



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



2023-1535

Officer Involved Critical Incident - 311 25th Street SW, Canton, Ohio

Investigative Activity: Documents Received
Activity Date: June 20, 2023
Activity Location: BCI Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On June 20, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong received the Use of Force Policy utilized by the Canton Police Department at the time of this incident. The policy has been attached to this Investigative Report for further review.

Attachments:

2023-06-20 Canton PD Use of Force Policy

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.2 POLICY

The use of force is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.3 DEFINITIONS

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

300.4 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. The supervisor shall immediately report the incident to the Chief of Police.

300.5 USE OF FORCE

- (a) **De-escalation**. When feasible, an officer shall use de-escalation techniques to reduce the need for force and increase the likelihood of voluntary compliance. Whenever possible, and when delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual reasonable time and opportunity to submit to verbal commands before force is used.

Canton Ohio Police Department

Canton PD Policy Manual

Use of Force

- (b) **Force must be reasonable** . An officer may only use the amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information, and in circumstances that are tense, uncertain, and rapidly evolving. While the ultimate objective of every encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible injury before applying force.
- (c) **Force to arrest**. An officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance by the person being arrested, nor shall an officer be deemed the aggressor or lose their right to self-defense by the use of reasonable force to make the arrest, prevent escape or to overcome resistance.
- (d) **Use of force to seize evidence**. In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Canton Ohio Police Department for this specific purpose.
- (e) **Dynamic response** . The use-of-force continuum provides guidelines for the reasonable responses to a subject's actions. Force situations often do not allow for an ordinal progression up a continuum of force and an officer must be ready to escalate or de-escalate as the situation evolves. Each force situation is unique, and this continuum is intended only as an illustration of the various force options available to an officer facing a given level of subject resistance. Good judgment and the circumstances of each situation will dictate the level of the continuum of force at which an officer will start. Depending on the circumstances, an officer may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require an officer to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances.

Factors: Circumstances that influence the level of force used by the officer include, but are not limited to:

- immediacy and severity of the threat to the officer;
- seriousness of the suspected offense or reason for the contact with the subject;
- whether the subject appears to be resisting, attempting to evade arrest by flight or is attacking the officer;

Canton Ohio Police Department

Canton PD Policy Manual

Use of Force

- the subject's conduct as reasonably perceived by the officer;
- proximity of weapons or dangerous improvised devices;
- officer/subject factors (e.g., age, size, relative strength, skill, injuries, level of fatigue, number of officers and subjects);
- influence of drugs or alcohol on the subject;
- subject's mental capacity or impairment;
- the risk and reasonably foreseeable consequences of escape;
- the degree to which the subject has been restrained and their ability to resist despite being restrained;
- the availability of other options and their potential effectiveness;
- prior contacts with the subject or awareness of propensity for violence;
- the apparent need to immediately control the subject or promptly resolve the situation.

Levels of Resistance: The levels of resistance by a subject may include:

- **Uncooperative:** Subject fails to respond to verbal commands or other directions.
- **Active resistance:** Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, fleeing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
- **Assault or threat of assault:** Subject assumes a fighting stance, charges, strikes, or kicks an officer, or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault.
- **Life-threatening assault or assault likely to cause serious physical harm:** Subject commits an attack using an object, a weapon or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm or death.

Force Options: These are examples of force available to the officer. Force options may be used simultaneously; for instance, combining verbal commands with the use of OC spray. The officer must choose the necessary response based on law, department policy, training, and experience. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

- officer presence;
- verbal direction;
- escort techniques;
- empty-hand control;
- OC spray/chemical irritant;
- baton;

Use of Force

- TASER;
- deadly force.

300.6 DEADLY FORCE

- (a) **When justified.** An officer's use of deadly force is justified when:
- the officer reasonably believes there is an imminent threat of serious physical injury or death to the officer or another person, or
 - the officer has probable cause to believe that the fleeing subject has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended.
- (b) **Warning.** If feasible, and unless doing so would increase the danger to the officer or others, the officer shall give a verbal warning to submit to the authority of the officer before using deadly force.
- (c) **Alternatives to deadly force.** Deadly force should be a last resort, and should be used only when lesser means of force have failed or could not be reasonably employed.
- (d) **Definition of imminent.** "Imminent" does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes the person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another, or the person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.7 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

Canton Ohio Police Department

Canton PD Policy Manual

Use of Force

300.8 CAROTID CONTROL HOLD

Carotid control holds, choke holds, or any other action that restricts blood or oxygen flow through the neck are prohibited unless deadly force is authorized.

- (a) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly transported to hospital and examined by qualified medical personnel and should be monitored until examined by appropriate medical personnel. If during the application of the carotid control hold the subject goes unconscious officer shall promptly call a Medic Unit to the scene to transport the subject to the hospital.
- (b) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (c) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (d) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.9 SHOOTING AT OR FROM MOVING VEHICLES

Firearms shall not be discharged from a moving vehicle. Firearms shall not be discharged at a moving or fleeing vehicle unless the officer or another person is currently being threatened with deadly force by means other than the moving vehicle. For purposes of this section, the moving vehicle itself shall not constitute the threatened use of deadly force. Therefore officers shall move out of the path of any oncoming vehicle instead of discharging a firearm at it or any of its occupants. Moving to cover, repositioning and/or waiting for additional responding units to gain and maintain a tactically superior police advantage maximizes officer safety and minimizes the necessity for using deadly force. An officer shall not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.10 REPORTING THE USE OF FORCE

Any use of force by a member of this department, including drawing their weapon, shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

NOTE : The only exception to the above policy is during potentially dangerous situations where multiple officers draw their weapons for officer safety. In this instance, the primary officer shall complete the Use of Force report listing all additional officers who displayed their firearms on the front of the report in section listed "Other Officers Involved" and after the officer's name shall place a **Capital D** indicating that the listed officer displayed his/her firearm.

Example: Officer John Smith-D/ Officer Sam James-D

Canton Ohio Police Department

Canton PD Policy Manual

Use of Force

300.10.1 USE OF FORCE FORM

See attachment: [USE OF FORCE FORM 55-1.pdf](#)

300.11 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Conducted Energy Device (CED) or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.12 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be

Canton Ohio Police Department

Canton PD Policy Manual

Use of Force

fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.13 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

Canton Ohio Police Department

Canton PD Policy Manual

Use of Force

- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and prepare a written summary of findings in the use of force report for the incident.
- (i) Initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate. Supervisors will include the need for further review in the narrative summary described above.
 - 1. An administrative investigation will be initiated in every circumstance involving a Canton Police canine bite.
 - 2. The Training Bureau and Canine Coordinator will complete written reviews of every incident involving a canine bite for submission to the Chief of Police and the Office of Professional Standards.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.14 SHIFT COMMANDER RESPONSIBILITY

The Shift Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy. He/she will initial and forward all use of force reports to the Division Commander with recommendations when appropriate.

300.15 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding, at least annually, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

300.16 USE OF FORCE ANALYSIS

At least annually, the Uniform Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.17 CERTIFICATION STANDARDS

This policy contains content that pertains to the Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

Canton Ohio Police Department

Canton PD Policy Manual

Use of Force

See attachment: [OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

Attachments

USE OF FORCE FORM 55-1.pdf

CANTON POLICE DEPARTMENT FORM 55 – USE OF FORCE

Policy 300 requires officers to complete this report any time force is used or a weapon is displayed in the course of duty. Include brief descriptions of the circumstances, weapons and injuries on this page and expand with details in the OFFICER NARRATIVE.



DATE		INCIDENT NUMBER		LOCATION	
-------------	--	------------------------	--	-----------------	--

OFFICER COMPLETING REPORT	
OTHER OFFICERS INVOLVED	
DESCRIPTION OF FORCE USED	
SEVERITY/LOCATION OF OFFICER INJURIES	
HOSPITAL	

SUSPECT INFORMATION									
NAME							PHONE		
HEIGHT		WEIGHT		SEX		RACE		DOB	
ADDRESS									
MANNER OF RESISTANCE									
SEVERITY/LOCATION OF INJURIES									
HOSPITAL									

1	WITNESS NAME		PHONE	
ADDRESS				
2	WITNESS NAME		PHONE	
ADDRESS				

OFFICER SIGNATURE		DATE	
SUPERVISOR SIGNATURE		DATE	
SHIFT/BUREAU COMMANDER		DATE	
DIVISION COMMANDER		DATE	

OCLEAC Standards Compliance Checklist 5-19-2020.pdf