



**Onondaga County Sheriff's Office
Written Directive**

SUBJECT MANAGEMENT

Number: POL-042 **Date Effective: 08/27/2020** **Pages: 14**

Policy **All** **Police** **Custody** **Civil** **Correction**

Supersedes: 11/23/11, 11/21/14, 06/03/15, 10/03/16, 09/30/2019, 11/04/19, 12/23/19, 01/21/20, 07/15/20

Authority: Chief, Police Department

Date:
08/27/2020

I. POLICY

It is the policy of the Onondaga County Sheriff's Office Police Department to authorize and establish guidelines regarding Subject Management.

II. OBJECTIVE

To provide guidance to members of the Onondaga County Sheriff's Office Police Department for the handling of incidents in which Subject Management becomes necessary. It is also the objective of this written directive to outline the requirements for Subject Management reporting, investigation, review and archiving.

III. DEFINITIONS

- A. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
- B. **Physical Force** - Physical force used by a member upon another person, which under the circumstances in which it is used, is readily capable of causing physical injury to that person.
- C. **Physical Resistance** - This refers to behaviors that physically counteract or resist an officers attempt to control a subject.
- D. **Physical Aggression** - This refers to behaviors that demonstrate active signs of aggression towards the officer and a willingness to fight the officer.

- E. Physical Injury - Means impairment of physical condition or substantial pain
- F. Serious Physical Injury - Physical injury which creates a substantial risk of death, or which causes death or serious and protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- G. Less Lethal Force - Any use of force other than that which is considered deadly force.
- H. Mechanical Assistance - The use of any object other than personal weapons to gain or re-gain control.
- I. Maximum Restraint - Describes a technique facilitated through the use of two or more hobble restraint devices attached at the waist and feet to control handcuffed subjects who are violent, continue to resist or kick.
- J. Minimum Restraint - Any authorized use of the hobble restraint other than that which is considered maximal restraint.
- K. Draw and Direct - Shall describe the display of a mechanical assistance tool (e.g., AR, TASER (CEW) or Firearm) as a threat of force to gain compliance of the subject where resistance, assault and/or violent behavior are reasonably anticipated.
- L. Exhibit - Shall mean when mechanical assistance is displayed directly at a subject by a member just prior to deployment or, when it is displayed by a member as a "Draw and Direct" weapon during an authorized use of the threat of force. The mere fact that a mechanical assistance tool is in hand at a low ready or a depressed position does not constitute "exhibit".
- M. Deployment - Shall describe circumstances during which a member makes mechanical assistance operational. For example, the intentional discharge of the TASER (CEW) at or toward a subject using either probes or drive stun mode.
- N. Primary Service Member - Shall identify the member who successfully deescalates an event by threat of force via mechanical assistance or shall identify the member who successfully contacts, subdues and controls a subject either through physical skill and ability or the successful deployment of mechanical assistance. During a multiple member involved event, the member who successfully deploys mechanical assistance shall be identified as the Primary Service Member.
- O. Involved Member - Shall describe a sworn member of any rank or assignment, whose use of deadly physical force has caused physical

injury, serious physical injury or death to another person.

- P. Witness Member - Shall describe a sworn member of any rank or assignment who witnesses the deployment of deadly physical force by an Involved Member.
- Q. Garrity Statement - A Garrity statement is a compelled statement. When Garrity is administered, the subsequent statement may only be used for internal investigation purposes, not for criminal prosecution.
(Garrity v New Jersey, U.S.S.C., 1967)
- R. Public Safety Statement - A "Public Safety Statement" is a compelled statement, in which a supervisor orders an "Involved Member" to answer up to twelve (12) standardized questions directly related to an "Involved Member's" use of deadly physical force. Sworn supervisors shall have the Public Safety Statement form immediately available. The supervisor obtaining the Public Safety Statement from the Involved Member must be of a higher rank than the member to whom the order was given. The questions on the Public Safety Statement are brief and very specific and the on-scene or first arriving supervisor shall ask the Involved Member these questions at the scene of the deadly physical force incident as soon as reasonably safe to do so. Given the specific scope of the Public Safety Statement, the supervisor is not permitted to deviate from the list of questions and will write the answers given directly on the form. The Involved Member(s) will answer the questions on the form to the best of his/her abilities. The supervisor will act on the information provided as soon as possible. The supervisor may be required to submit a sworn written affidavit as to what they were told by the Involved Member(s).
- S. Objectively Reasonable – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.

IV. DEFENSIVE TACTICS AND PRINCIPALS OF CONTROL

Defensive control tactics and principals of control have been developed to explain the various levels of resistance and levels of force that may take place during a subject management incident.

- A. When applying the defensive control tactics and principals of control, the totality of the circumstances involved during the incident must be considered. Members may initiate the level of force necessary that is objectively reasonable based on the totality of the circumstances faced at

that time. Circumstances that may influence the level of force used by the member may include, but are not limited to:

1. The nature of the offense.
2. The behavior and actions of the subject, such as resistive actions, aggressive acts, etc. as reasonably perceived by the member at that time.
3. Physical size and conditioning of the subject and the service member.
4. The feasibility and availability of alternative responses.
5. The availability of additional service members.

B. The Levels of Resistance

1. Compliant

This refers to a subject who is obeying without physical resistance the lawful orders of the officer. This subject is obeying verbal commands and not physically resistive.

2. Passive Resistance

This refers to a subject who is non-compliant in their actions, but does not demonstrate resistance. This subject is not obeying verbal commands, but is not physically resistive.

3. Active Resistance

This refers to a subject who physically attempts to counteract an officers attempt to physically control them. This subject is not obeying verbal commands and is physically resistive.

4. Combative

This refers a subject who is showing active signs of aggression towards the officer and has a willingness to fight the officer. This subject is not obeying verbal commands and is physically resistive and physically aggressive.

5. Deadly Physical Force

This refers to a subject who demonstrates assaultive acts of aggression toward the officer or another person that is likely to cause serious physical injury or death.

C. The Levels of Control

1. Presence

This level reflects the fact that sometimes all that is needed to control a situation is the presence of an officer.

The purpose of this mode is to present a visible display of authority.

2. Dialogue

This level reflects the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to persuade subjects to comply with an officer's lawful directives.

3. Control Tactics

This level reflects a wide range of tactics and tools for controlling subjects. Tactics such as escort holds, grab control, pressure points, and control devices fall into this group.

This includes both empty hand techniques such as applying an escort hold or directing a subject to the ground, and tools such as Aerosol Subject Restraints (ASR) and conducted energy weapon (CEWs).

- a. Aerosol Subject Restraints - ASR can provide a means of suspect control and/or defense when the member is facing a verbally non-compliant suspect, who the member reasonably believes physically capable of carrying out a verbal threat, or when the member is facing resistance at the level of defensive resistance or greater.
- b. Taser -The Taser is a less lethal conducted energy weapon (CEW) that deploys an electro muscular disruption charge that affects the sensory and motor functions of the central nervous system. The Taser (CEW) is exhibited in situations where the suspect presents an imminent physical threat to himself, a service member or others.

4. Protective Tactics

This level includes tactics and tools to protect an officer while also managing continuing resistance. The tactics include focused strikes, punch defense, takedowns, ground control, and baton strikes.

The difference between the Protective Tactics category and the Control Tactics category is that with Protective Tactics the purpose is not only to control the subject, but also to protect the officer.

- a. Impact Weapons - A straight or expandable baton can provide a means of protecting the member or others from injury. The use of an impact weapon is a means of controlling a subject when the member is facing resistance and the member's empty hand control has failed or is insufficient to overpower the resistance. An impact weapon is also a means of controlling a subject when the member is facing active resistance, combative resistance, or deadly physical force.
- b. Less Lethal Munitions - Describes specialized less lethal munitions such as kinetic energy impact rounds (Bean Bag); AR, CN (chloroacetophenone) and CS (orthochlorobenzalmononitrile), an AR/CS hybrid or HC (smoke) chemical agents. The use of the kinetic energy impact round is restricted to instances of suspect resistance at the combative resistance or deadly physical force levels. Impact rounds are authorized in instances where an individual is causing serious or life threatening injury to himself or is threatening to cause such injury. The goal of deploying AR, CN, CS, AR/CS or HC chemical agents, whether delivered by penetrating round, blast, fog or pyrotechnic means, is to temporarily incapacitate the suspect to attain compliance and control. Members of service may utilize chemical agents when no other reasonable means of suspect control may be asserted without endangering the life or safety of the members or others.
- c. Canine - Tactical deployment of police canine is intended to encompass use of the dog in situations such as, but not necessarily restricted to the apprehension of armed or dangerous suspects, whether or not a track is involved; response to reports of a felony in progress; burglar alarms, open doors and building searches; civil unrest, riots or crowd control. The mere presence of a police canine at the scene of an incident does not constitute deployment. Deployment will only have occurred if the canine is actively brought to the fore and utilized in a controlling, threatening or physically engaging manner.

5. Deadly Force:

This level represents the highest level of force available to law enforcement officers. A use of force that is likely to cause serious physical injury or death.

V. PROCEDURE

The Onondaga County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting members with the lawful authority to use reasonable force and to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this Office that members shall use only that force that is objectively reasonable (see *Graham vs. Connor*, U.S.S.C., 1989) to effectively bring an incident under control, while protecting the lives of the member and others. As an alternative and/or the precursor to the actual use of force and with the intent to stabilize and de-escalate an incident, members may verbally announce their intent to use force in order to foster compliance from a non-compliant subject. Members may exhibit an authorized weapon as a threat of force. The threatened use of force shall only occur in situations that a member reasonably believes may result in the authorized use of force.

A. Parameters for use of deadly physical force:

1. Members are authorized to use deadly physical force in order to protect the member or others from what is reasonably believed to be a threat of death or serious physical injury. Members are authorized to use deadly physical force in accordance with Article 35 of the NYS Penal Law, *Tennessee v. Garner* and Sheriff's Office rules, regulations, policies and procedures as they pertain to the use of force.
2. Neck Restraint - Members of the Sheriff's Office shall not use any form of a carotid or lateral neck restraint unless the use of deadly physical force is authorized by Article 35 of the NYS Penal Law and Sheriff's Office Policy.
3. A member's flashlight is not to be utilized as an offensive or defensive weapon except in the extreme case when no other means is readily available.
4. In addition to the circumstance listed in V. A. 1. of this written directive, a member may discharge a weapon under the following circumstances:
 - a. During firearms training and range practice or competitive sporting events.

- b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
5. Members shall adhere to the following restrictions when their weapon is exhibited:
- a. Except for maintenance or during training, members shall not exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this procedure.
 - b. Warning shots are prohibited.
 - c. The decision to discharge a firearm at or from a moving vehicle shall be governed by V. A. 1. of this written directive and is prohibited if the discharge of the firearm presents an unreasonable risk to the member, other members of service or the public.

B. Parameters for use of less lethal force:

- 1. Where deadly physical force is not authorized, members shall use only that level of force that is objectively reasonable to de-escalate the incident and bring it under control.
- 2. Members are authorized to use Sheriff's Office approved less lethal force techniques and issued equipment for resolution of incidents as follows, except in emergency situations, where the member may use any resource at their disposal. For the purposes of this order, chemical agents shall be considered less lethal weapons:
 - a. To protect themselves or another from physical harm.
 - b. To restrain or subdue a resistant individual.
 - c. To bring an unlawful situation safely and effectively under control.

C. Duty to Intervene:

- 1. Members have a duty to intervene to prevent or stop the use of excessive force by another law enforcement officer or corrections officer. Any such intervention shall be promptly reported to a supervisor.

D. Rendering Aid:

1. Members shall ensure appropriate medical aid is rendered after a use of force incident or injury during apprehension.

E. Prohibited uses of force:

1. Force shall not be used by a member for the following reasons:
 - a. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
 - b. To coerce a confession from a subject in custody.
 - c. To obtain blood saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required.
 - d. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

F. Training and qualifications:

1. All members shall receive annual training to demonstrate their knowledge and understanding on the proper application of force.
2. Training topics shall include applications of use of force and conflict strategies as required by the State Use of Force Model Policy (Executive Law § 840).
3. Refer to the Onondaga County Sheriff's Office Firearms Training, Carry and Related Matters Written Directive SHR-025.
4. A member is not permitted to use a less lethal weapon unless qualified in its proficient use as determined by training procedures.
5. The following less lethal weapons are authorized:
 - a. Straight Police Baton.
 - b. ASP Expandable Police Baton.
 - c. Aerosol Subject Restraint.

- d. Kinetic Energy Impact Rounds.
- e. AR, CN, CS, OC/CS or HC Munitions.
- f. Canine.
- g. TASER.(CEW)

G. Subject Management Reporting and Supervisor Investigation Requirements:

1. The following subject management options require documentation within the incident report only; they do not require supervisor notification or a Subject Management Report.
 - a. Handcuffing.
 - b. Handcuffing that is complimented by the use of “minimum” hobble restraint.
 - c. Pressure Points.
 - d. Grab Control.
 - e. Escort Control Holds.
 - f. Empty Hand Control and/or the forceful grounding of a subject to the ground.
2. The following subject management options require supervisor notification by the primary service member and a Subject Management Report. The supervisor shall respond to the scene and conduct a thorough investigation. In the event a violation of this policy is found to have occurred, the supervisor shall prepare a Supervisor’s memorandum and/or Allegation of Member Misconduct documenting the violation(s) and forward that Supervisor’s memorandum/Allegation of Member Misconduct through the chain of command along with all other relative paperwork.
 - a. When a member takes action that results in injury or is alleged to have resulted in an injury to another person.
 - b. When a member is injured.
 - c. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.

- d. When an intermediate weapon is deployed upon a person.
 - e. Incidents where a TASER (CEW) was intentionally discharged or accidentally discharged after being displayed.
 - f. When a firearm is exhibited as a “Draw and Direct” weapon during an authorized threat of force in an effort to gain compliance.
 - g. When handcuff application is complimented by the use of “maximum” hobble restraint.
 - h. When a firearm is discharged outside of the firing range for any reason other than in training, for recreational purposes, or when a firearm is discharged to dispatch an animal that has caused a public safety threat or for humane purposes.
 - i. When misconduct is alleged or suspected.
 - j. When an allegation of excessive force has been presented relatively immediate to the incident.
 - k. When ASR, Impact Weapon or a TASER (CEW) is exhibited as a “Draw and Direct” weapon during an authorized threat of force in an effort to gain compliance.
3. When reviewing incidents, the investigating supervisor shall consider the following, including but not limited to:
- a. Was the subject management used objectively reasonable per *Graham v. Connor, U.S.S.C., 1989*
 - b. Was the subject management used, authorized per Article 35 of the NYS Penal Law (authorized, not reckless, necessary, and reasonable), and in the case of deadly physical force, was the force used also in accordance with *Tennessee v. Garner, U.S.S.C. 1985*
 - c. Was the subject management used in accordance with Sheriff’s Office policy and procedure?
 - d. Was the subject management used consistent with the member’s training?
 - e. What, if any, agency authorized less lethal equipment was exhibited or deployed during the incident? If so, was the use objectively reasonable and what was the result?

H. In all instances when a Police Department member files a Subject Management Report, except those instances when the Criminal Investigation Commander has case responsibility, the report along with all supporting documents shall be forwarded to the member's immediate supervisor for review and approval. The original Subject Management Report shall be submitted to the Records Management Section upon approval of the member's immediate supervisor. The member's immediate supervisor shall then ensure that copies of all documents (subject management report, incident report, affidavits, memorandums, other supporting documents, etc) are compiled in a Subject Management package and forwarded through the member's chain of command to the Police Department Chief. After executive review, the Chief shall forward the package to the Internal Affairs Unit where it will be archived indefinitely. Upon receipt, the Internal Affairs Unit shall ensure that the incident is entered into IAPRO. A summary of this process is as follows:

1. Immediate Supervisor.
2. Watch Commander.
3. Division/Unit Commander.
4. Police Department Assistant/Chief.
5. Archived in Internal Affairs.

I. Publication of Policy

1. This directive shall be conspicuously posted to the Onondaga County Sheriff's Office public website (Executive Law § 840).

Reference: NYSLEAP – 20.1, 20.6, 21.1, 32.4 CALEA – 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 16.1.6, NYS Executive Law Sec. 837

ADDENDUM - A

ONONDAGA COUNTY SHERIFF'S OFFICE Subject Management Report										
							1. DR# -			
2. Incident Date / /		3. Incident Time :		4. Incident Address			5. Incident Location			
6. Type of Incident		7. Weather Conditions			8. Lighting Conditions					
9. Subject Name (Last, First, MI)							10. Sex	11. Age	12. Ht.	13. Wt.
14. Applicable Subject Conditions (Check all that apply)										
<input type="checkbox"/> Psychological Intimidation <input type="checkbox"/> Actually Armed <input type="checkbox"/> Flight on Foot <input type="checkbox"/> Threatened/Attacked Member or Another with Dangerous Instrument: _____ <input type="checkbox"/> Verbal Non-Compliance <input type="checkbox"/> Reported to be Armed <input type="checkbox"/> Passive Resistance <input type="checkbox"/> History of Violence <input type="checkbox"/> Flight via Vehicle <input type="checkbox"/> Threatened/Attacked Member or Another with Deadly Weapon Other than a Firearm: _____ <input type="checkbox"/> Defensive Resistance <input type="checkbox"/> Alcohol and/or Drug Influenced <input type="checkbox"/> Active Aggression <input type="checkbox"/> Threat of Suicide <input type="checkbox"/> Agg. Active Aggression <input type="checkbox"/> Physical Threat/Attack on Member or Another <input type="checkbox"/> Fired at Member or Another with a Firearm <input type="checkbox"/> Excited Delirium <input type="checkbox"/> Threatened Member or Another with a Firearm <input type="checkbox"/> Other: _____										
15. Subject Management/Control Necessary To (Check all that apply)										
<input type="checkbox"/> Defend Self <input type="checkbox"/> Prevent Commission of Offense <input type="checkbox"/> Restrain for Subject's Safety <input type="checkbox"/> Cell Extraction <input type="checkbox"/> Defend Another <input type="checkbox"/> Prevent Escape <input type="checkbox"/> Assist Other Agency <input type="checkbox"/> Prevent Property Damage <input type="checkbox"/> Effect Arrest <input type="checkbox"/> Prevent Suicide <input type="checkbox"/> Accomplish Official Purpose: _____ <input type="checkbox"/> Prevent Violent Misdemeanor <input type="checkbox"/> Prevent Violent Felony <input type="checkbox"/> Other: _____										
16. Location of Subject's Weapon(s)				17. Multiple Combatants (If yes, how many?) <input type="radio"/> Yes <input type="radio"/> No Total: _____			18. Verbal Direction Given (Commands of Direction or of Arrest) <input type="radio"/> Yes <input type="radio"/> No			
19. Type of Force Used										
Type of Force Used	Threat of Force	Threat Effective?	Was Force Deployed?	Was Force Effective?	Area Effected?	Injury?	Type of Injury?	Decontamination Applied?	EMS Activated?	
Empty Hand-Soft								N/A		
Empty Hand-Hard								N/A		
OC Spray										
Impact Weapon								N/A		
TASER (CEW)								N/A		
Less Lethal Munitions										
Deadly Physical Force								N/A		
Firearm								N/A		
K-9								N/A		
Forceable Grounding								N/A		
Max. Hobble Restraint	N/A	N/A						N/A		
20. TASER serial #				21. Medical Attn?			Subject Hosp?		Location	
Number of air cartridge(s) fired										
#1 Air cartridge serial #										
#2 Air cartridge serial #										
Air cartridge type										
Number of cycles applied										
Threat of force										
Deployment was a dart probe contact										
Deployment was a drive stun contact										
Distance between the two probes (inches)										
Probes penetrated the subject's skin										
Probes removed while on scene										
Subject wore heavy or loose clothing										
				22. Subject Decontamination?			Decontamination Method?			
				23. Photos/ Video						
				Photos Available <input type="radio"/> Yes <input type="radio"/> No						
				Video Available <input type="radio"/> Yes <input type="radio"/> No						
				<input type="checkbox"/> TASER Cam <input type="checkbox"/> Car Cam <input type="checkbox"/> Fixed Position <input type="checkbox"/> Other _____						
				24. Deputy			25. ID #			

ONONDAGA COUNTY SHERIFF'S OFFICE
Subject Management Report

26. DR# -

27. Subject Control Distance	28. Type of Restraint	<input type="checkbox"/> Hobble <input type="checkbox"/> Hand Cuffs <input type="checkbox"/> Flex Cuffs <input type="checkbox"/> Waist Chain w/Cuffs <input type="checkbox"/> Leg Irons <input type="checkbox"/> Spit Hood	29. Restraint Applied	<input type="checkbox"/> Before Use of Force <input type="checkbox"/> During Use of Force <input type="checkbox"/> After Use of Force
------------------------------	-----------------------	---	-----------------------	---

30. Discharge of Firearm	31. Type of Firearm Used	32. K-9 Use Only	<input type="checkbox"/> Deployed <input type="checkbox"/> Muzzled <input type="checkbox"/> Apprehension Made <input type="checkbox"/> Un-Muzzled
--------------------------	--------------------------	------------------	--

33. Deputy (Last, First, MI)	Sex	Age	Ht.	Wt.	34. Member Injured?
------------------------------	-----	-----	-----	-----	---------------------

35. Type	36. Name (Last, First, MI)	37. Street Number and Name	38. City / State / Zip	39. Phone	40. Age	41. Sex
				() -		
				() -		
				() -		
				() -		

42. Additional Comments

43. Deputy	ID #	Date	Time
44. Sergeant	ID #	Date	Time
45. Lieutenant	ID #	Date	Time
46. Captain	ID #	Date	Time
47. Chief/ Asst. Chief	ID #	Date	Time