



## Division of Criminal Justice Services

### MEMORANDUM

TO: New York State Police Departments and Sheriffs' Offices

FROM: Mary Schmitt, New York State Crime Reporting Program

DATE: October 26, 2020

SUBJECT: **REPORTING ALERT: IJ Portal Use of Force reporting interface to go live on December 1, 2020**

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Beginning December 1, 2020, all police departments and sheriffs' offices and the New York State Police must submit use of force incidents that occur **on or after November 1, 2020**, through a new Use of Force Reporting Interface accessible through the [eJustice New York Integrated Justice Portal \(IJ Portal\)](#).

Police departments and sheriffs' offices must use the existing data collection tool to report use of force incidents occurring **prior to November 1, 2020**. Agencies will have until **December 15, 2020** to submit new or update incidents that they have already reported. The existing data collection tool will be discontinued as of that date.

Agencies are expected to submit use of force incidents to the state Division of Criminal Justice Services (DCJS) no later than 30 days after a month ends (i.e. January data no later than the end of February).

#### **Use of Force Data Reporting Requirements**

As a reminder, state law (Executive Law 837-t) requires the chief of every police department, each county sheriff, and the superintendent of state police to report to DCJS any instance in which a police officer or a peace officer (Criminal Procedure Law 1.20.34 and 2.10) uses force.

The following Use of Force incidents must be reported:

**Display a chemical agent** - To point a chemical agent at a person or persons.

**Use/Deploy a chemical agent** - The operation of the chemical agent against a person or persons in a manner capable of causing physical injury as defined in Penal Law Article 10.

**Brandishes a firearm** - To point a firearm at a person or persons.

**Uses/Discharges a firearm** - To discharge a firearm at or in the direction of a person or persons.

**Brandishes an electronic control weapon** - To point an electronic control weapon at a person or persons.

**Uses/Deploys electronic control weapon** - The operation of an electronic control weapon against a person or persons in a manner capable of causing physical injury as defined in Penal Law Article 10.

**Brandishes an impact weapon** - To point an impact weapon at a person or persons.

**Uses/deploys an impact weapon** - The operation of an impact weapon against a person or persons in a manner capable of causing physical injury as defined in Penal Law Article 10.

**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 which results in the death or serious bodily injury of another person** - Serious bodily injury includes 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.

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.

### **Accessing the Use of Force Reporting Interface**

The Use of Force Reporting Interface is accessible through the [IJ Portal](#), a secure site that requires a username and password to access. All new requests for IJ Portal accounts must be coordinated through an agency's designated Terminal Agency Coordinator (TAC). TACs can use the "Feedback" link in the IJ Portal or email [portalhelpdesk@ejusticenyny.gov](mailto:portalhelpdesk@ejusticenyny.gov) with any questions about access.

Instructions for accessing the Interface and submitting monthly Use of Force incidents are attached and available on the DCJS website:

<https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/use-of-force.htm>