

Columbia University

Department of Public Safety
"Pride-Professionalism-Service"

Operations Memo No. 1 s.2019

August 30, 2019

From: James F. McShane, Vice President for Public Safety

To: All Supervisors, Department of Public Safety

Subject: DEPARTMENT OF PUBLIC SAFETY USE OF FORCE POLICY

PURPOSE:

The purpose of this memo is to reiterate the guidelines for the use of force by members of the Columbia University Department of Public Safety based on Article 35 of the New York State Penal Law and rules promulgated by the Vice President for Public Safety.

POLICY:

It is the policy of the Department of Public Safety that members will only use physical force that is reasonably necessary to bring an incident under control, while protecting the lives and safety of the member and others present and within the allowable guidelines of Article 35 of the New York State Penal Law.

An awareness and understanding of the rights, duties, and limitations of a member will result in increased Department effectiveness, reduced liability for the University, and prevention of injuries.

In general terms, physical force is authorized to be used when reasonably believed to be necessary to effect a lawful detention, prevent the escape of a suspect, in defense of property or in defense of one's self or another. Force may only be used as is "objectively reasonable" under the circumstances.

Whenever feasible, members should attempt to de-escalate confrontations with the goal of resolving encounters without force. Members should only use force that is necessary, objectively reasonable, proportionate to the circumstances, **and as a last resort.**

All members are responsible and accountable for the proper use of force.

DEFINITIONS:

DE-ESCALATION - Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., clear calm communication, requesting a supervisor, additional members and/or resources such as NYPD, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

OBJECTIVELY REASONABLE STANDARD - The reasonableness of the use of force is based upon the totality of the circumstances known by the member at the time of the use of force.

PHYSICAL FORCE – Force used upon or directed toward the body of another person and includes confinement.

EXCESSIVE FORCE - Use of force that is greater than that which a reasonable member, in the same situation, would use under the circumstances that existed and were known to the member at the time force was used.

PROHIBITED CONDUCT:

Members of the Department of Public Safety **SHALL NOT**:

- (a) Use physical force except as reasonable and necessary
- (b) Use any level of force to punish, retaliate or coerce a subject to make statements
- (c) Use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault
- (d) Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs
- (e) Use a baton or any other unauthorized dangerous instruments

PROCEDURE:

Public Safety Member

1. Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody.
2. Immediately request a supervisor to respond, as soon as appropriate and safety permits.
3. Utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, and increase the likelihood of gaining the subject's voluntary compliance.
4. Isolate and contain the subject, if appropriate.
5. Request additional members, as necessary, to control situation.
6. Request the response of the NYPD, if appropriate.

Member should consider whether a subject's lack of compliance is a deliberate attempt to resist, or alternately, an inability to comply, resulting from factors including, but not limited to, medical condition, mental impairment, developmental disability, physical limitation, language barrier, and/or drug interaction.

Supervisor

7. Assume command of the incident and coordinate the use of de-escalation techniques, if appropriate and consistent with members safety.
8. Determine if the response of the NYPD is required and, if so, have the NYPD notified.
9. If restraint of the subject is necessary, devise a tactical plan with members present to restrain the subject while minimizing the possibility of injury to members, the subject, and bystanders.
10. If the subject is injured or ill, ensure subject receives proper medical attention **immediately**.

Public Safety Member Continued:

11. Apply no more than the reasonable force necessary to gain control.
 - a. Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe.
12. Assess the situation continually and adjust the use of force as necessary.

All members must intervene to stop other members from using excessive force. Failure to intervene in the use of excessive force, or to report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in discipline, up to and including termination.

13. The use of handcuffs is authorized when making an arrest or to prevent someone from injuring themselves or someone else.
14. Position the subject to promote free breathing, as soon as safety permits, by sitting the person up or turning the person onto his/her side.
15. Observe the subject closely for injuries, signs of serious illness, or difficulty breathing.
16. Whenever any level of force is used, inquire if subject requires medical attention and document response to inquiry in Memo Book.
17. Notify supervisor regarding the use of force, the reason force was used, and injury to any person involved.
18. Document use of force in Memo Book.

Resource Materials:

Columbia University Department of Public Safety Procedural Guide; Section-600-02 pgs. 68-71. New York: 2012. Print.

New York State Department of Criminal Justice Services -Use of Force; Model Policy pgs. 1-6.
New York: 2019. Print

New York Police Department Patrol Guide; Force Guidelines, Section-Tactical Operations, Procedure No: 221-01 pgs. 1-4. New York: 2019. Web.

New York Police Department Patrol Guide; Force Guidelines, Section-Tactical Operations, Procedure No: 221-02 pgs. 1-4. New York: 2019. Web.

IACLEA Accreditation Standards Manual. Use of Force, Model Policy, pgs. 25-26. Maryland: 2015. Print

Camden County Police Department; Use of Force Policy; Vol. 3, Chap. 2, pgs. 1-18. New Jersey: 2013. Print

Federal Law/Case Law:

Fourth Amendment, US Constitution (1791)

Graham v. Connor, § 490 US Code, 386 at 396 (1989)

Scott v. Harris, § 550 US Code, 372 (2007)

Terry v. Ohio, § 392 US Code (1968)

Tennessee v. Garner, § 471 US Code, (1) (1985)

State Laws/Definitions:

NY Penal Law § 35, 35.15, 35.20, 35.25, 35.30 (4) (McKinney 2013)

NY Penal Law § 10 (McKinney 2013)