



**Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report**



2024-3258

Officer Involved Critical Incident – 1273 Rosedale Drive, Dayton,
OH (Montgomery Co.) (L)

Investigative Activity: Document Review, Records Received
Involves: Taylor Coleman Anthony Cotton (S)
Date of Activity: 10/25/2024
Activity Location: Ohio Bureau of Criminal Investigation – 1560 SR 56 SW, London,
OH 43140
Author: SA Steven Seitzman

Narrative:

On Friday, October 25, 2024, Ohio Bureau of Criminal Investigation Special Agent Steven Seitzman received from Sergeant Isaiah Keller the Montgomery County Sheriff's Office Use of Force Policy and MCSO Sergeant Walters' narrative from the October 19, 2024, Officer-Involved Critical Incident. Sergeant Walters was interviewed by Special Agent Richard Ward on October 19, 2024.

The records were reviewed and are attached below.

Attachments:

Attachment # 01: MCSO Use of Force Policy
Attachment # 02: Sergeant Walters Supplement

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

Exhibit 1

MONTGOMERY COUNTY SHERIFF'S OFFICE

General Orders Manual - 6th Edition

GENERAL ORDER		NUMBER 1.1.3
SUBJECT ACTION RESPONSE		
SUPERSEDES GENERAL ORDER: 1.1.3 Effective December 16, 2022	AFFECTED PERSONNEL All Personnel	
ISSUED BY: <i>Sheriff Rob Streck</i>		

INDEX AS:

1.1.3

ACTION RESPONSE

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1.1.3 Action Response

The Montgomery County Sheriff's Office recognizes and respects the value and special integrity of human life. In vesting law enforcement officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is necessary. Furthermore, the Sheriff's Office is desirous of maintaining the confidence and respect of the community it serves, through agency accountability and an action response review process. The Sheriff's Office policy is that its personnel will use only the force that is reasonably necessary to effectively bring an incident under control, while protecting personnel and the public. The Montgomery County Sheriff's Office will not tolerate excessive force. This directive defines the limits of individual discretion and provides guidelines for the exercise of this discretion.

This directive is for Sheriff's Office use only and does not apply in any criminal or civil proceeding. This directive should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for internal administrative sanctions.

A. Force to Effect Lawful Objectives

CALEA 4.1.1/1.2.10

1. Personnel must use only reasonable force to accomplish lawful objectives. The Sheriff's Office prohibits indiscriminate action response. Personnel may use force only to protect themselves and others, or to effect an arrest and detain an individual.
2. The definition of force is the use of power to affect, influence, or persuade an individual's behavior. All personnel should view force as continuous succession or a continuum, where the escalation or de-escalation of force is in direct response to the actions of an individual's behavior.
3. A deputy making an arrest may only use such force, as he believes is reasonable, to:
 - Detain an offender, make the arrest, and sustain the detention.
 - Overcome resistance.
 - Prevent escape or recapture after escape.
 - Protect himself or others.
4. The Sheriff's Office considers the discharge of a firearm in the defense of human life an action response. Firearm means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.
5. Use of roadblocks in a pursuit situation is an action response. The *General Orders Manual* "[Pursuit Policy](#)" outlines the agency's position on the use of roadblocks.
6. The Sheriff's Office strongly encourages personnel to use physical force only when the situation absolutely demands it. Nothing in this directive is to be construed to require personnel to assume unreasonable risks. In assessing the need to use force, the paramount consideration should always be the safety of personnel and the public. If a safe alternative to the use of deadly force is likely to achieve the purpose

of averting an imminent danger, deadly force is not necessary. Among the factors affecting the ability of personnel to seize a subject safely, the following are relevant:

- Response to commands - Verbal warnings before using deadly force should be given when feasible and when to do so would not increase the danger to personnel or others. While compliance with commands may make the use of deadly force unnecessary, ignoring such commands may present personnel with no safe option.
 - Availability of cover - Cover provides a tactical advantage that works both ways. An armed subject attempting to gain a position of cover may necessitate the use of deadly force; conversely, personnel in a position of cover may gain additional time to assess the need to use deadly force without exposure to additional risks.
 - Time constraints - The inherent disadvantages posed by the issue of action/reaction impose significant constraints on the time frame in which personnel must assess the nature and imminence of a threat.
7. Personnel have an obligation to intervene and report the incident to a supervisor when they observe other personnel or other law enforcement use excessive or unnecessary force. This duty should be viewed as protecting themselves as well as the criminal suspect from the consequences of excessive or unnecessary force.
 8. Personnel who use force will notify the on-duty supervisor regarding the use of force, as soon as practicable.
 9. Personnel should photograph any injuries which are a direct result of the use of force, if feasible.

B. Deadly Force

CALEA 4.1.2

1. Personnel may use deadly force only when they reasonably believe that the action is in defense of human life. This includes their life or in defense of any person who is in imminent danger of serious bodily injury. The use of a police vehicle in a ramming action is a use of Deadly Force and such action must meet the criteria for use of Deadly Force. See the "[Pursuit Policy](#)" chapter of the *General Orders Manual*.
2. The following definitions apply to this directive:
 - Reasonable Belief - When facts or circumstances personnel know, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
 - Imminent Danger - An appearance of threatened and impending injury as would put a reasonable and prudent person to his instant defense.
 - Serious Bodily Injury - An injury that creates a substantial risk of death, serious permanent disfigurement, or long-term loss or impairment of the function of any bodily member or organ.

- Deadly Force - Any force that carries a substantial risk that it will proximately result in the death of any person.
3. If feasible, and if to do so would not increase the danger to personnel or others, a verbal warning to submit to authority should be given before the use of deadly force.
 4. When the decision is made to use deadly force, personnel may continue its application until the subject surrenders or no longer poses an imminent danger. When deadly force is permissible under this policy, attempts to shoot to cause minor injury are unrealistic and can prove dangerous because it is unlikely to achieve the intended purpose of bringing an imminent danger to a timely halt.

C. Discharging Firearms At or From Moving Motor Vehicles**CALEA 4.1.2**

1. The Sheriff's Office prohibits the discharging of a firearm at or from a moving motor vehicle unless the deputy reasonably believes that such an action is in defense of human life. This includes the deputy's own life or in defense of any person who is in imminent danger of serious bodily injury.
2. The discharging of a firearm at or from a moving motor vehicle creates significant risks. Some risk factors that deputies must consider are:
 - The likelihood of missing the target and the trajectory of errant shots,
 - The improbability of stopping the vehicle, and
 - The probability of the vehicle crashing and causing injury to the deputy and/or other persons.
3. Deputies must use tactical positioning of vehicles and tactical vehicle approaches in order to minimize the danger presented by occupied vehicles.
4. Deputies must not deliberately place themselves in the path of a moving vehicle. It is the deputy's first responsibility to move from the path of the motor vehicle and/or seek cover. In most instances, this option will provide the safest alternative for the deputy. The time taken to unholster, aim, and attempt to stop the oncoming vehicle may place the deputy in greater danger than the deputy moving and/or seeking cover.
5. Reaching into an occupied vehicle to turn off the ignition significantly increases the likelihood of being disarmed, entangled, dragged, or even killed. Therefore, deputies should not engage in this practice.

D. Warning Shots**CALEA 4.1.3**

1. The Sheriff's Office prohibits warning shots because of the possibility of injury to citizens and other law enforcement officers.

E. Use of Other Weapons**CALEA 4.1.4 / 4.1.6 / 4.1.7 / 4.3.1 / 41.3.4**

1. The Montgomery County Sheriff's Office authorizes the use of other weapons by agency personnel in the performance of their responsibilities. The Training Center sergeant or his designee must inspect and approve these weapons before deputies or corrections officers can use or carry them. Personnel must have training and certification in the use of other weapons before using or carrying them. The successful completion of an approved training course may serve as proof of the inspection and approval process.
2. The Sheriff's Office authorizes deputies to carry and use an expandable baton as an impact weapon. Policy prohibits personnel from carrying or using any other impact weapon, i.e., slapjacks, blackjacks, or brass knuckles. The expandable baton is an effective and proven short-range weapon when deputies have proper training in its use. Deputies must annually receive expandable baton training from an instructor with expandable baton training certification.
3. Irritant sprays are proven to be effective on human beings and animals without causing serious physical harm. Deputies and corrections officers use irritant sprays only when lesser levels of force are not successful or appropriate, but before a level of force that requires bodily harm to the suspect. The Sheriff's Office requires deputies and corrections officers to complete an agency training course before allowing them to use irritant spray. At least once every two years, deputies and corrections officers receive irritant spray training from an instructor with irritant spray training certification. Sheriff's Office deputies and corrections officers may carry and use only irritant sprays the Sheriff's Office issues.
4. When a deputy determines his issued expandable baton or irritant spray is defective, he completes a Uniform and Supply Request form and submits it to his immediate supervisor along with the defective weapon.
5. The Sheriff's Office prohibits the use of flashlights that are constructed of metal and longer than six inches, except those issued by the Montgomery County Sheriff's Office. The Sheriff's Office prohibits the use of flashlights as offensive weapons. Flashlights are primarily a lighting device. Personnel should only use flashlights as weapons for defensive purposes.
6. When attempting to control a grounded suspect, any pressure used should be placed on the shoulder or the lower portion of the back, not intentionally on the neck. If at any time during the struggle pressure is unintentionally placed on the neck, personnel should readjust their positioning. Once the subject is handcuffed and compliant, personnel should place the individual in the "recovery position" as soon as it is safe to do so.

The following definition applies to this directive:

- Recovery Position – Placing a person on their side (left side preferable) from either lying face down or on their back to assist with keeping their airway clear and open. If the person has to vomit, the recovery position helps to prevent aspirating.
7. The Sheriff's Office prohibits personnel from using Choke Holds, Vascular Neck Restrictions, or similar weaponless control techniques except in situations where deadly force is justified.

The following definitions apply to this directive:

- Choke Hold or similar weaponless control technique – Use of force that relies on the restriction of oxygen intake which could potentially result in serious injury or death.
 - Vascular Neck Restrictions or Carotid Restraint – Technique that relies on the temporary disruption of blood flow to the brain for incapacitation which could potentially result in serious injury or death.
8. Sheriff's Office personnel receive specific initial and biennial training in the use of Vascular Neck Restrictions or Carotid Restraint techniques which can only be used as a defensive tactic in Deadly Force situations.
 9. The Sheriff's Office prohibits the use of knives as offensive weapons. Knives are primarily cutting tools. Personnel should only use knives as weapons for defensive purposes and then only as a last resort. Personnel are allowed to carry a knife with a blade no longer than 4 inches. Tactical Response and Negotiation Team members and personnel serving high risk search warrants may carry knives with blades longer than four inches as part of their tactical gear.
 10. Personnel may use non-traditional weaponless techniques and/or weapons of opportunity as action response options as a result of rapidly evolving situations. These techniques/weapons include environmental weapons, natural weapons close at hand, and non-traditional weaponless control techniques.
 11. Personnel will receive biennial training in weaponless control techniques from a certified Subject Control instructor.
 12. The offensive or defensive use of any weapon is an action response and requires the filing of proper reports.

F. Use of Less-Lethal Weapons and Projectile Munitions

CALEA 4.1.4

1. The Sheriff's Office authorizes only SWAT Team personnel, Regional Crowd Management Team personnel, and Supervisors to use weapons that fire less-lethal munitions. These personnel must receive special training and certification before carrying or using the weapon. They must successfully complete a recertification course annually.
2. The Sheriff's Office has dedicated 12 gauge shotguns for less-lethal weapons. The shotguns are distinctively marked with orange stocks and fore-ends. Personnel must visually and physically inspect the less-lethal shotgun to ensure the total absence of lethal ammunition every time the weapon is out of their direct control.
3. The less-lethal weapons and munitions are used to encourage compliance, overcome resistance, and reduce the potential for serious injury or death. Authorized personnel may use the less-lethal weapons, as appropriate, including, but not limited to, the following existing situations:
 - To de-escalate a dangerous or potentially deadly situation.

- To control, detain, or arrest a violent individual.
- To protect officers or other persons from harm, including individuals from self-inflicted injuries.

Personnel must be aware that although less-lethal weapons and munitions are designed as a less-lethal option, it is possible that serious injury or death will result from their use.

4. The Sheriff's Office highly recommends personnel using less-lethal weapons have "lethal cover" available and ready to use lethal force, if necessary. Personnel must have "lethal cover" when encountering situations involving firearms.

G. Use of the TASER®

CALEA 4.1.4 / 4.3.1

1. The TASER® is designed to conduct energy that disrupts the target's sensory and motor nervous system, causing neuro-muscular incapacitation. Deputies may use a TASER® to control dangerous or violent persons when such persons, through words or actions, communicate that they are resisting, opposing, or attempting to flee from a lawful arrest or detention.
2. Deputies may use the TASER® only when lesser levels of force are not appropriate or successful but before a level of force that would potentially inflict bodily harm to the subject. The TASER® is **not** a substitute for the use of lethal force.
3. The Sheriff's Office requires deputies to receive special training and certification before carrying or using the TASER®. The Training Center sergeant or his designee must inspect and approve the TASER® before deputies can use or carry them. Deputies must successfully complete an annual certification course that is monitored by a certified TASER® training instructor. The successful completion of an approved TASER® training course may serve as proof of the inspection and approval process.
4. Prior to going on duty, deputies carrying a TASER® must test the operability of the unit at a TASER® checking station. If it becomes necessary to test the TASER® in the field, deputies must conduct the test in a safe, preferably grassy, area.
5. Deputies will document the TASER® test on their *Daily Activity Report (MDT Unit History)*, if their assignment requires making such a report.
6. Supervisors reporting for duty at a building or substation with a TASER® checking station must visually inspect the condition of the station at the beginning of their tour of duty and document the inspection on their *Daily Activity Report (MDT Unit History)*, if responsible for completing one.
7. Deputies must not intentionally aim the TASER® at a person's head, neck, or groin. Deputies must carefully consider and use caution when a targeted person is likely to experience a fall from an elevated or other precarious position. This policy prohibits deputies from using the TASER® as a means of punishment or maliciously inflicting pain.
8. Deputies are prohibited from using the TASER® in the following situations:

- Against persons who may have come into contact with flammable liquids or in environments where flammable liquids or fumes are likely present, including methamphetamine labs.
 - Against any person in control of a bicycle, watercraft, aircraft, or motor vehicle.
 - While engaging in horseplay of any kind.
 - Against animals of any kind, unless the deputy reasonably believes that the animal poses a serious and immediate safety risk to himself, other law enforcement officers, or the public, and no other options are available.
9. Unless deputies have attempted all other means short of lethal force, deputies are discouraged from using the TASER® in situations involving pre-teen children, known pregnant women, and elderly persons or others who might be susceptible to injuries resulting from a fall.
 10. The offensive or defensive use of the TASER® is an action response and requires the filing of proper reports. Deputies will indicate the use of the TASER® in the *Action Response Report*.
 11. Deputies using the TASER® must collect all spent cartridges, probes, and Anti-Felon Identification (AFID) tags and preserve them as evidence. Deputies must place all evidence into the Property Room after properly packaging, marking, sealing, and tagging it. If the spent cartridges, probes, and AFID tags have no further evidentiary value, the deputy should mark them for destruction after a thirty-day hold. This does not apply to cartridges used for training purposes.
 12. Any accidental discharge of the TASER® requires a deputy to notify an on-duty supervisor immediately and to complete a written Information report. The supervisor is responsible for forwarding the report through the chain of command to the Chief Deputy.
 13. Deputies must photograph areas of the body that the TASER® probes impact and any injuries sustained as the result of using the TASER®. This policy prohibits deputies from photographing invasive areas, such as genital areas, buttocks, and female breasts.
 14. The deputy must submit the TASER® used in the incident to his supervisor for data collection. The deputy's supervisor will download all pertinent information regarding the deployment of the TASER®. The supervisor must sign and date the printout from the Taser download and attach it to the *Action Response Report*.
 15. When a deputy discovers the TASER® is not functioning properly, he reports it to his immediate supervisor. The supervisor will provide a replacement TASER® and send the malfunctioning TASER® for repair.
 16. The Montgomery County Sheriff's Office authorizes the carry and use of the TASER® only.

H. Ensuring Medical Aid After Action Response Incidents and Apprehension CALEA 4.1.5

1. When a deputy sprays an individual with an irritant spray, he must decontaminate the person as quickly as practical. The deputy accomplishes this by dousing the person's face, eyes, and nose areas with liberal amounts of water or by using decontamination towelettes. When water or towelettes are not readily available, the deputy immediately transports the individual to a location where water is accessible.
2. When a deputy discharges a TASER® and a probe embeds in or penetrates the skin (except for the face, head, groin, or female breast) the deputy may remove the probe but must first don disposable, liquid-resistant gloves and provide first aid once the probes are removed. In all cases where a probe embeds in or penetrates the skin, the probe is unable to be removed by the deputy, the probe removal causes additional injury beyond first aid, or a portion of the probe remains embedded in or penetrating the skin, the deputy must ensure that the individual receives medical evaluation by Emergency Medical Service (EMS) personnel, as quickly as practical.
3. When personnel use force that results in a physical injury or the likelihood of a physical injury, they must ensure that the individual receives medical evaluation and the appropriate medical attention as quickly as possible. Medical attention includes, but is not limited to, administering first aid, evaluation by paramedics, or medical evaluation at a hospital. When the individual has obvious severe injuries, medical distress is apparent, or the individual is unconscious, personnel will request the dispatcher to send EMS Personnel.
4. When a deputy strikes an individual with any less-lethal munitions, he must ensure that the individual receives medical evaluation at a hospital.
5. Appropriate medical attention should be rendered as quickly as reasonably possible for injuries having occurred during an apprehension.
6. Treatment by qualified health care personnel will be provided to Montgomery County Sheriff's Office personnel involved in an action response incident when there is obvious physical injury, a complaint of injury, or a request for medical attention.

I. Requirement to File Report on Discharge of a Firearm

CALEA 4.2.1

1. Whenever a deputy discharges a firearm, other than in training or for recreational purposes, he must file a written report. This includes when discharging a firearm to:
 - a. Kill a dangerous animal or an animal with an injury so severe that its removal from further suffering is the only humane thing to do, providing it is safe to do so.
 - b. Give alarm or to call assistance for an important purpose when no other means is available.
2. When a deputy discharges a firearm on-duty, other than for training, he immediately notifies his supervisor by the most direct means. The deputy completes a written report and submits it to his supervisor before the end of his watch.
3. If the spent cartridge is not evidence, the supervisor places the cartridge in an envelope and forwards the envelope along with the report to the District Commander.

4. When a deputy discharges a firearm during off-duty hours, other than for training or recreation, he immediately notifies an on-duty Community Services Division supervisor. The supervisor goes to the scene and inspects the discharged firearm and spent cartridge. If the spent cartridge is not evidence, the supervisor places the cartridge in an envelope and forwards the envelope, along with the report, to the District Commander. The deputy must complete a written report within twenty-four hours.
5. The District Commander decides the disposition of the spent cartridge after reviewing the report. If a subsequent investigation of the incident reveals the discharge was because of his negligence, the deputy must repeat the Firearm Certification Training Course.

J. Written Reports**CALEA 4.2.1**

1. The offensive or defensive use of any weapon is an action response and requires the filing of an *Action Response Report*.
2. After personnel use any type of force, they complete an Action Response Report and submit it to their supervisor before the end of their watch. This requirement applies to all situations where personnel use force despite the type of force and regardless of whether an injury is apparent. If the electronic Records Management System (RMS) is inoperative, a handwritten *Action Response Report* (Form 0099) must be completed.
3. Criminal reports, including *Action Response Reports*, written as a part of personnel involved in a shooting or action response incident must not include any statement to the effect that the personnel were ordered to prepare or submit the report. Personnel must document any statement to that effect in a memorandum to their supervisor. The supervisor will include the memorandum as part of the administrative investigation.

K. Administrative Review of Action Response Reports**CALEA 4.2.2**

1. Supervisors must promptly review all *Action Response Reports* personnel submit. The supervisor's review will determine whether the action response:
 - a. was in compliance with policy;
 - b. indicates a requirement for additional training;
 - c. warrants a policy revision; or
 - d. necessitates the re-evaluation of Sheriff's Office training or equipment.

Supervisors must document any concerns in a memorandum and forward the memorandum, along with the *Action Response Report*, to the Chief Deputy through the chain of command.

2. The Chief Deputy reviews all *Action Response Reports* and decides which incidents merit investigation by the Inspectional Services Unit. He bases his decision on whether it appears that agency directives were followed, the type and degree of force used, and whether any complaints about excessive force were made regarding the incident. Upon completion of the investigation, the Inspectional Services Unit generates a report of their findings and forwards the report to the Chief Deputy through the chain of command. The report includes the relevant facts and circumstances surrounding the incident and a conclusion about whether the action response violates an agency directive. The Chief Deputy reviews and forwards the report to the Sheriff for his review.
3. Personnel must complete the appropriate report when an action response involving the application of a weapon occurs. Their immediate supervisor forwards the report to the Chief Deputy via the chain of command. The Chief Deputy reviews then forwards a copy to the Inspectional Services Unit for data collection and filing.

L. Relief from Duty Pending Administrative Review

CALEA 4.2.3

1. When Montgomery County Sheriff's Office personnel actions, while acting in an official capacity, result in the death or serious physical injury of any person, the Sheriff or his designee temporarily relieves them from duty, pending an administrative review. Personnel must participate in an agency stress-counseling appointment as soon as practicable and attend a follow-up meeting within 30 days after the first meeting. The Division Commander, through the Personnel Director, ensures the scheduling of the counseling and that they attend. The Sheriff or his designee decides when they may return to a line-duty assignment.

M. Weapons and Weapons Retention

CALEA 4.3.1

1. The intent of this directive is to ensure that deputies do not use poor quality or inherently dangerous weapons, firearms, or ammunition. Because of the demands of various assignments within the organization, the Sheriff establishes specific criteria for using personal firearms and less-lethal weapons while on official duty. Deputies may carry and use only the weapons and ammunition the Sheriff's Office authorizes for the performance of duty.
2. The Montgomery County Sheriff's Office issues semi-automatic pistols to deputies. The Training Center sergeant or his designee must inspect and approve all issued weapons before deputies can carry them. Deputies must successfully complete a firearm training course for the weapon. The successful completion of an approved firearm training course may serve as proof of the inspection and approval process.
3. A deputy may choose to carry a firearm he personally owns instead of the Sheriff's Office issue model. However, before the deputy may carry his personal firearm, the Training Center sergeant or his designee must inspect and approve the personal weapon.
4. Any alteration or accessory added to a personally owned or departmentally issued duty weapon including a Miniature Red Dot Sight (MRDS) must be a reputable brand and approved by the Training Center sergeant or his designee. If a deputy chooses to utilize an MRDS, iron sights must be visible through the optic in the event the optic

becomes inoperable. The addition or change of a MRDS would also require the deputy to pass the OPOTA state firearms qualification with the new optic.

5. The Sheriff's Office equips all patrol cruisers and detective vehicles with a 12 gauge shotgun and spare ammunition. The Community Services Division Commander or his designee assigns each shotgun to a specific district, section, or unit. The Community Services Division Commander must approve the transfer of a shotgun to another district, section, or unit. A deputy may choose to carry a shotgun he personally owns instead of the Sheriff's Office issue model. However, before the deputy may carry his personal shotgun, the Training Center sergeant or his designee must inspect and approve the weapon. If the personal shotgun has a barrel length of less than eighteen inches, the deputy must properly register the shotgun with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in accordance with the National Firearms Act, and provide proof of registration to the Community Services Division Commander. Failure to do so may result in discipline and/or criminal charges. The Community Services Division Commander and the Training Center sergeant must inspect and approve all personal shotguns with a barrel length of less than eighteen inches before the deputy may carry the weapon.
6. The Sheriff, at his discretion, may approve deputies to carry patrol rifles they personally own with the following stipulations:
 - a. The deputy wishing to carry a patrol rifle on duty must submit a memorandum of interest to his Division Commander, via the chain of command. The memorandum must include the make, model, and serial number of the weapon. The Sheriff maintains the authority to approve or deny an employee's right to carry a patrol rifle. The Sheriff may consider a deputy's performance evaluations prior to approval. Any violation of policy regarding the use of weapons may be cause to revoke a deputy's privilege to carry a patrol rifle.
 - b. Before the deputy may carry a patrol rifle, the Training Center sergeant or his designee must inspect the weapon and ensure the deputy has the proper authorization to carry the patrol rifle. Additionally, the Training Center sergeant or his designee must approve all accessories and modifications to any patrol rifle.
 - c. If the patrol rifle has a barrel length of less than sixteen inches, the deputy must properly register the patrol rifle with the ATF, in accordance with the National Firearms Act, and provide proof of registration to the Community Services Division Commander. Failure to do so may result in discipline and/or criminal charges. The Community Services Division Commander and the Training Center sergeant must inspect and approve all patrol rifles with a barrel length of less than sixteen inches before the deputy may carry the weapon.
 - d. Patrol rifles must have a sling and be secured inside either a case or patrol rifle mount in the deputy's assigned vehicle. Deputies may secure their patrol rifle in a department installed patrol rifle mount if the deputy's assigned vehicle is so equipped. The deputy must remove the patrol rifle at the end of his tour of duty.

- e. Deputies must attend an 8-hour patrol rifle in-service training session prior to carrying a patrol rifle. Each subsequent year, deputies must attend a 4-hour patrol rifle in-service training session. If a deputy fails to attend a subsequent 4-hour in-service training session he may be required to attend the 8-hour in-service training session prior to being permitted to carry their rifle on duty. Both the four and eight-hour sessions will include an annual qualification set forth by the Ohio Peace Officer Training Academy (OPOTA); deputies must attain a passing score.
 - f. Deputies may deploy a patrol rifle in any circumstance where the officer can articulate a reasonable expectation the rifle may be needed. Examples of some general guidelines for deploying a patrol rifle may include, but are not limited to:
 - Situations where the deputy reasonably anticipates an armed encounter.
 - When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.
 - Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.
 - When a deputy reasonably believes there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
 - When a deputy reasonably believes a suspect may be wearing body armor.
 - When authorized or requested by a deputy at the rank of sergeant or higher.
 - g. Deputies should not use patrol rifles to kill a dangerous animal or an animal with an injury.
7. The deputy must complete a firearm training course appropriate for the weapon he intends to carry and attain a passing score. The deputy must record the make, caliber, and serial number of each firearm on an *In-Service Training Record (form 0048) form*. The deputy is responsible for the purchase of the holster and magazine pouch when issue equipment does not fit his personal weapon. The firearm must meet the criteria in the specifications for firearms in the "[Approved Weapons and Ammunition](#)" addendum of the *General Orders Manual*. The successful completion of an approved firearm training course may serve as proof of the inspection and approval process.
8. The Sheriff, at his discretion, may grant an exemption to the type and caliber of weapons deputies use in special assignments. The SWAT Team has approval to carry and use the weapons meeting the specifications in the *Montgomery County Regional Special Weapons and Tactics Team* manual.
9. Administrative personnel in uniform must comply with the firearm specifications. However, they may carry a firearm with a barrel length of less than four inches if the complete utility rig is not a requirement for official duty.

10. Deputies not in uniform must comply with the firearm specifications when selecting a non-issue personal firearm for official duty use. However, the Sheriff's Office allows them to carry a firearm with a barrel length of less than four inches.
11. The Sheriff's Office authorizes all deputies to carry and conceal a backup weapon, providing they annually requalify with their backup weapon. Normally, a backup weapon is small, and the deputy would use it only when his primary weapon is lost or inoperable. The Training Center sergeant or his designee must inspect all backup weapons to ensure the weapons are of reputable manufacture and function properly. The successful completion of an approved firearm training course may serve as proof of the inspection and approval process.
12. The Sheriff must approve, and the Training Center sergeant or his designee must authorize, any major modification to a deputy's firearm. Deputies must seek approval and authorization before modifying a firearm, whether it is Sheriff's Office issue or a firearm the deputy personally owns.
13. Deputies in both plain clothes and off-duty situations have authorization to carry and conceal side arms and ammunition with the following stipulations:
 - a. The deputy must complete an agency firearm training course, appropriate for the type of weapon he intends to carry and attain a passing score.
 - b. The deputy must record the make, caliber, and serial number of each weapon on an *In-Service Training Record (form 0048)*. The Training Center sergeant or his designee inspects each personally owned weapon and ensures that the deputy has authorization to carry such a weapon. The Sheriff must approve any questionable firearms or ammunition.
 - c. A deputy may carry only firearms and ammunition the agency approves for off-duty use. Any weapon a deputy personally owns and intends to carry for off-duty or concealment carry applications must be of reputable manufacture.
 - d. Deputies carrying a firearm off-duty must take every precaution not to expose the weapon unnecessarily to the public and exercise care to prevent accidental discharge.
14. Deputies should carry firearms when engaging in official matters. Deputies, while off duty, have the authorization to carry firearms though may, at their discretion, choose not to do so.
15. The Sheriff's Office issues or makes available batons, irritant sprays, energy weapons, less lethal shotguns, and pepperball launchers to qualified deputies.
16. The Sheriff's Office issues new ammunition to its deputies. The Training Center staff will inspect the deputy's ammunition annually to ensure quality and replace if necessary. The ammunition a deputy uses must meet the criteria in the specifications for ammunition in the *General Orders Manual* [Addendum 1.1.3.A](#).
17. The Sheriff, at his discretion, may grant an exemption to the type of ammunition deputies use in special assignments. The SWAT Team has approval to carry and

use the ammunition and distraction devices meeting the specifications in the *Montgomery County Regional Special Weapons and Tactics Team* manual.

18. The Training Center sergeant must approve any other ammunition styles. He bases his approval on its quality and its reliability in the weapon the deputy selects to carry.
19. The agency maintains records on each weapon that deputies carry for official use. These records also serve as proof of firearms training and requalification sessions with each weapon.
20. Deputies must not carry any firearm that the Training Center staff decides is an unsafe weapon. When Training Center staff decide an agency-owned firearm is unsafe, they remove it from service and arrange for its repair or replacement. The Training Center staff then requires it to be test fired before allowing a deputy to carry it.
21. Deputies must carry firearms in a holster inspected and approved by Training Center staff. This applies to the deputy's duty, concealment, off-duty, or backup firearm. The holster must have a retention system that will retain the deputy's weapon during strenuous activity. Examples of acceptable retention systems include, but are not limited to, the following:
 - A form-fitting design
 - A thumb break strap
 - An internal locking mechanism
 - An adjustable tension device
22. Deputies must store agency-authorized firearms so that they are not accessible to untrained or unauthorized persons.

N. Firearms Proficiency

CALEA 4.3.2

1. Deputies must show proficiency with all authorized weapons they use in the performance of their work duties. The Training Center sergeant selects a course to use for requalification and deputies must achieve a minimum score on the course. Deputies must be knowledgeable about the laws concerning the use of firearms and be familiar with safe handling procedures for these weapons.
 - a. All newly hired deputy sheriffs will have two opportunities to shoot and achieve a minimum score on the state firearms requalification course.
 - b. The Sheriff's Office provides semi-automatic weapons and ammunition for use during the firearms requalification. The newly hired deputy sheriff may use his personal weapon providing it meets the firearms specifications as described in the "[Approved Weapons and Ammunition](#)" addendum of the *General Orders Manual*.
 - c. The Training Center sergeant or his designee notifies the Community Services Division Commander of any newly hired deputy sheriff failing to

achieve a minimum score on the state firearms requalification course. Failure to achieve a minimum score on the firearms requalification course will be sufficient reason to probationary release the deputy.

2. The Sheriff's Office authorizes only the SWAT Team to use Submachine Guns, Distraction Devices, and Gas Guns. The SWAT Team requalifies several times a year and shows proficiency with these weapons. See the "[Tactical Response and Negotiation Teams](#)" chapter of the *General Orders Manual*.

O. Annual Firearms Requalification and Procedures

CALEA 4.3.3 / 11.3.4

1. Certified training instructors conduct firearm range sessions at least twice a year as part of the Sheriff's Office in-service training program. They instruct deputies on the agency's "Action Response" policy as part of their annual Weapons Requalification Program. The Training Center documents the training course in PowerDMS™ and keeps a copy of the Montgomery County Sheriff's Office In-Service Training Record in the deputy's training file at the Training Center.
2. Deputies must meet the requalification requirements approved by the executive director of the Ohio Peace Officer Training Commission. The Training Center sergeant or his designee notifies the Community Services Division Commander immediately of any deputy failing to pass the annual Weapons Requalification Program. The Community Services Division Commander will notify the Chief Deputy of any failure the Training Center Staff reports. Further, any Training Center staff member who observes any noticeable deficiencies in the proper handling and use of a firearm by any deputy will report it immediately to the Community Services Division Commander.
3. The Sheriff's Office prohibits a deputy from carrying any firearm until he demonstrates proficiency with the weapon. Based on *Ohio Revised Code* § [109.801](#) and *Ohio Administrative Code* § [109:2-13-02](#), any deputy who, after three attempts, fails to meet the absolute minimum requirements of the annual Weapons Requalification Program will turn over his issued weapon and/or issued ammunition, along with his department credentials and badge, to the Training Center sergeant or his designee. Further, the Personnel Director, or his designee, will advise the deputy, in writing, that he must not represent himself as a deputy sheriff or take any type of enforcement action until he successfully meets the absolute minimum requirements of the annual Weapons Requalification Program.
4. During the time the deputy is attempting to meet the absolute minimum requirements of the annual Weapons Requalification Program, the Personnel Director, at his discretion, will reassign the deputy to a non-peace officer duty.
5. Deputies failing to meet requalification requirements with a weapon must attend remedial training. Remedial training will include up to four hours of training and three attempts to requalify.
 - a. If the deputy still fails to requalify, Training Center staff will schedule him for an additional four-hour remedial training session and an additional three attempts to requalify.

- b. If the deputy still fails to requalify, Training Center staff will schedule the deputy for a final eight-hour remedial training session and a final three attempts to requalify.
6. Failure of the deputy to meet the absolute minimum requirements of the annual Weapons Requalification Remedial Training Program is sufficient reason to probationary release or terminate the deputy.
7. The annual training handout contains a description that details range procedures and requalification courses. The annual Weapons Requalification Program meets all State requirements of *Ohio Revised Code* Chapter 119, § [109.801](#).

P. Receipt and Instruction**CALEA 4.3.4**

1. The Sheriff's Office distributes its "Action Response" policy through a written directive system. Each supervisor is responsible for ensuring his subordinates review the "Action Response" policy. He reviews the material with his subordinates and provides them with any necessary instruction. Subordinates acknowledge receipt of the written directive by signing the policy in PowerDMS™. The Training Center must ensure all new personnel review the "Action Response" policy during orientation.
2. Due to its importance, personnel may not carry lethal or less lethal weapons before review and acknowledgment of their understanding of the agency's "Action Response" policy.
3. The Training Center sergeant or his designee reviews the "Action Response" policy with all deputies during the annual Weapons Requalification Program. Deputies must successfully pass annual testing on the "Action Response" policy as part of the requalification program.
4. The Sheriff's Office prohibits any personnel from carrying a lethal or less lethal weapon until they meet the requirements of this section.

Q. Quarterly Review of Action Response Reports**CALEA 4.2.4 / 4.2.5**

1. The Inspectional Services Unit produces a quarterly report summarizing all action response incidents. The report detail includes the identity, classification, and assignment of involved personnel, the total number of incidents within the specified quarter, and the action of both the offender and personnel.
2. The Inspectional Services Unit distributes a copy of the quarterly *Action Response Summary Report* to the Sheriff, the Training Center sergeant, and all personnel with the rank of lieutenant and above.
3. Staff review the report and use it to make recommendations for training needs, procedural changes, and policy revisions. The Inspectional Services Unit sergeant uses the quarterly *Action Response Summary Reports* for the annual analysis to identify date and time of incidents, types of encounters, trends or patterns related to race, age and gender of subjects involved, trends or patterns resulting in injury to any person, including personnel, and the impact of findings on policies, practices, equipment, and training.

4. Annually, the Community Services Division Commander conducts a review of all assaults on law enforcement officers to determine trends or patterns that could indicate training needs, policy modifications, or recommendations to enhance officer safety.

R. Firearm Safety Rules**CALEA N/A**

1. General safety rules apply to the handling of all firearms, whatever the load status.
2. Deputies open the action, remove ammunition, and double-check to ensure the firearm is in a safe condition, before allowing anyone to handle the firearm. The safe condition of firearms includes:
 - Revolver - Release the cylinder and swing it out of the frame.
 - Shotgun - Slide back, safety on.
 - Semi-automatic firearms - Slide or bolt back, magazine out, and safety on.
 - Patrol rifle - Bolt back, magazine out, and safety on.
3. A deputy must never point a firearm at anyone unless he has justifiable cause to display such force and should never point a firearm in a direction where an unintentional discharge could result in an injury to a person or damage to property. This rule is especially important when dry firing. A deputy should never use a window or an inside wall as a dry firing target.
4. A deputy should not place his finger on the trigger or inside the trigger guard until he is ready to fire the weapon.
5. Improper handling and/or care of a firearm depicts a poor level of professionalism and is likely to result in adverse consequences.

S. Evaluation of New Weapons and Products**CALEA N/A**

1. Previous policies do not preclude the testing and evaluation of new or different weapons and products by the Sheriff's Office. The Sheriff must give written approval before deputies or corrections officers may test or evaluate new weapons or other products that affect the current "Action Response" policy.

T. Personnel Involved Shootings or Use of Lethal Force Notifications**CALEA 11.3.4**

1. When Sheriff's Office personnel (whether on or off-duty) use a firearm in an attempt to inflict lethal force, inflict lethal force in any other manner, or use less-lethal munitions to strike an individual and that use results in serious physical injury or death, the first non-involved supervisor on the scene or his designee notifies:
 - The Division Commander.

- The District Commander/Division Captain.
 - The Investigations Section supervisor.
 - The duty detective.
 - The Forensic Services Unit supervisor.
 - The Inspectional Services Unit supervisor.
2. The Division Commander is then responsible for notifying the Sheriff, Chief Deputy, and other Division Commanders. The Investigations Section supervisor is responsible for notifying the Investigations Section Commander.
 3. The first non-involved supervisor on the scene must ensure that:
 - The scene is secured,
 - The perimeter is controlled,
 - Evidence is preserved, including the weapon used by the deputy and all ammunition and magazines,
 - Potential witnesses are located; identified; and secured,
 - Involved personnel are secured from individuals not directly involved in the investigation,
 - The proper notifications are made, and
 - Personnel are safely removed from the scene, if necessary.
 4. The Community Services Division Commander is responsible for overseeing the criminal investigation. He must ensure the interviewing of potential witnesses and involved personnel and the collection and preservation of evidence. The criminal investigation takes precedence over an administrative inquiry. However, investigators from both units must work closely together during the initial stages of the investigation.
 5. The Inspectional Services Unit supervisor is responsible for overseeing the administrative investigation. He must work closely with members of the Investigations Section. However, the administrative investigation must never interfere with the criminal investigation. Inspectional Services Unit members are to obtain basic information regarding the incident and observe the scene. Ordinarily, the Inspectional Services Unit will not administratively interview involved personnel until they serve them with a *Notice of Administrative Investigation*.
 6. Members of the Inspectional Services Unit retain extra semi-automatic pistols and ammunition. If necessary, the Inspectional Services Unit will provide the involved deputies with a temporary replacement weapon and ammunition.
 7. Involved personnel will provide a summary of the incident to investigators in order to assist them with determining what crime the suspect has committed, the suspect's

actions prior to the use of force, and the involvement of the personnel prior to the application of force.

8. Personnel must submit weapons for inspection and evidentiary purposes, submit to "four point" photographs, and prepare routine reports regarding the incident.
9. If feasible, appropriate, or needed, a scene walkthrough may be conducted to ensure all evidence is located and safeguarded prior to personnel and witnesses leaving the scene to determine:
 - The location of personnel.
 - The location of suspects.
 - The location of weapons.
 - The location of witnesses.
 - The location of shell casings.
 - The involvement of other personnel.
10. Nothing in this policy precludes personnel from consulting with an attorney-at-law.
11. Deputies involved in a deadly force incident should have three full sleep cycles before giving a written statement.

Exhibit 2

MONTGOMERY COUNTY SHERIFF'S OFFICE

345 W. Second Street, Dayton, Ohio 45422-2427 www.mcohiosheriff.org (937) 225-HELP (4357)



Officer Narrative

INCIDENT INFORMATION

CASE NUMBER: [REDACTED]

OFFICER NARRATIVE NUMBER: [REDACTED]-010

SUBJECT: REQUEST FOR ASSISTANCE

REPORT MANAGEMENT: Special Investigations

OFFICER: 203 - WALTERS, JOSHUA L

ENTERED ON: 10/28/2024 4:11:00 PM

NARRATIVE

On Saturday, October 19, 2024, I was dressed in the uniform of the day and operating a fully marked Sheriff's Office cruiser assigned as the supervisor covering Jefferson and Washington Township, OH.

At approximately 0842 hours, the Dayton Police Department requested assistance in the area of 1273 Rosedale Drive regarding a male with a gun. The caller was uncooperative and reported that the male was threatening to kill her and had previously engaged in violent behavior by throwing a brick through her window and attempting to set her house on fire two days prior. Additionally, officers on the scene requested the presence of an officer equipped with a less lethal gun.

Equipped with a less lethal gun, I responded to the scene. Upon arrival, I exited my patrol vehicle, retrieved my department-issued less lethal weapon, and approached the suspect's vehicle, a gold older model Buick Lesabre at the intersection of Rosedale Dr. and Access Rd. The vehicle was occupied by a single black male who had a shotgun in hand. Uniformed officers were on the scene attempting to convince the suspect to drop the firearm and surrender peacefully. At this time, I noticed the vehicle was still running and the suspect was behind the steering wheel so a less lethal gun was not an option.

As the situation unfolded, the suspect's family arrived at the scene, including his brother and mother, who tried to persuade him to cooperate with law enforcement and drop the weapon. After approximately 20 minutes of negotiation, the suspect suddenly exited the vehicle and aimed the shotgun at officers, resulting in officers discharging their weapons, causing the suspect to drop the firearm.

Following the incident, other officers and I cleared the suspect's vehicle for additional threats while the Dayton Police Department administered life-saving measures. All Montgomery County Sheriff's Office Deputies in the vicinity were unharmed.

[REDACTED] discharged his AR-15 during the incident and his firearm and body cam were temporarily secured in my marked patrol vehicle before being handed over to the investigators along with mine for further analysis.

Later that day, I participated in a formal interview with Agent Rick Ward from the Ohio Bureau of Criminal Investigations at the Dayton Safety Building.

Sergeant J. Walters # 203

NARRATIVE