IRONDEQUOIT POLICE DEPARTMENT
GENERAL ORDER

<table>
<thead>
<tr>
<th>General Order: 315</th>
<th>Effective Date: February 26, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject: Use of Force</td>
<td></td>
</tr>
<tr>
<td>Reference Standards: 20.1, 20.6, 32.4, 40.2</td>
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</tr>
</tbody>
</table>

I. Purpose

A. To define the Irondequoit Police Department's policy regarding the justifiable use of force by officers.

B. To define the Irondequoit Police Department's policy regarding the proper documentation and reporting of use of force incidents.

II. Policy

A. Police officers, which includes all sworn personnel, may use only the level of force which is necessary and objectively reasonable in the performance of their duties. Any use of force must be within the limits established by Article 35 of the New York State Penal Law, and consistent with the training provided by the Irondequoit Police Department.

B. The Irondequoit Police Department will comply with NYS Executive Law § 837-t which mandates the reporting of specified use of force incidents to the Department of Criminal Justice Services (DCJS) for data collection purposes.

III. Definitions

A. **Brandish/Display** (a chemical agent, a weapon or a firearm)- Point such chemical agent, weapon, or firearm at a person.

B. **Deadly physical force**- Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious bodily injury. For the purpose of this General Order, the use of a chokehold by a subject or an officer will be deemed a use of deadly physical force.

C. **De-escalation**- Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force, or with a reduction in the force necessary.
D. Exigent circumstances- Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a subject, or some other consequence improperly frustrating legitimate law enforcement efforts.

E. Objective reasonableness- An objective standard of judging a particular application of force through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight. Such judgment should be based upon the totality of the facts that were known to the officer at the time that the force was used.

F. Physical injury- Impairment of physical condition or substantial pain.

G. Serious Bodily injury- Bodily injury which 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.

H. Unnecessary Force- Unnecessary force occurs when it is apparent that the type or degree of force employed was either unnecessary or inappropriate, or when utilizing any degree of force as summary punishment or vengeance.

I. Uses/Deploys/Discharges (a chemical agent, a weapon or a firearm)- Operates such chemical agent, weapon or firearm against a person in a manner capable of causing physical injury.

IV. Procedures

A. Carrying of equipment

1. Only department issued or approved equipment may be carried on duty and used when encountering resistance. Officers must be certified in the use of the following department issued and approved weapons in order to carry and utilize them:
   a) OC aerosol chemical agent.
   b) Monadnock PR-21 impact weapon.
   c) Taser X-26 & X-26P Electronic Control Weapons.
   d) Pepperball non-lethal chemical agent launchers.
   e) Firearms, pursuant to General Order 502.

2. The carrying or use of any instrument as a weapon not specifically authorized by the Chief of Police or issued by the Irondequoit Police Department is prohibited. Examples of unauthorized weapons include, but are not limited to blackjacks, weighted gloves, and brass knuckles. However, in emergency situations, an officer may use any resources at his/her disposal which are objectively reasonable to counter resistance or aggression.
B. Confrontational continuum (Attachment #1)

1. The use and amount of force utilized by an officer is based on the amount of resistance displayed by the subject. The use of force by an officer will escalate and de-escalate in relation to the level of resistance displayed by the subject.

   a) Level I

      (1) Verbal persuasion

         (a) The practice of courtesy in all public contacts encourages understanding and cooperation, while a lack of courtesy arouses resentment and often physical resistance. Simple directions that are complied with while escorting a subject are by far the most desirable method of dealing with an arrest situation. Control may be obtained through advice, persuasion, warnings and/or commands before resorting to actual physical force.

         (b) The mere issuance of verbal advice, persuasion, warnings and/or commands by an officer is not considered a use of force.

   b) Level II

      (1) Physical Techniques

         (a) Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. At this level, appropriate physical techniques include escorts, grabs, takedowns, ground stabilization, pressure points, and joint manipulation.

      (2) Aerosol chemical agents

         (a) Officers may utilize an Oleoresin Capsicum (OC) aerosol chemical agent when a subject is non-compliant. Aerosol Subject Restraints are to be used according to the techniques trained by this department.

      (3) Baton-control techniques

         (a) Monadnock PR-21 control techniques may be utilized in accordance with departmental training.

      (4) Pepperball launcher-dispersal techniques

         (a) For the purpose of dispersing a crowd, a supervisor may authorize a certified Pepperball launcher operator to utilize the department approved Pepperball non-lethal launchers to saturate an area with PAVA chemical agent Pepperballs. Supervisors should consider crowd behavior, entrances and exits from the area, and weather conditions before deciding to deploy the PAVA chemical agent Pepperballs for dispersing a crowd.
c) Level III

(1) Physical Techniques

(a) At this level, officers are permitted to utilize physical techniques to overcome active aggression and resistance, such as blocking and striking techniques.

(2) Baton-striking and blocking techniques

(a) Monadnock PR-21 striking and blocking techniques may be utilized in accordance with departmental training.

(3) Electronic Control Weapons

(a) The X26 & X-26P Advanced Tasers may be utilized in accordance with approved training and techniques.

(4) Pepperball launcher

(a) The department approved Pepperball non-lethal launchers may be utilized in accordance with approved training and techniques to deploy a chemical agent against individuals for the purpose of controlling uncooperative or threatening persons. The Pepperball launcher operator must be cognizant of his/her target and what is beyond it. The subject's eyes, face, throat, groin and/or spine should never be an intended target.

d) Level IV

(1) Lethal weapons

(a) An officer may utilize a firearm, or any weapon, instrument, and/or means necessary to defend himself/herself or another person when the use of deadly physical force is justified.

C. Prohibited uses of force

1. Physical force must not be used:

a) Against a person in restraints, except as reasonable to prevent their escape, or prevent imminent bodily injury to that person, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.

b) To extract an item from the anus or vagina of a subject without a search warrant, except where exigent circumstances are present.

c) To coerce a confession.

d) 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.
2. The use of indiscriminate force is prohibited.

D. Use of force

1. Pursuant to the Fourth Amendment, an officer may only use the level of force that is objectively reasonable under the circumstances. Factors that determine the objective reasonableness of the level of force used include, but are not limited to:

   a) The severity of the crime or circumstances.
   
   b) The level and immediacy of resistance or threat posed by the subject.
   
   c) The potential for injury to the public, the officers involved, and the subject.
   
   d) The level of risk or the attempt of the subject to escape.
   
   e) The training, experience, and knowledge of the officer.
   
   f) The age, size, strength and skill level of the officer and the subject.
   
   g) The injury, disability, or exhaustion level of the officer and subject.
   
   h) The number of subjects and number of officers involved.
   
   i) Ground fighting, or proximity of the subject to the officer's firearm.
   
   j) Environmental conditions.
   
   k) Exigent circumstances.

2. Generally, officers may use force to:

   a) Effect a lawful arrest or detention of an individual.
   
   b) Prevent the escape of a person from custody.
   
   c) Defend one’s self or another.
   
   d) Prevent a person from harming himself/herself.

3. Pursuant to NYS Executive Law § 837-t a use of force incident requiring mandatory reporting to DCJS occurs whenever a police officer:

   a) Brandishes, uses or discharges a firearm at or in the direction of another person.
   
   b) Uses a chokehold or other similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air.
   
   c) Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray, or tear gas.
d) Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy.

e) Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long-range acoustic device.

f) Engages in conduct which results in the death or serious bodily injury of another person.

4. In addition to the incidents defined in NYS Executive Law § 837-t, the Irondequoit Police Department deems that a police officer has engaged in a use of force whenever he/she:

   a) Utilizes physical force and/or other defensive tactics, including but not limited to active countermeasure and/or pressure point controls.

   b) Applies a hobble restraint to the legs of a subject.

   c) Uses handcuffs as an appliance to exert pressure necessary to control a subject.

E. Use of deadly physical force

1. A police officer is authorized to use deadly physical force to protect himself/herself or another person from what the officer reasonably believes to be the imminent threat of death or other serious bodily injury.

2. A police officer is authorized to use deadly physical force to stop a fleeing felon when:

   a) The officer has probable cause to believe that the subject has committed a felony involving the threat or infliction of death or serious bodily injury; and

   b) The officer reasonably believes the subject still poses a threat of serious bodily injury or death to the officer or the public.

3. When reasonably possible, an officer should provide a verbal warning prior to using deadly physical force.

F. Duty to intervene

1. Every officer must prevent or stop the use of unnecessary force by another officer when it is safe and reasonable to do so.

2. Every officer who observes another officer use unnecessary force must promptly report these observations to his/her immediate supervisor.
G. Officer responsibilities following a use of force incident

1. Following a use of force, the officer must immediately arrange for medical attention or treatment for that person upon whom the force was used when:

   a) The person has a visible injury.

   b) The person complains of injury or discomfort, or requests medical attention.

   c) A chemical agent was utilized.

   d) An Electronic Control Weapon was utilized.

   e) A Pepperball launcher projectile was utilized against an individual.

   f) The officer feels that medical attention is necessary.

2. Persons refusing medical treatment at the scene must be still be transported to a hospital. An officer will not be relieved of the duty to arrange for medical attention or treatment for a subject unless that person refuses medical treatment to attending hospital medical personnel. The officer will retain a copy of the hospital form used to document the refusal of medical treatment, if any exists. This refusal and the witnesses present must also be noted on the officer’s report.

3. The officer must notify his/her supervisor of the incident as soon as reasonably possible.

   a) In the case of off-duty incidents, the officer must notify the on-duty supervisor as soon as reasonably possible.

   b) If the incident is outside the Town of Irondequoit, the officer must also make a report to the police agency of the jurisdiction in which the incident occurred.

4. The officer must attempt to locate and identify any witnesses and document their statements.

5. The officer must complete and submit all required reports.

H. Supervisor responsibilities

1. For on-duty uses of force, other than the mere display of a chemical agent, or the mere brandishing of a firearm, impact weapon, or electronic control weapon, the on-duty supervisor must:

   a) Immediately respond to the scene of the incident if within Monroe County.

   b) Notify the Captain-Operations Division. If the scene is outside Monroe County, the Captain - Operations Division will determine the department’s response.

   c) Ensure that all necessary medical attention is provided.
d) Ensure that an Evidence Technician responds to the scene to evaluate the level of relevant technical services needed. At the least, photographs of the subject, scene, and any other relevant evidence should be taken by an Evidence Technician. A photograph showing no injury may be as important as one that shows injuries.

e) Determine if the CIU should be notified and requested to respond to the scene.

f) Ensure that a thorough investigation is conducted, and all reports are prepared and submitted.

(1) The supervisor shall conduct a thorough preliminary investigation into the use of force incident, ensuring proper handling of the subject, collection and documentation of physical evidence, and documentary evidence as well as securing all evidentiary statements from any witnesses or persons with knowledge.

(2) If an officer is unable to complete reports due to injuries, the supervisor must prepare or cause to be prepared the necessary reports and documents required to ensure the commencement of prosecution for the subject.

g) Ensure that any officer injuries are brought to the attention of the judge upon arraignment of the subject.

2. If an officer utilizes deadly physical force and the event occurs within Monroe County, the on-duty supervisor must:

a) Respond to the scene.

b) Ensure the immediate notification of the Captain Operations Division, the Investigative Supervisor and the platoon Lieutenant. The Captain – Operations Division will notify the Chief of Police.

c) Ensure that all necessary medical attention is provided.

d) Ensure that the involved officer:

(1) Receives medical assistance, if needed.

(2) Is afforded privacy from inquiries from the public and law enforcement personnel not involved in the actual investigation of the incident.

(3) Is allowed to contact a representative from the Nightstick Club, P.B.A., Inc., and a lawyer.

e) Conduct a preliminary investigation of the circumstances surrounding the incident, and promptly report the results of the preliminary investigation to the Chief of Police.

f) Determine if an Evidence Technician should respond to the scene and the level of technical services to be utilized.
3. If an officer utilizes deadly physical force and the event occurs outside Monroe County, the on-duty supervisor must ensure the immediate notification of the Captain-Operations Division, the Investigative Supervisor and the platoon Lieutenant.

   a) The Captain – Operations Division must notify the Chief of Police.

   b) The Captain-Operations Division must ensure the immediate notification of the Nightstick Club, P.B.A., Inc. president, or another union representative in the case that the president is unavailable.

   c) The Captain Operations Division will decide the department's response. The Captain- Operations Division will consider the following:

      1. Apparent circumstances.

      2. Injuries to police officers and/or non-police personnel.

      3. Distance from Town of Irondequoy.

I. **Custody of evidence**

1. If an officer uses deadly physical force, or if a person received serious bodily injury or was killed as a result of a use of force by an officer within the Town of Irondequoy, the department will take custody of any firearm, related equipment, weapon, or object utilized by the officer.

2. If an officer uses deadly physical force, or if a person received serious bodily injury or was killed as a result of a use of force by an officer outside the Town of Irondequoy, the department will only take custody of any firearm, related equipment, weapon, or object utilized by the officer if the local investigating law enforcement agency does not.

3. An on-duty supervisor or Evidence Technician must take custody of all evidence. Evidence may include but is not limited to the officer's departmental issued firearm, weapons, ammunition and related leather goods.

   a) Any firearm or other weapon will be made safe.

   b) Proper documentation must be made of all items taken via notes, reports, photographs, etc.

   c) A member of the firearms staff will replace any department issued firearm, weapon and/or equipment.

4. All items must be placed in the custody of the Property Office pursuant to General Order 480 until:

   a) Authorized for release by the Monroe County District Attorney's Office and the Chief of Police; or

   b) The termination of any internal or legal proceedings.
J. Reporting procedures

1. Officers

   a) Any officer using force must complete a Subject Management Resistance Report (Attachment #2). When more than one officer is involved in a use of force incident, each officer will complete the SMRR outlining his/her involvement in the incident. A copy of all SMRRs must be attached to and made a part of the corresponding arrest package.

   b) Any officer using force must complete the appropriate reports for the incident as outlined in General Order 615. In addition to the elements of the incident, the narrative of the report must detail the actions or behavior of the subject that initiated the subsequent use of force and the techniques used by the officer to stop a threat and/or effect a lawful arrest or detention.

   c) Officers must forward a copy of all related reports to the reviewing supervisor for approval.

2. Supervisors

   a) Any on-duty supervisor investigating a use of force incident must complete an Investigative Action Report detailing his/her involvement in the incident.

   b) The on-duty supervisor must ensure that any officer injuries are properly documented on a Standard Incident Report and on C-2 & C-3 reports.

   c) The on-duty supervisor must forward a complete copy of the approved arrest package, including all original SMRRs and copies of all related reports to the Captain- Operations Division.

3. Chief of Police

   a) The Chief of Police or his/her designee must ensure that all use of force incidents defined under NYS Executive Law § 837-t are reported to DCJS in the manner prescribed by DCJS. The current DCJS online reporting tool will be listed in supervisory segment of the SMRR.

K. Assignment to administrative duty

1. The Chief of Police or his/her designee will assign an officer to administrative duty after a use of force when that officer has:

   a) Used any level of force which resulted in death or serious bodily injury to another person.

   b) Used deadly physical force.

   c) Violated any provisions of this General Order; or

   d) When deemed necessary by the Chief of Police or his/her designee.
2. The assignment to administrative duty does not imply guilt nor innocence of the officer involved. Administrative duty assignments will be made in the best interests of the department and the officer. The administrative duty will not place the officer in a position where the use of force may be necessary due to the nature of the assignment.

3. When an officer is assigned to administrative duty, he must:
   
a) Refrain from routine exercise of police arrest and intervention powers.
   
b) Refrain from any public discussion of his administrative assignment or the circumstances related to the use of force.
   
c) Retain all rights, privileges and employee benefits.
   
d) Retain responsibility for compliance with all laws, department rules and regulations, General Orders, and directives governing department personnel not specifically exempted by this order.

4. The officer will remain on such assignment until notified otherwise by the Chief of Police.

L. Review and disposition

1. Upon receipt of the arrest package and SMRR the Captain-Operations Division, or his/her designee, and a training officer will review them. The review process must include but not be limited to the following:
   
a) Reviewing the reports documenting the use of force.
   
b) Reviewing the retention of training and application of tactics in subduing an uncooperative subject.
   
c) Determining if the use of physical force was within department guidelines.
   
d) Determining if there is a need for remedial, reinforced, or additional training.

2. The Captain-Operations Division or his/her designee must forward a copy of the SMRR and all accompanying reports to the Chief of Police. The Captain-Operations Division or his/her designee will report the findings of the investigation to the Chief of Police and make recommendations as to what actions, if any, need to be taken. The Chief of Police may implement any recommendations or other actions deemed necessary.
By Order of the Chief of Police

Richard V. Tantalo
Chief of Police
Dated this 26th day of February 2020
IRONDEQUOIT POLICE DEPARTMENT

CONFRONTATIONAL CONTINUUM

I. Polices and training should reflect the simple premise that the objectively reasonable use of force by an officer is based upon the resistance displayed by the subject, and control is perception based on training and experience.

II. The Confrontational Continuum is an escalation and/or de-escalation of force which is directly related to the resistance displayed by the subject.

   A. Level I: Permits the officer to utilize verbal persuasion.

   B. Level II: Permits the officer to seek compliance by utilizing unarmed physical techniques, aerosol weapons, baton control techniques, and/or Pepperball launcher dispersal techniques.

   C. Level III: Permits the officer to overcome a subject's resistance and/or active aggression utilizing unarmed blocking and striking techniques, baton blocking and striking techniques, a departmental approved Conducted Electrical Weapon, and/or a departmental approved Pepperball Launcher.

   D. Level IV: Permits the officer to stop the subject's actions with the use of deadly physical force.

IV. Factors that may cause an officer to escalate very rapidly through the continuum include but are not limited to:

   A. The severity of the crime or circumstances.

   B. The level and immediacy of resistance or threat posed by the subject.

   C. The potential for injury to the public, the officers involved, and the subject.

   D. The level of risk or the attempt of the subject to escape.

   E. The training, experience, and knowledge of the officer.

   F. The age, size, strength and skill level of the officer and the subject.

   G. The injury, disability, or exhaustion level of the officer and subject.

   H. The number of subjects and number of officers involved.

   I. Ground fighting, or proximity of the subject to the officer's firearm.

   J. Environmental conditions.

   K. Exigent circumstances.

The confrontational continuum is designed to assist officers in understanding and articulating the levels of force used based on the level of resistance they encounter.
## Irondequoit Police Department
### Subject Management Resistance Report

**Date:**

**Time:**

**Incident location:**

**DOB:**

**Age:**

**Race:**

**Ethnicity:**

**Ht:**

**Wt:**

**Subject:**

**Response to unlawful or suspicious activity**

**Executing arrest**

**Routine patrol other than traffic stop**

**Traffic stop**

**Transporting/holding arrestees**

**Service of a warrant**

**Service of a court order**

**Follow-up investigation**

**Demonstration**

**Medical, mental health, or welfare assist**

**Other**

**Unknown and is unlikely to ever be known**

### Apparent condition of subject:

- **Sober**
- **Alcohol impairment**
- **Drug impairment**
- **Abnormal behavior (describe):**

### Subject noticeably injured prior to incident?

- **No**
- **Yes (describe):**

### Subject's actions/resistance:

**Verbal threats**

**Non-verbal intimidation**

**Failure to adhere to verbal commands**

**Passive resistance (dead weight)**

**Defensive resistance**

**Active aggression (strike, kick, etc.)**

**Armed aggression (weapon or instrument)**

**Other**

### Did officer brandish any of the following? (check all that apply)

- **No**
- **Yes:**
  - **Chemical agent**
  - **Impact instrument**
  - **Taser/ECW**
  - **Firearm**

**Yes = Mandatory NYS reporting**

If yes and no other force was utilized, check here & skip to officer's role & name boxes on page 2.

### Defensive tactics utilized by officer

<table>
<thead>
<tr>
<th>Order used</th>
<th>Yes</th>
<th>No</th>
<th>Tactic</th>
<th>Not effective</th>
<th>Somewhat effective</th>
<th>Effective</th>
<th>Notes for report narrative</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Verbal commands</td>
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<td>specific commands and suspect's response</td>
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<td></td>
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<td>Joint manipulation/pressure point</td>
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<td>subject's position and technique utilized</td>
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<td>Empty hand</td>
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<td>subject's position and technique utilized</td>
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<td></td>
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<td>Hobble</td>
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<td>kicks at person/property? where on legs applied?</td>
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<td>*</td>
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<td>*</td>
<td>Chokehold</td>
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<td>justification for use of deadly physical force</td>
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<td>*</td>
<td>*</td>
<td>*</td>
<td>Chemical agent</td>
<td></td>
<td></td>
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<td>subject's actions; target area; approx. duration, # of bursts</td>
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<td>Taser/ECW</td>
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<td>subject's actions; drive stun or cartridge probe; # of cycles; Taser and cartridge serial #s</td>
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<td>Impact Instrument</td>
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<td>subject's actions; technique used; offensive or defensive use; target areas</td>
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<td>Other:</td>
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### Subject injured during incident?

- **No**
- **Yes (describe):**

### Injury level after incident:

- **Complaint of pain/injury**
- **Physical injury**
- **Chemical agent exposure**
- **Taser contact**
- **Other:**
  - **Serious bodily injury**
  - **Death**

### Medical attention at scene?

- **No**
- **Yes (by):**
  - **Subject refused**

### Transport from scene by?

- **No transport**
- **Police vehicle #**
- **Ambulance (name):**
- **Other (describe):**

### Medical facility information:

- **Hospital name:**
- **Attending medical professional's name:**

### Treatment synopsis:

- **No treatment**
- **Treated and released**
- **Admitted**
- **Subject refused - Time of refusal:**
- **Witness to refusal:**

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**Last updated 2/25/20**
## Irondequoit Police Department

### Subject Management Resistance Report

**Witnesses**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone#</th>
<th>Civilian</th>
<th>Police</th>
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**Was supervisor notified?**
- Yes (by): [ ]
- No - (reason): [ ]

**Did supervisor respond to scene?**
- Yes (by): [ ]
- No - (reason): [ ]

**Injury to officer?**
- Yes (describe): [ ]
- No - (name): [ ]

**Tech work completed?**
- Yes (by): [ ]
- No - (reason): [ ]

**Arrest or detention made?**
- Yes - Charges: [ ]
- No - Release approved by: [ ]

**Reports completed:**
- SIR [ ]
- Addendum [ ]
- I/A [ ]
- MHA [ ]
- POR [ ]
- PCR [ ]
- MVA [ ]
- UTT [ ]
- AIR [ ]
- Other [ ]

**Does BWC footage exist?**
- Yes [ ]
- No (explain in report) [ ]
- BWC email request sent to CIU by: [ ]

**Reporting officer's role:**
- Primary Officer [ ]
- Assisting Officer [ ]

**Reporting officer's name & rank:**

**Reporting officer's signature:**

**IBM #:**

**Date:**

**Reviewing supervisor's name & rank:**

**Reviewing supervisor's signature:**

**IBM #:**

**Date:**

**Final reviewer's name & rank:**

**Final reviewer's signature:**

**IBM #:**

**Date:**

---

**For completion by reviewing supervisor**

**Mandatory NYS reporting required?**
- No [ ]
- Yes - Completed by: [ ]

**Mandatory NYS reporting website: REDACTED**

**C2/C3 & SIR required?**
- No [ ]
- Yes - Completed by: [ ]

**CR #:**

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Last updated 2/26/20