



## Division of Criminal Justice Services

ANDREW M. CUOMO  
Governor

MICHAEL C. GREEN  
Executive Deputy Commissioner

TO: New York State Law Enforcement Agencies

FROM: Michael C. Green, Executive Deputy Commissioner

DATE: July 9, 2019

SUBJECT: Executive Law 837-t – Use of Force Data Collection

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In April 2019, Governor Andrew M. Cuomo signed into law a new section 837-t to the Executive Law pertaining to law enforcement agencies within New York State reporting use of force incidents to the Division of Criminal Justice Services (DCJS). This new law becomes effective on July 11, 2019. This memorandum will explain your reporting obligations under the law. A copy of Executive Law 837-t is attached to this memorandum.

*Please be aware that this memorandum is not legal advice, it is only intended to educate law enforcement about this new provision of law. If you have specific questions regarding the law, please consult your county attorney or legal counsel. While DCJS can provide general information about the obligations of the law to law enforcement agencies, DCJS cannot provide legal advice.*

### Use of Force Data Collection

For reporting purposes, Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below:

- When an officer engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- When one of the following is initiated by an officer:
  - Brandishes, uses or discharges a firearm at or in the direction of another person;
  - Uses a chokehold or 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;
  - Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
  - Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
  - Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long range acoustic device.

Beginning July 11, 2019, each law enforcement agency will be responsible for reporting information for their own officers who are involved in use-of-force incidents that meet the criteria of the data collection. Law enforcement agencies will be required to submit details of the incident to DCJS, including, but not limited to date of incident, agency involved, county, town/city, description of circumstances, and demographics of all persons engaging in the use of force or suffering such injury.

DCJS is currently developing a permanent data collection mechanism, which will be located on the IJ Portal. However, to comply with the statute's effective date of July 11, 2019, DCJS has created a simple online reporting tool that can be accessed by entering the following address in your web browser:



Law enforcement agencies are required to report each incident of use of force as defined by the legislation. For each incident of use of force your agency reports to DCJS, please complete all portions of the online form and click on the submit button to transmit the information to DCJS as required by law.

Please contact DCJS at [useofforce@dcjs.ny.gov](mailto:useofforce@dcjs.ny.gov) for more information and/or questions about the use of force reporting process. I hope that this information is helpful to you and your agency. Thank you.

## Executive

\* § 837-t. Use of force reporting. 1. The chief of every police department, each county sheriff, and the superintendent of state police shall report to the division, in a form and manner as defined in regulations by the division, any instance or occurrence in which a police officer, as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a peace officer, as defined in section 2.10 of the criminal procedure law, employs the use of force as follows:

a. brandishes, uses or discharges a firearm at or in the direction of another person; or

b. uses a chokehold or 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; or

c. displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or

d. brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or

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; or

f. engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

2. On an annual basis, the commissioner shall conspicuously publish on the department's website a comprehensive report including the use of force information received under subdivision one of this section during the preceding year. Such reports shall not identify the names of the individuals involved, but for each event reported, shall list the date of the event, the location disaggregated by county and law enforcement agencies involved, the town or city, and any additional relevant location information, a description of the circumstances of the event, and the race, sex, ethnicity, age, or, if unknown, approximate age of all persons engaging in the use of force or suffering such injury.

\* NB Effective July 11, 2019