
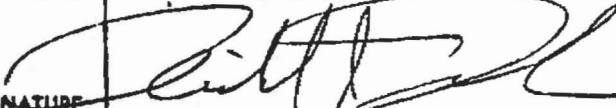




THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE



<input checked="" type="checkbox"/> NEW		<input type="checkbox"/> INTERIM		<input type="checkbox"/> REVISED		SUBJECT	
EFFECTIVE DATE 11 / 17 / 86		*TERMINATION DATE / /		MONITORING USES OF FORCE			
CLASSIFICATION # 5003	SUPERSEDES	DATED		DISTRIBUTION A		PAGE 1 OF 9 PAGES	
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER 				AUTHORIZED BY THE COMMISSIONER 			
SIGNATURE				SIGNATURE			

I. PURPOSE

- A. To assist Facility Commanders in monitoring uses of force, and allegations of uses of force, by uniformed members of the Department.
- B. To provide system-wide guidelines and procedures to monitor the total number of uses of force, and allegations of uses of force, by individual uniformed Department personnel.
- C. To assist Facility Commanders in pursuing appropriate remedial action, if necessary, once a uniformed member of the Department has been identified as using force on a prescribed number of occasions. It should be recognized that all forms of corrective action (see Part IV. C., below) are remedial in nature, not disciplinary.
- D. To ensure that an agency-wide training program on the use of force is regularly provided.



II. POLICY

- A. It has always been the policy of the Department of Correction that while on occasion the use of force by uniformed members is necessary and unavoidable, it is to be used only as a last resort to control and terminate any violent and/or unlawful conduct.
- B. The use of force by a uniformed member of the Department should be reported without undue delay to a Supervisory Officer, and written reports regarding such uses of force should be handed in to Commanding Officers (See Directive #5002- Use of Force.)

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II. (continued)

- C. Facility Commanders should be aware of the extent of the use of force at their facilities, and should be aware of individuals under their command who, for whatever reason, have found it necessary to use force, or have been accused of using force, in disproportion to other uniformed personnel at their facility.
- D. Where a Facility Commander is cognizant that a uniformed member of the Department has used force or has been accused of using force on three or more occasions, the Facility Commander should investigate and determine whether such occurrences were the result of an individual's method of handling confrontational situations or dealing with a particular assignment. Should the Facility Commander determine that either of the latter is the cause of an excessive number of uses of force, the Facility Commander should take appropriate remedial action as outlined in Part IV. C., below.
- E. Nothing in this Directive shall be construed to limit a Facility Commander from taking appropriate disciplinary action in accordance with current Department policy.
- F. The training of uniformed members of the Department in the use of force should be an on-going process throughout an individual's tenure with the Department. Supplemental training in conflict resolution is especially appropriate for personnel assigned to special housing areas and response teams, or any other area of a facility where there is a heightened risk of confrontation.

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III. GUIDELINES

- A. In order to effectively monitor uses of force, the Facility Commander of each institution will maintain, in either his or her office or the office of the Deputy Warden for Security, a computerized file as described in Part IV. A., below, and generate quarterly summaries of all file entries as described in Part IV. B., below.
- B. An entry will be made in the computer file for each member of the Department whose name appears as being involved in a use of force as reported on Form #426A (Use of Force- Part A).
- C. Where a Use of Force Report has not been filled out and there is an allegation, from whatever source, that a member of the Department has used force (or if there is an allegation that there has been a use of force in excess of that reported), such allegations shall also be entered in the computer file. For the purposes of the reporting procedures outlined in Part IV., below, the "code" to be entered in the file when the use of force is based on an allegation is "A".

IV. PROCEDURES

A. Computer File



1. In accordance with a computer program distributed to each Facility Commander contemporaneously with the issuance of this Directive, a computer file in either the

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Facility Commander's Office or the Office of the Deputy Warden for Security will be maintained with entries for each uniformed member of the Department assigned to the facility who, beginning with the effective date of this Directive, has been involved in a use of force. All information contained in this file shall be kept confidential.



2. If an individual is transferred out of the facility, a printout of his file, if any, will be sent to the Facility Commander of the facility to which the individual is transferred and should be input in that facility's computer file, and a copy of such printout will be kept in a "closed" file at the original institution. The data for a transferred individual should then be deleted from the transferring facility's computer.
3. Each file will contain the following information:
 - a. Department member's name (last name first);
 - b. Rank;
 - c. Shield number;
 - d. Appointment date; and
 - e. Date assigned to current facility.

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This information needs only to be input once, at the time the Department member's file is established, but should be updated whenever necessary.

4. For each reported use of force, the following information is to be entered:
 - a. Date of incident;
 - b. Description of type of incident requiring force (e.g., inmates fighting, assault on staff, refusal to lock-in, etc.);
 - c. CCC number (if any); and
 - d. Facility File number or Log number (whichever will best indicate where the paperwork concerning the incident can be located).
5. For each allegation of use of force, the following information is to be entered:
 - a. Date of alleged use of force (if no date given, then enter the date complaint made);
 - b. Code;
 - c. Nature of allegation (e.g., allegedly assaulted inmate X, allegedly pushed inmate X, etc.); and
 - d. Facility File number or Log number



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(whichever best indicates where paperwork concerning complaint can be found).

B. Quarterly Summaries

1. On a quarterly basis (January-March, April-June, July-September, October- December) and within two weeks after the end of each quarter, a summary sheet (consisting of the four most recent quarters) shall be generated, on 14-inch continuous feed paper, by a designee of the Facility Commander based on the information compiled in the computer file maintained in accordance with Part A, above.
2. The summary sheet will consist of an alphabetical listing of each uniformed member of the Department (and rank and shield number) assigned to the facility who has been involved in one or more uses or alleged uses of force since the effective date of this Directive, regardless of whether such use of force occurred during the preceding four quarters.
3. For each use of force or allegation of use of force during a quarter, an entry will appear in the appropriate column of the chart next to the Department member's name. The following information will be included on the summary sheet:
 - a. Date of incident; and
 - b. Code (if any).



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4. In a column next to each individual's shield number labeled "history," the computer will automatically generate an "X" if that individual has amassed three or more uses of force or alleged uses of force since the effective date of this Directive.
5. A copy of the completed quarterly report shall be submitted forthwith to the Facility Commander who shall then forward copies to the Chief of Operations, the appropriate Supervising Warden and the Inspector General for review.

C. Appropriate Remedial Action

1. When a file maintained for a uniformed member of the Department contains three uses of force, the Facility Commander should review the investigative reports of the pertinent incidents and interview the individual involved to ascertain whether the force used was necessary to control the environment or whether a pattern of inappropriate behavior has emerged.
2. In determining whether corrective action needs to be taken, the Facility Commander should take into special consideration the following factors:
 - a. whether the Department member involved was assigned to a PROBE Team when the force was used;

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- b. whether the Department member involved was assigned to a special housing area or other area of heightened risk of confrontation when force was used; and
 - c. the nature of the behavior to which the individual responded and the magnitude of the response.
3. Appropriate remedial action shall include, but not be limited to:
 - a. supplemental training; or
 - b. reassignment within the command; or
 - c. transfer; or
 - d. a combination of (a) and (b) or (a) and (c)
4. After each use of force by a Department member who has already accumulated three uses of force, the Facility Commander should review the reports of the incident when force was used and determine whether another interview or other remedial action is appropriate.
5. By the fifth day of each month, the Facility Commander will submit to the Chief of Operations and appropriate Supervising Warden, a list of those individuals who during the preceding month have been interviewed as a result of having accumulated three (or more) uses of force. Such list will indicate what action has been taken by the Facility Commander pursuant to subsections

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1-4 above. (E.g., "Officer sent to Academy for special training.")

6. Nothing in this Directive shall be construed to limit a Facility Commander from taking appropriate disciplinary action when indicated.

D. Training

1. Facility Commanders will be responsible for ensuring that all uniformed members of the Department assigned to their facility will receive in-service training in the use of force.
2. All uniformed personnel permanently assigned to either a special housing area or PROBE Team will receive supplemental training at the Academy in conflict resolution, mediation and inter-personal relations.
3. By the fifth day of each month, the Facility Commander will submit to the Chief of Operations and the appropriate Supervising Warden a list of personnel who pursuant to subsection (2) above received supplemental training at the Academy.

REFERENCES

1. Directive #5002- USE OF FORCE
2. Memorandum, dated November 17, 1986- DIRECTIVE #5003 ("MONITORING USES OF FORCE"): APPLICABILITY OF REPORTING PROCEDURES



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION
100 CENTRE STREET
NEW YORK, N.Y. 10013-4393

RICHARD J. KOEHLER
COMMISSIONER


M E M O R A N D U M

THOMAS W. MURRAY
CHIEF OF OPERATIONS

DATE: November 17., 1986
TO: Heads of Facilities and Divisions
FROM: Thomas W. Murray, Chief of Operations
SUBJECT: DIRECTIVE 5003 ("MONITORING USES OF FORCE"):
APPLICABILITY OF REPORTING PROCEDURES

1) For purposes of recording and reporting data pursuant to Directive 5003 ("Monitoring Uses of Force"), all uses of force and allegations of uses of force in the court divisions will be input in the computer at, and by, the respective borough facility. (E.g. A use of force at the Brooklyn Court Pens will be entered in the Brooklyn H.D.M. computer and reported in the Brooklyn H.D.M. quarterly report.) Wardens at the borough houses will also be responsible for interviewing all personnel assigned to the court pens who have accumulated three or more uses of force, and for taking appropriate remedial action, if necessary. Executive officers of the court divisions shall be responsible for insuring that copies of all use of force reports and any allegations of uses of force for incidents occurring at the court pens are expeditiously forwarded to the Deputy Warden for Security at the appropriate borough facility.

2) Directive 5003 applies to all facilities (including the hospital prison wards) as well as to the Transportation Division and Rikers Island Security Division.


Thomas W. Murray
Chief of Operations

TWM: jr



REVISION NOTICE





THE CITY OF NEW YORK DEPARTMENT OF CORRECTION



DIRECTIVE

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RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER				AUTHORIZED BY THE COMMISSIONER			
 SIGNATURE				 SIGNATURE			

1. This Revision Notice amends section IV, paragraph C, "Appropriate Remedial Action", of Directive #5003 - MONITORING USES OF FORCE, dated 11/17/86.
2. It is not the intent of this order to impose these provisions on minor uses of force incidents. These provisions are being implemented primarily to address those situations where the circumstances are sufficiently serious to effect such action.
3. New sub-division "e" is added to sub-paragraph 3, page 8.
 - e. In instances where a member has used force which could be construed as unnecessary force, excessive force, or force of a serious nature as to warrant immediate suspension, or where there is a presumption that suspension will be imminent (within twenty-four (24) hours), or where a Memorandum of Complaint is being prepared incidental to the above, the member concerned shall not be assigned to a probe or response team.
 - i. after the matter has been resolved, the member may be reassigned as a probe or response team member.
 - ii. If supplementary training is part of the remedial action taken, the member shall not be reassigned until completion of the training or other sanction imposed.

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iii. Commanding officers shall ensure that proper records are maintained and that appropriate supervisory staff are apprised of which member is under this restriction.

iv. Within twenty-four (24) hours of permitting a member to be reassigned to a probe or response team, telephonic notification shall be made to the Investigation and Discipline Division. If IAD determines to deny such reassignment, IAD shall notify the commanding officer.

The aforementioned provisions are not intended to preclude the submission of written reports as required by Departmental regulations. Neither is it intended to rescind any provision contained in Directive #5003 or Directive #5002R.

AR/msj

FROM: CHIEF'S ORDERS
TO :
SUBJ: 5082-0

MSG#: 98-00018347
SENT: 11/17/98 06:08 PM PRIORITY: 2

T. TYPE ORDER NO. 5082-0

TE NOVEMBER 17, 1998
TO COMMANDING OFFICERS, FACILITIES AND DIVISIONS
FROM SHEILA M. VAUGHAN, CHIEF OF ADMINISTRATION
SUBJECT COMPLIANCE WITH DIRECTIVE #5003 AND OPERATIONS ORDER #12/98

1. IT HAS COME TO THE ATTENTION OF THIS OFFICE THAT CERTAIN FACILITIES ARE NOT IN FULL COMPLIANCE WITH THE PROVISIONS OF DIRECTIVE #5003, ENTITLED "MONITORING THE USE OF FORCE", DATED 11/17/86 (AS AMENDED) AND OPERATIONS ORDER #12/98, ENTITLED "STAFF ASSIGNMENTS TO O.B.C.C." DATED 8/7/98. THIS PRACTICE SHALL CEASE IMMEDIATELY.

2. THE FOLLOWING INFORMATION IS PROVIDED FOR YOUR INFORMATION, GUIDANCE AND STRICT COMPLIANCE:

- A) WHENEVER A MEMBER OF SERVICE IS INVOLVED IN A USE OF FORCE INCIDENT, OR AN ALLEGATION OF USE OF FORCE HAS BEEN LODGED AGAINST A MEMBER OF SERVICE, THAT INFORMATION SHALL BE ENTERED INTO THE FACILITY COMPUTERIZED FILE FOR TRACKING USE OF FORCE INCIDENTS.
- B) WHENEVER A MEMBER OF SERVICE IS TRANSFERRED (INCLUDING FOR PURPOSES OF PROMOTION) A PRINT OUT OF THE MEMBER'S USE OF FORCE FILE, IF ANY, SHALL BE SENT TO THE COMMANDING OFFICER OF THE MEMBER'S NEW ASSIGNMENT. THE DIRECTIVE #5003 PRINT OUT SHALL BE INCLUDED IN THE PERSONNEL FILE OF THE TRANSFERRED MEMBER. THE INFORMATION SHALL BE INPUT IN THE NEW FACILITY'S COMPUTER FILE. A COPY OF THE PRINTOUT SHALL BE MAINTAINED IN A "CLOSED" FILE AT THE ORIGINAL FACILITY AND THE MEMBER DELETED FROM THAT COMPUTER.
- C) TO ENSURE A REVIEW OF THE USE OF FORCE COMPUTER IS COMPLETED, WHENEVER A MEMBER IS TRANSFERRED AND THERE IS NO USE OF FORCE PRINT OUT, A NEGATIVE REPORT VERIFYING THE COMPUTER WAS CHECKED SHALL BE FORWARDED TO THE COMMANDING OFFICER OF THE MEMBER'S NEW ASSIGNMENT.
- D) THE PERSONNEL FILE FOR A TRANSFERRED MEMBER SHALL NOT BE ACCEPTED BY THE NEW ASSIGNMENT WITHOUT A DIRECTIVE #5003 PRINT OUT OR NEGATIVE REPORT. IF THE INFORMATION IS NOT INCLUDED THE ENTIRE PERSONNEL FILE, INCLUDING THE TIME CARDS, SHALL BE RETURNED TO THE ORIGINAL FACILITY.
- E) WHENEVER A MEMBER OF SERVICE IS REFERRED FOR TRAINING AS A RESULT OF DIRECTIVE #5003, A COPY OF SUCH REFERRAL SHALL BE FILED IN THE MEMBER'S PERSONNEL FILE.
- F) EFFECTIVE IMMEDIATELY, WHENEVER AN EMPLOYEE'S PERFORMANCE SERVICE REPORT (22R) IS COMPLETED ON A MEMBER OF SERVICE FOR ANY REASON, THE PERSONNEL FILE SHALL BE REVIEWED FOR ANY INDICATION THAT THE MEMBER WAS REFERRED FOR TRAINING AS A RESULT OF DIRECTIVE #5003. ALL INSTANCES OF REFERRAL FOR TRAINING AS A RESULT OF DIRECTIVE #5003 SHALL BE RECORDED IN THE "REMARKS"

SECTION OF THE 22R.

- G) WHENEVER THE COMPUTERIZED USE OF FORCE FILE IS INOPERABLE, A MANUAL BACKUP LOGBOOK SHALL BE MAINTAINED. THE INFORMATION SHALL BE ENTERED INTO THE COMPUTER AS SOON AS IT IS OPERABLE. IN THE EVENT THE INFORMATION CONTAINED IN THE COMPUTER CANNOT BE PRINTED WHEN A MEMBER IS TRANSFERRED, THE INFORMATION ON THE SCREEN SHALL BE MANUALLY TRANSCRIBED AND PLACED IN THE MEMBER'S PERSONNEL FILE AND A COPY IN THE "CLOSED" FILE.

3. MEMBERS OF SERVICE ARE REMINDED THAT FAILURE TO COMPLY WITH THE PROVISIONS OF DIRECTIVE #5003 AND/OR OPERATIONS ORDER #12/98 IS A VIOLATION OF DEPARTMENT PROCEDURES AND MAY RESULT IN DISCIPLINARY CHARGES.

4. COMMANDING OFFICERS OF FACILITIES ARE TO PROMULGATE COMMAND LEVEL ORDERS BASED ON THE PROVISIONS OF THIS TELETYPE ORDER. A COPY OF THE COMMAND LEVEL ORDER IS TO BE FORWARDED TO THE OFFICE OF THE CONCERNED BUREAU/ASSISTANT CHIEF.

AUTHORITY:
OFFICE OF THE CHIEF OF DEPARTMENT
HA/RG