manner capable of causing physical injury.
- **Brandishes/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.
- **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.
- **Conduct that Resulted in Death**

- **Serious bodily injury** - Bodily injury that creates or causes:
  - a substantial risk of death; or
  - unconsciousness; or
  - serious and protracted disfigurement; or
  - protracted loss or impairment of the function of any bodily member, organ or mental faculty.

### **Updated Reporting Tool**

The online reporting tool, which includes the updated Use of Force categories and definitions, can be accessed by entering the following address in your web browser:



DCJS is currently developing a permanent data collection mechanism, which will be located on the IJ Portal and is anticipated to be completed in 2020. DCJS will inform all agencies when Use of Force incidents will be reported through the IJ Portal.

Please contact DCJS at [useofforce@dcjs.ny.gov](mailto:useofforce@dcjs.ny.gov) for more information and/or questions about the use of force reporting process. I hope that this information is helpful to you and your agency. Thank you.