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# NEW YORK CITY POLICE DEPARTMENT



## TRAINING PRACTICES AND PROCEDURAL GUIDELINES USE OF FORCE RACIAL/ETHNIC SLURS

145453

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**NEW YORK CITY  
POLICE DEPARTMENT  
VALUES**

**In partnership with the community  
we pledge to:**

- \* Protect the lives and property of our fellow citizens and impartially enforce the law.**
- \* Fight crime both by preventing it and by aggressively pursuing violators of the law.**
- \* Maintain a higher standard of integrity than is generally expected of others because so much is expected of us.**
- \* Value human life, respect the dignity of each individual and render our services with courtesy and civility.**

A Synopsis of the New York City Police Department's  
Training Practices and Procedural Guidelines  
Governing The Use of Force and  
Racial/Ethnic Slurs

**Introduction**

Recent events in Los Angeles and New York City have once again focused national attention on the highly charged issue of police brutality. Is it systemic in police departments throughout the country, or are several highly publicized incidents giving the false impression that it is? The issue is one that has been debated for decades, and is often accompanied by unsubstantiated, inflammatory rhetoric. Several studies have indicated that the problem is not widespread, nor is it tolerated in major, urban police departments. Yet the perception persists, particularly in minority communities, that brutality is commonplace and may be tacitly sanctioned by police officials. This perception can be fueled, in part, by the careless utterance of racial epithets by some officers, or by the inadvertent slighting of some minorities through the use of certain words or phrases which might have racist connotations to the offended party, but of which the officer is not aware.

How can we, as police officials, bring the public's perception of police brutality more into line with reality? How do we convince the true victim of police abuse that the incident was isolated, and will be investigated thoroughly by the police department or the district attorney's office? And how do we convince the minority community that racism is not rampant in a police profession currently dominated by white males? The best way is through education. We must publicize the results of studies which show the Police Department to be fair and impartial in investigating civilian complaints against police officers; we must respond to specious charges of brutality with righteous indignation and hard facts; and we must make public our guidelines and procedures concerning the use of force and the consequences an officer faces for abuse of force, including the use of racial or ethnic slurs. However, we must also acknowledge that cases of brutality and police abuse do happen, and when they do occur, we act quickly and forcefully to discipline the officers responsible.

Educating citizens who are distrustful of the police will not be an easy task. Nor will it be accomplished overnight. We must gradually rebuild the public's trust through our formal police/citizen encounters and informal police/citizen interactions. Community policing can help bridge the credibility gap between police agencies and the public they serve. Through community policing, both officers and citizens alike can see past the myths and stereotypes that surround one another and view each other in a more realistic manner.

Community policing, however, cannot solve the issue of police brutality alone. Sensitivity training and lessons in cultural awareness must be key components of both the recruit and post-entry level training curriculums. In addition, police agencies need strong guidelines governing the use of force and must take swift, disciplinary action when police officers go beyond the bounds of acceptable behavior. Moreover, police agencies should take a pro-active approach toward police misconduct by identifying potential abusers before they act. Intensive, individual retraining should be required for officers who receive an unacceptably high number of civilian complaints. Comprehensive assessments and performance evaluations of these officers should be undertaken, and where warranted, separation proceedings should be commenced.

The following pages present a synopsis of the New York City Police Department's policies and procedures regarding the use of force, as well as an overview of the Department's training curriculum dealing with force and racial sensitivity. Also included is a brief history of past studies which have shown that brutality is not a systemic problem.

## PAST STUDIES

Report to the Governor by the New York State Commission on Criminal Justice and the Use of Force, Volume I, May 1987

Commission established in aftermath of five tragic incidents between police officers and black civilians which resulted in the death of the civilians. Commission's mandate was to:

Examine laws, regulations and policies on use of deadly and physical force by law enforcement personnel;

Quantify and qualify use and misuse of deadly and physical force by law enforcement personnel;

Analyze the response of police agencies and district attorneys to citizen complaints of misuse of force;

Assess perceptions of communities concerning misuse of force by law enforcement personnel;

Recommend legislative, executive, and administrative changes where appropriate.

### Findings

- **Misuse of deadly or physical force by law enforcement personnel is neither systemic nor pervasive.**
- **Race is not a significant factor in police decisions to use deadly or physical force.**
- An officer's decision to use deadly force is based on the threat perceived by the officer, not on the racial characteristics of the opponent or the officer.
- Black and Hispanic officers are as likely to use, or refrain from using, deadly or physical force as white officers.
- **The substantial majority of civilians killed by legal intervention were armed or arming themselves with a weapon at the time of the incident and were in the act of committing, or threatening to commit, a crime.**
- Police officers are frequently involved in incidents in which they choose not to use deadly force even though they could legally justify its use in those circumstances.
- Police officers generally exercise restraint in the use of lawfully authorized deadly and physical force.
- Incidents of misuse of force are relatively infrequent.
- Most people believe police are performing adequately; do not regard police brutality as a significant criminal justice issue; and perceive such misuse of force as exists to involve low level and verbal abuse, including racial and ethnic epithets.

- The use of racial epithets reinforces the historical perception that police are society's servant in abusing and oppressing blacks.
- Because criminal justice agencies are restricted in their ability to disclose information about specific incidents of use of force, perceptions as to those incidents are often based on inaccurate or incomplete anecdotal information and rumor.
- Exploitation of inaccurate and incomplete information by some elements of the media and some persons with private agendas reinforces blacks' historical mistrust of police, creates misperceptions and inflames segments of communities.
- Law enforcement agencies are not unwilling to respond appropriately to complaints of misuse of deadly and physical force.
- Internal affairs units of police agencies are more vigorous and severe in disciplining officers for misconduct than civilian or external review boards.
- District attorneys investigate cases of alleged misuse of deadly and physical force by law enforcement personnel in an adequate and professional manner.
- District attorneys routinely investigate and present cases involving alleged misuse of deadly force by law enforcement officers to grand juries.
- The secrecy attending grand jury proceedings creates the perception among certain persons that those proceedings are inadequate and the results predetermined.

## Final Report of the Firearms Policy Review Committee

Chairman: John Glover, November 1990

Committee established in early 1990 for the purpose of examining and evaluating the Department's policies and practices regarding the use of firearms. Scope of examination was to:

Review the Department's deadly force policy;

Evaluate the sufficiency of recruit and in-service training devoted to the firearms policy; and

Examine the quality of investigations conducted after firearms discharges occur.

### Findings

- Since the introduction of the NYPD's firearms policy in 1972, the number of shooting incidents decreased from 789 in 1972 to 329 in 1989.
- New York City is becoming increasingly violent. From 1980 to 1989, the number of violent crimes in the city increased from 149,551 to 169,487 (+13.3%).
- The availability of crack cocaine in significant amounts is a major contributing factor to the increase in violent crime in New York City.
- In past decade, there has been a decrease in number of police firearms discharge incidents notwithstanding the increase in violent crime, increase in calls for service, and number of officers fired upon.
- NYPD responded to a 58.6% increase in calls for service in 1989 compared to 1980 (4.3 million vs 2.7 million), yet number of firearms discharge incidents decreased by 12.6%, from 377 to 329.
- During the period from 1980-1989, NYPD's hostage negotiating team responded to 919 potentially life threatening hostage and barricaded subject cases. **All but three were resolved without resort to deadly force.**
- Number of police officers shot at increased from 220 to 277 in the period 1981 to 1989, and the number of officers fired upon **who did not return fire** increased from 45 in 1981 to 126 in 1989.
- Decrease in firearms discharge incidents is attributed to use of restraint compelled by **one of the nations most restrictive firearms policies, comprehensive training in use of force, and increase in the use of non-lethal weapons.**
- NYPD recruit and in-service firearms training is comprehensive, progressive, and emphasizes restraint in the exercise of police powers, particularly the use of deadly force.
- Increased use of non-lethal devices demonstrates the Department's commitment to reduce incidents involving deadly force and to preserve life.

It's long been the policy of NYPD that only the minimal amount of force necessary to protect human life be used by members of the department.

- According to Department policy, deadly force is rarely justified against fleeing felon, and is never justified to protect property.
- In last four years, when compared to police departments in the 20 largest U.S. cities, NYPD has ranked no higher than tenth in the rate of justifiable homicides by police officers.

**NYPD Study of Firearms Discharge Statistics prepared by Chief of Department, April 1990 \***

**Findings**

- Number of firearms discharge incidents decreased from 789 in 1972 to 306 in 1990 (-61.2%).
- Number of members of the service shot at without returning fire increased from 45 in 1981 to 126 in 1989 (+180%). Note: 108 officers were shot at without returning fire in 1990, 9 of whom were wounded.
- Shooting incidents mirror violent crime trends. The number of gunfights, homicides, and robberies all decreased from 1981 to 1985, and increased from 1985 to 1989. Aggravated assaults increased by 15% between 1981 and 1985, and increased by 41% from 1985 to 1989.

	<u>1981</u>	<u>1985</u>	<u>1989</u>
Gunfights	92	49	89
Homicides	1826	1384	1905
Robberies	107495	79532	93377
Aggr. Assault	43783	50356	70951

- 22 officers were shot in 1990  
30 " were assaulted with other weapons  
5 " were struck/dragged by autos  
170 " were injured by other causes
- Police shot and wounded 67 offenders, 44 of which (66%) had prior criminal records. Police shot and killed 41 offenders, 31 of which (76%) had previous criminal records.
- Of 353 cases reviewed by the Firearms Discharge Review Board in 1990, only 11 (3%) were found to be non-accidental discharges in violation of department policy.
- Non-accidental discharges in violation of department policy have decreased steadily from 12% in 1986 to the present 3% in 1990.

\* Updated to include 1990 calendar year statistics where available.



## Civilian Complaint Investigative Bureau Annual Report 1990

### Findings

- Downward trend in civilian complaints of police misconduct continued in 1990 (from 7,073 in 1985 to 3,377 in 1990, a decrease of 52%).
- Civilian complaints decreased from 3,515 in 1989 to 3,377 in 1990 (-3.9%).
- Allegations of abuse of force decreased 1.7% from 1989 to 1990.
- Allegations of ethnic slurs **increased** 10.5% from 1989 to 1990.\*
- Of the 2,328 allegations of abuse of force in 1990, only 267 (11.5%) showed any injuries documented by investigation.
- Civilian complaints considered in terms of population of New York City break down to 5 complaints per 10,000 residents.
- Residency of officer **does not** seem to impact on the number of complaints received.  
60% of officers reside in city and they received 63% of civilian complaints;  
40% of officers reside outside city; they received 37% of civilian complaints.
- Race of officer **does not** seem to impact on number of complaints received.

<u>Officer's Race</u>	<u>% of Dept.</u>	<u>% of subject officers</u>
White	75.2	74.6
Black	11.3	10.0
Hispanic	12.6	14.1
Other	0.8	1.3

\* NOTE: The fact that allegations of ethnic slurs increased while the overall number of civilian complaints decreased in 1990 is disquieting. As a result, the Department is taking immediate steps to address the situation. These include revising the operational guidelines and training curriculums to reemphasize the seriousness of racial or ethnic slurs and underscore the Department's intolerance of such behavior.

Further note that ethnic slurs are usually part of a larger case; that is, a civilian complaint might contain several allegations of police misconduct, only one of which is an ethnic slur. The penalties meted out in substantiated complaints often did not address each allegation individually, but rather addressed the complaint as a whole. The Department will now place greater emphasis on racial and ethnic slurs by separating the penalties of substantiated complaints into their component allegations. That is, a substantiated complaint of excessive force coupled with a racial or ethnic slur would have separate penalties meted out for both the force and the slur.

## OPERATIONAL GUIDELINES

Article 35 of the New York State Penal Law, entitled Defense of Justification, authorizes public servants to use force "in the reasonable exercise of [their] official powers, duties or functions". Section 35.30 of the article lists specific instances when a police officer may use deadly physical force.

The New York City Police Department considers the protection of human life to be the paramount concern of its officers, and as such, its guidelines governing the use of force place even further restrictions on police officers than does the New York State Penal Law. The NYPD also considers the use of racial or ethnic slurs to be a verbal abuse of force, and has guidelines prohibiting such conduct as well. Following are some highlights of the numerous procedural guidelines dealing with the subject of force and professional conduct:

- In contacts with the public, police officers must be courteous and respectful.
- Uniformed members of the service are prohibited from knowingly associating with any person or organization advocating hatred or oppression of, or prejudice towards, any racial or religious group.
- The use of disparaging remarks regarding another persons ethnicity, race, religion, gender, or sexual orientation by any member of the department is prohibited.
- Unauthorized radio transmissions exhibiting an ethnic, racial, or sexual bias are dealt with promptly. The Communication Division immediately notifies the duty captain in the borough of occurrence as well as the desk officers in the division in which the incident occurred, and an immediate investigation is conducted. In addition, audio tapes of the incident are collected and forwarded to the Internal Affairs Division for follow-up investigation.
- Members of the service are responsible for the humane treatment and safekeeping of prisoners in custody or detained in a department facility over which the member has supervision.
- Deadly physical force is only to be used as last resort.
- In all cases, only the minimum amount of force will be used which is consistent with the accomplishment of a mission.
- Uniformed members of the service at scenes of incidents in which a person is acting in a deranged, erratic manner apparently caused by a drug overdose, e.g. cocaine psychosis, will remove that person to a hospital. The aided person is **not to be brought to a police facility.**
- Patrol supervisors are required to immediately respond to and direct activities at incidents involving any weapons (firearms, knives, etc.), serious crimes, and emergencies.
- Regarding emotionally disturbed persons (EDPs), the primary duty of all members of the service is to preserve human life.

Physical force will be used only to the extent necessary to restrain the subject until delivered to a hospital.

Deadly force will only be used as a last resort to protect life.

If the EDP is armed or violent, **no attempt will be made to take the EDP into custody without the specific direction of a supervisor UNLESS there is an immediate threat of physical harm to the EDP or others present.**

A policy of **isolate and contain** will be followed.

A **zone of safety** will be established around EDP, and attempts will be made to maintain that zone of safety if the EDP does not remain stationary.

A patrol supervisor and emergency service unit will be dispatched to all EDP radio runs.

Patrol supervisor will establish firearms control and employ non-lethal restraining and rescue devices such as taser, stun gun, water cannon, velcro restraining straps, protective shields, or shepherd's crook.

If armed or violent EDP is isolated and contained but refuses to leave voluntarily, the duty captain and the hostage negotiating team will be called to the scene.

- Regarding arrests -- minimum amount of force will be used to effect arrest.

Desk officer will be notified if force was used to effect arrest.

Strip searches are not routinely conducted, and desk officer will decide if conditions warrant strip search.

Strip searches will be conducted by member of same sex in private. **UNDER NO CIRCUMSTANCES SHALL A BODY CAVITY SEARCH BE CONDUCTED BY ANY MEMBER OF THE SERVICE.**

If a person about to be arrested is acting irrationally and violently, and poses no immediate physical threat to themselves or others, and the incident occurs in a confined area, the same procedure will be followed as with emotionally disturbed persons.

- Uniformed members of the service who discharge a firearm which results in death or injury, or a member who is involved in any other conduct which results in the death of another shall be temporarily reassigned to a non-patrol assignment in the patrol borough command concerned. Member will not return to permanent command without the approval of the Chief of Department.
- Firearms discharge incidents in which no injuries have occurred will be investigated by the precinct commander or duty captain. Incidents which result in minor injury will be investigated by division commander or duty inspector. Incidents which result in serious injury or death will be investigated under the supervision of the patrol borough commander/executive officer.
- Stop and Frisk reports are to be prepared by uniformed members of the service whenever they stop a person by use of force, if the person stopped is frisked or searched, if the person stopped is summarily arrested, or if the person stopped refuses to identify himself.

- Mace will be discharged **only** in situations where use of physical force is required to protect self or others from assault, or to restrain or subdue another person.

All discharges of mace, whether intentional or accidental, are recorded.

Uniformed member of the service will transport person who was maced to the emergency room of nearest hospital.

Mace will not be used in a large group or crowd control situation.

- Tear gas may be used in certain situations to minimize the potential for serious physical injury.

The ultimate decision concerning the use of tear gas rests with the patrol borough commander.

Prior to employing tear gas, the Fire Department, Emergency Medical Services, and the Hazardous Material Decontamination Trailer and Support Vehicle will be requested to respond to scene.

- The routine use of choke holds is **PROHIBITED**. Choke holds will **ONLY** be used if the officer's life is in danger or some other person's life is in danger, and the choke hold is the least dangerous alternative method of restraint available to the police officer.

- Regarding hostage/barricaded person situations, when there is time to negotiate, all the time necessary to insure the safety of all individuals will be used. **The safety of all persons is paramount and deadly physical force will be used ONLY as a last resort to protect life of persons present.**

Policy of isolate and contain will be followed;

Firearms control will be maintained;

Hostage Negotiation Team will respond;

Patrol Borough Commander will respond and assume command.

- Regarding civilian complaints of misconduct against members of the service, complaints may be made by phone, in person, or by mail at any patrol precinct, traffic unit, Office of the Civilian Complaint Review Board, Internal Affairs Division, or any other office of the department, including the Office of the Police Commissioner.

All misconduct complaints including unnecessary force, abuse of authority, discourtesy, ethnic slurs, etc. are forwarded for attention to the Civilian Complaint Review Board, Intake Unit.

Witnesses to police misconduct may also file statements utilizing the same procedure as above.

◦ Regarding civil liability, generally an officer will **not be indemnified by the City if:**

Officer is sued because of police action that involved intentional wrongdoing or reckless conduct, **OR**

Officer is sued because of police action that resulted in charges and specifications related to officer's conduct in the incident, **OR**

Action taken by officer was not within scope of employment.

## RACIAL / ETHNIC SENSITIVITY TRAINING

The Police Department provides extensive training in both racial and ethnic sensitivity, as well as in basic communication skills and transactional analysis techniques, designed to foster a more professional work force and improve the quality of police interactions with the public. Following are some highlights of this training:

### Police Academy Recruit Training

- Title VII - Student officers are instructed in Title VII of the Civil Rights Act of 1964, as well as New York State and New York City regulations which prohibit employment discrimination. Students are also instructed that disparaging remarks will not be tolerated in interactions with persons from different racial, religious, ethnic, gender, or sexual orientation groups.
- Communications - Students are instructed in proper communication skills and the barriers that can impede effective communication, such as disrespectful modes of address, misunderstandings, "explosive" words, thoughtless jests, psychological barriers, epithets, and stereotyping. The importance of maintaining a professional demeanor to enhance police/public interactions is emphasized.
- Transactional Analysis - Recruits are taught how to determine the mind set of an individual with whom they are engaged, enabling the officer to exercise control and discretion, improve interpersonal interaction, assess human behavior, and reduce the potential for violence.
- Bias and Prejudice - Student officers are instructed in identifying suspected bias incidents, which are defined as any offense or unlawful act which is based on a victim's race, religion, ethnicity, or sexual orientation.

### Post Entry Level Training

Training continues beyond the Police Academy with daily in-service training conducted in the precincts, and intensive borough-based and central management training sessions conducted annually. Some recent topics covered in these post entry level training courses include:

- Stop, Question, and Frisk - The proper handling of police/citizen street encounters is discussed in an effort to reduce civilian complaints against members of the Department which may arise from the improper use of the Stop, Question, and Frisk procedure.

- Police / Citizen Interaction - Police officers view videotaped scenarios of police-citizen encounters and critique the actions of the police officer. The exercise is intended to place the police officer in the perspective of the citizen, and is designed to show that the police officer's approach to a particular situation often determines whether the interaction between police and citizen will be viewed in a positive or negative manner.
- Equal Employment Opportunity - Police officers are instructed in the rationale, law, and functions of the Office of Equal Opportunity.
- Invitation to Understanding - A three-day workshop conducted by the Human Relations Unit designed to develop skills of intervention. Officers participate in group discussions and role-playing exercises aimed at increasing understanding within the workplace.
- Communication Workshop - A three-day workshop which examines the friction between various ethnic groups from an historical perspective. Participants discuss the impact of discrimination, including slurs and insults, on people. Included in this workshop is the film, Do the Right Thing, which shows community and police interaction in a fictional Brooklyn precinct. An emphasis is placed on individual responsibility and the need for intervention between police and their peers.
- Included in the Department's specialized Criminal Investigation Course, given to uniformed members assigned to investigative units, is a presentation by the Bias Investigation Unit outlining what constitutes a bias incident, the responsibilities of patrol and investigative units involved, follow-up procedures, and current trends and statistics on victimization. The use of racial and ethnic slurs is also discussed.

### Executive Development Program

- Bias incidents - Executive level employees attend a seminar on the background, history, and mission of the Bias Incident Investigating Unit. Also included is a discussion on the victims of bias crimes and the types of incidents that frequently occur. Applicable laws, both criminal and civil, are detailed as are the determinants used to classify an incident as bias.
- Communication and Bias-Free Language - This course is designed to promote professional standards of communication. The use of non-sexist terminology is encouraged as a means of achieving both equality and clarity in communication.

- Executive Discussion, Deputy Commissioner of Equal Employment Opportunity (OEEEO)- This session involves a discussion and lecture by the Deputy Commissioner of Equal Employment Opportunity, which focuses on the history and responsibility of OEEEO. Current problems within the Department are also discussed.

### **Future Training**

The Police Department is constantly reviewing its training procedures, particularly in the area of racial and ethnic sensitivity to ensure that its officers provide the best possible police service to the people of New York, and deliver that service in a most professional manner. Future training programs being developed that will continue to emphasize racial and ethnic sensitivity include the following:

- Borough Based Training - The Spring 1992 Borough Based training cycle will offer a segment on community policing that will focus on professional courtesy, civility, and language. In addition, Patrol Borough Commanders will address the Borough Based training course to stress the seriousness of ethnic and racial slurs, and to remind officers that the Department will severely discipline officers who use disparaging remarks.
- The Basic Management Orientation Course (given to newly promoted Sergeants), the Lieutenants Orientation Course, and the Duty Captains Orientation Course will all have sessions on bias free communication in the future.
- The Communication and Bias Free Language course, offered in the Executive Development Training session, will be expanded to include race and ethnicity.
- Citizen Satisfaction Surveys will be monitored by precinct commanding officers as a means of evaluating police service, especially in the area of police courtesy and police-citizen interaction.



## USE OF FORCE TRAINING

Highlights of the Police Academy's training curriculum regarding the use of force, as well as an index of the subjects covered in precinct level and borough level training for the past several years, are presented below:

### Police Academy Lesson Plans

- Justification - Lesson plan addresses the following:
  - Who may use physical force;
  - When may police officer use physical force;
  - Use of physical force;
  - Use of deadly force;
  - Use of firearms
  
- Progression of Force
  - Verbal force
  - Unarmed physical force
  - Non-lethal weapons
  - Impact weapons: Baton/rubber billet
  - Deadly force
  
- Seven lesson plans devoted to use and abuse of police authority and ethics, including an ethics workshop given on use and abuse of force utilizing video of a motorcyclist beaten to death by police.
  
- Emotionally Disturbed Persons (EDPs) - Training stresses policy of:
  - Isolate and Contain
  - Zone of Safety
  - Use of non-lethal weapons
  
- Physical Education training
  - Defensive tactics
  - Frisking and Cuffing
  - Understanding crowd behavior
  - Restraint in use of baton
  
- P.R.I.D.E. - Professional Response in Delivering Excellence -- Three day workshop developed to reduce number of civilian complaints. Topics include:
  - Understanding the role of the Civilian Complaint Investigative Bureau
  - Series of short films that members of the service are required to comment on.
  - Car Stop interaction: Positive and Negative Attitudes
  - Prisoner Interaction
  - Barriers to communication

**NOTE:** Emergency Service personnel and Hostage Negotiation Unit personnel receive a five day training course from John Jay College dealing with restraint and the use of force.

### Borough Based Training Topics

- Use of Deadly Force (Department Policy)  
Video: Tennessee v. Garner; Panel discussion, Dr. James Q. Wilson
- Tactical Response to Emotionally Disturbed Persons (use of non-lethal equipment)  
Video: NYPD "Tactical Response to EDPs"
- Disorder Control Training (conducted at Police Academy)
- Police/Citizen interaction  
Video: NYPD Scenarios to provoke discussion
- Stop, Question and Frisk  
Video: NYPD Constitutional Law series "Street Encounters"

### Precinct Level Training Topics

- Disputes -- Police response; arrest situations
- Emotionally Disturbed Persons (EDPs):
  - Psychological and verbal techniques
  - Use of non-lethal tactics
  - Use of deadly force
  - Isolation and Containment
  - Physical restraining tactics
  - Tactical response to EDPs
- Firearms:
  - Accidental discharge - cocked revolver
  - Bullet ricochets
  - Concealment and control
  - Post shooting tactics
  - Safety
  - Weapons control
- Personal Safety:
  - Baton technique
  - Use of baton against sudden knife attack
  - Use of billet
  - Car Stops/police/citizen interaction
  - Crowd/disorder control
  - Defending against kicks
  - Escape from headlocks
  - Escape from rear - armpin
  - Flex-cuffs
  - Vehicle stop tactics
- Stop, Question and Frisk:
  - Procedures and investigative techniques

**SUMMARY OF DEPARTMENT GUIDELINES AND TRAINING**  
**RE: THE USE OF FORCE AND RACIAL/ETHNIC SLURS**

- Protecting life is paramount concern.
- Use only amount of force necessary to control situation.
- Firearm is a defensive weapon.
- Every other reasonable alternative should be used before use of firearm.
- Some warning, other than warning shot, should be given.
- Discharging a firearm from or at a moving vehicle is prohibited, unless deadly force, other than the vehicle, is being used against officer or another.
- Discharging a firearm to summon assistance is prohibited, unless safety is endangered.
- Discharge a firearm at an animal only as a last resort.
- Weapons shall not be cocked, and should be fired double action.
- Do not shoot at unarmed, fleeing felon.
- Isolate and contain EDPs. Use non-lethal weapons.
- Use of racial/ethnic slurs or disparaging remarks concerning someone's religion, gender or sexual orientation are prohibited.

## REFERENCES

### Past Studies

**Report to the Governor, Volume I, New York State Commission on Criminal Justice and the Use of Force, Chairman, Paul J. Curran, May 1987**

**Final Report of the Firearms Policy Review Committee, Chairman, John Glover, November 1990**

**NYPD Study of Firearms Discharge Statistics, Chief of Department, April 1990**

**NYPD Firearms Discharge Review Board Annual Report (1990), Chief of Department, March 1991**

**NYPD Civilian Complaint Investigative Bureau Annual Report 1989**

### Operational Guidelines

#### **Patrol Guide Procedures:**

- 103-2, Patrol Duties and Responsibilities
- 104-1, General Regulations - Performance on Duty; Public Contact; Use of Firearms
- 105-3, Required Equipment - Memo Book Insert re: Handling of Emotionally Disturbed Persons (EDPs)
- 106-1, Aided Cases - General
- 106-11, Aided Cases - Mentally Ill or Emotionally Disturbed Persons
- 106-19, Aided Cases - Mental Health Removal Orders
- 110-1, Law of Arrest
- 110-2, Arrests - General
- 116-7, Unusual Occurrence Report
- 116-20, Firearms Discharge and Assaults Involving Uniformed Members of the Service
- 116-33, Stop and Frisk
- 116-48, Use of Mace Devices
- 117-12, Hostage/Barricaded Persons
- 118-7, Processing Civilian Complaints
- 118-8, Civilian Complaint - Witness Statement

**Interim Orders:**

- |                   |   |
|-------------------|---|
| #29, series 1985, | Prohibition Against Choke Holds   |
| # 9, series 1987, | Use of Tear Gas   |
| #19, series 1991, | Revision of Patrol Guide Procedure 110-2, Entitled Arrests - General        |
| #51, series 1991, | Disparaging Ethnic, Racial, Religious, Gender or Sexual Orientation Remarks |
| #15, series 1992, | Use of Force  |

**Chief of Department Memos:**

- |                |                                 |
|----------------|---------------------------------|
| No.3, May 1988 | Guidelines for Off-Duty Arrests |
|----------------|---------------------------------|

- |                          |   |
|--------------------------|---|
| <b>Legal Guidelines:</b> | New York State Penal Law, Article 35<br>New York State Criminal Procedure Law |
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**Legal Bureau Guidelines:**

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|----------------------------------|---|
| <b>Stop, Question and Frisk,</b> | Handout accompanying "Constitutional Law Film Series", 1985 |
|----------------------------------|---|

**Legal Bureau Bulletins:**

- |               |   |
|---------------|---|
| Vol.15, No.5, | Search and Seizure - No. 2 (Stop, Question and Frisk) |
| Vol.16, No.5, | Search and Seizure                                    |
| Vol.17, No.1, | Stop, Question and Frisk                              |
| Vol.17, No.2, | Civil Liability of Police Officers                    |
| Vol.20, No.4, | Use of Handcuffs                                      |

**Training**

- |                        |   |
|------------------------|---|
| <b>Police Academy,</b> | Use of Force Training Curriculum<br>Racial/Ethnic Slurs |
| <b>Borough-Based,</b>  | Index of Training Topics, 1985-1990                     |
| <b>Precinct Level,</b> | Index of Precinct level training topics, 1977-1990      |