



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

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2024-3862

Officer Involved Critical Incident – 234 Mansfield Avenue,  
Shelby, Ohio 44875, Richland County

**Investigative Activity:** Use of Force Policy Review  
**Involves:** Shelby PD (O)  
**Activity Date:** 12/09/2024  
**Activity Location:** 31 Mack Avenue, Shelby, Richland County, Ohio, 44875  
**Authoring Agent:** SA John P. Tingley

**Narrative:**

On Monday, December 09, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley received the Use of Force Policy utilized by the Shelby Police Department at the time of this incident. The document received is attached to this investigative report for further review.

**References:**

None

**Attachments:**

1. 2024-3862 SPD USE OF FORCE POLICY

**CITY OF SHELBY  
DIVISION OF POLICE  
GENERAL ORDERS**



<b>Chapter:</b> 1.3	
<b>Subject:</b> Use of Force	
<b>Date of Approval:</b> November 21, 2019	<b>Effective Date:</b> January 18, 2021
<b>Issued By:</b> M. Lance Combs, Chief of Police <b>(Updated January 18, 2021)</b>	

- 1.3.1        **Use of Force**
- 1.3.2        **Use of Deadly Force Guidelines**
- 1.3.3        **Warning Shots**
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- 1.3.8        **Post-Shooting, Use of Force and Critical Incident Procedures**
- 1.3.9        **Authorized Firearms and Ammunition Specifications**
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- 1.3.11       **Lethal and Less Lethal Training Standards**
- 1.3.12       **Lethal and Less Lethal Weapon Policy Instruction**
- 1.3.13       **Annual Use of Force Analysis**

**1.3.1        Use of Force**

- A.    Employees/Officers may only use the force which is reasonably necessary to affect lawful objectives including: affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm. (*Ohio Collaborative Community-Police Advisory Board*) Officers only use reasonable force when force is necessary to achieve lawful objectives.
- B.    The degree of force used by officers is based upon the principles of the progression of force, and is determined by the actions of the arrestee.
  - 1.    This progression of force normally begins with officer presence and verbal commands. Dependent upon the actions of the arrestee, force progresses through physical contact, use of non-lethal weapons, and when required in life-threatening situations, use of lethal force.
  - 2.    The circumstances of individual situations dictate the level of force used by the officer.

3. As an individual initiates resistance to arrest, by disregarding verbal commands, increasing the level of resistance offered, or initiating an assault against the officer or a third party, so must the officer escalate the level of force required to overcome the resistance offered and/or defend against an assault. Conversely, as an offender ceases resistance, the officer de-escalates the use of force to that degree required to gain control of an individual.
  4. Use of force, against a cooperative, non-combative arrestee, is limited to a reasonable amount of force necessary to apply restraints and direct the movement of the person.
  5. The degree of force justified to prevent the escape or injury of an individual is limited to non-lethal force except in circumstances of life-threatening situations, where use of lethal force is justified.
  6. **DUTY TO INTERVENE --** Employees/Officers have a duty to intervene to prevent or stop the use of excessive force by another law enforcement officer when it is safe and reasonable to do so. If a Division officer observes or has reason to know that excessive force is being used in his/her presence by another officer, and he/she has the opportunity and the means to prevent the excessive force from occurring, the officer must intervene to prevent the harm. Division officers who must intervene to prevent or stop the use of excessive force by another law enforcement officer, including Division officers or officers from other agencies will immediately report the incident to a supervisor
- C. The use of any "choke" hold shall be prohibited except in situations where the use of deadly force is allowed by law. A "choke" hold shall be defined as a physical maneuver or technique that restricts an individual's ability to breathe for purposes of incapacitation.
- D. The arrestee is handcuffed immediately upon being placed under arrest. Handcuffs are double locked and checked for fit at the time of arrest, if practical to do so. Handcuffs are removed upon entering the booking area, except in cases of combative or potentially violent individuals. The arresting officer exercises discretion as to the removal of restraints. Prisoners demonstrating violent behavior or, those deemed an escape risk are restrained in a more secure manner.
- E. In addition, this Division has adopted the "REASONABLE MAN" standard to establish whether an Officer's actions under given circumstances were justifiable. This test asks: Did the officer in question act as able officers would have acted in a like or similar situation? This reflects the legal burden of proof imposed in the Graham decision, (Graham v. Connor), 490 U.S.386, 109 S.Ct.1865, 104 L.Ed.2d 443, (1989).

F. Response to Resistance/Aggression Continuum

1. The response used shall be based upon principles of the Action-Response to Resistance/Aggression Continuum and shall be determined by the actions of the involved subject(s) and the environment in which the subject(s) are encountered. Generally accepted methods of response are identified in the model, with levels of response corresponding to levels of offender resistance and/or aggression. (Appendix 3)
2. The list of officer responses is not intended to be in any specific order, but reflects on the amount of resistance encountered. The officer will choose the necessary response to gain control of the situation based on policy, his/her physical capabilities, perception, training, experience and the circumstances encountered.

**1.3.2 Use of Deadly Force Guidelines**

- A. Policy Statement for the State of Ohio standard for Use of Deadly Force: The preservation of human life is of the highest value in the State of Ohio. Therefore, employees/officers must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: *(Ohio Collaborative Community-Police Advisory Board)*
1. To defend themselves from serious physical injury or death; or
  2. To defend another person from serious physical injury or death; or
  3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Conner*.
- B. The use of a firearm, or other form of deadly force, is in all probability the most serious act in which a law enforcement officer engages in. It has the most far-reaching consequences for all parties involved. It is imperative therefore, that the officer act, not only within the boundaries of legal guidelines, ethics, and sound judgment, but also is prepared by training, leadership, and direction, to act wisely whenever required to use deadly force in the course of duty.
1. In considering the use of deadly force, officers are guided by a reverence for human life, including the officer's own life. The apprehension of criminal offenders and protection of property is subordinate to the protection of life.
  2. This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or reflection. The intent is to provide basic policies governing the use of deadly force and firearms so that officers are confident in exercising judgment of the propriety of the action taken. It is not to be considered a standard for any judgment

concerning the propriety of any action taken before the effective date of this order, nor is it considered a standard by any court or jury in any criminal or civil litigation or proceeding concerning the lawfulness of any action taken. Established law, not this policy, governs an officer's civil and criminal liability of the use of force.

3. When officers are about to invoke a deadly response, they will, when reasonable or practical, issue a verbal warning to the suspect identifying themselves as police officers and instruct the suspect to cease or stop whatever action the suspect is doing that has caused the officer to consider the use of a deadly response.
- C. An officer is justified in using deadly force when the officer reasonably believes that their action(s) are in defense of human life, including the officer's own life or in the defense of any person(s) in imminent danger of serious physical harm or death.
1. "Reasonable Belief" is defined as: "When facts and/or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances".
  2. "Serious Physical Harm" is defined as: "A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or, results in long term loss or impairment of the function of any bodily member or organ".
- D. Regardless of the justification for the use of deadly force, officers remember that their basic responsibility is the protection of the public. Discharging a firearm under conditions that subject bystanders or hostages to the risk of serious physical harm or death is not justified, unless the failure to do so at the time would create a substantial, immediate threat of serious physical harm or death to the officer or another person.  
**BE COGNIZANT OF YOUR FIELD OF FIRE.**
1. Officers may not fire shots at moving vehicles, or from moving vehicles, unless the situation becomes one of self-defense, in which the officer's life, or the life of another.
- E. Officers can use firearms to defend themselves or others from a dangerous animal. An officer can use firearms to destroy an animal that is so suffering from injury or disease that its destruction is humane, under the following conditions:
1. The officer is unable to arrange for the timely removal of the animal by its owner, a dog warden, or Humane Agent or other competent Animal Control Authority;
  2. The animal can be shot without significant risk to the safety of persons or property;

- a. Ketch-All Poles (snares) will be deployed with each supervisor cruiser and one left on station in the weapons cleaning room.
  - b. Ketch-All Poles will be used in incidents where an animal is in a location that it is not safe to discharge a firearm, but the animal needs to be destroyed, and the snares will be used to move the animal to a safe location for destruction. It is the responsibility of the supervisor on duty or the officer in charge to bring a Ketch-All Pole to the scene and assist the responding officer.
  - c. If an animal must be captured and removed to an alternate location for destruction, two pet carriers will be kept in the weapons cleaning room to be used to transport those animals.
    1. Pet carriers are not to be used as temporary housing for found stray domesticated animals
    2. Pet carriers shall be thoroughly cleaned and disinfected after each use.
3. The on-duty supervisor is notified and gives approval.
    - a. In general, police cruisers or city vehicles should not be used to run over animals as a means of destruction; it is only authorized for the immediate protection of the officer or citizens.
    - b. The preferred firearm used for the destruction of animals should be the police shotgun, using 00 buck. Slugs should be used when destroying larger animals, with the preferred target area being the heart and lungs, behind the front legs. Duty pistols may also be used, but are not preferred.
    - c. Animals destroyed due to suspected rabies shall ONLY be destroyed by shooting them in the body, and the head removed and kept cool. The Shelby Health Department should be notified and will make arrangements for the head to be transported or sent to the Ohio Department of Health for rabies testing.
  4. Officers are not authorized to shoot treed animals.
  5. Nuisance animal complaints, including but not limited to groundhogs under barns, or skunks under porches, are not automatically determined to be sick or injured, and should not be considered for destruction. The same applies to trapped animals, such as deer caught in a fence, or an opossum stuck in a window well.

- a. Officers should only address these issues in accordance with their experience, training and comfort level.
  - b. Residents complaining of nuisance animals that are not sick or injured should be referred to the current Nuisance Trapper List provided by the Ohio Division of Wildlife, and maintained on PowerDMS. The complainant should be provided with information requested from that list and they should be made aware that there is a fee for using private trappers.
  - c. Nuisance trappers are not an alternative response to sick or injured animals, and should not be called by members of the department to address those calls for the police department; except that they may be contacted to provide assistance or advice on such matters in an emergency.
- F. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, and can result in an unwarranted or accidental discharge of the firearm. Except for maintenance, inspection, storage, or authorized training, officers do not draw or exhibit a firearm, unless the circumstances surrounding an incident create a reasonable belief that it is necessary to use the firearm in conformance with this directive on the use of deadly force.
- G. Facts unknown to an officer at the time that deadly force is used are not considered in determining whether the officer acted in conformance with this directive.
- H. The use of deadly force to affect the arrest and/or prevent the escape of a criminal suspect is justified only when:
1. The suspect has threatened the officer with a deadly weapon, or the officer has probable cause to believe that the suspect has committed a felony involving the infliction, or threatened infliction, of serious physical injury or death, demonstrating a wanton disregard for human life;
- Reference: Tennessee versus Garner  
105 S. Ct. 1694 (1985)
2. The officer has a reasonable belief that apprehension is not possible, except by the use of deadly force, and the suspect's previously demonstrated threat to human life indicates that escape creates a further risk of serious physical injury or death; and
  3. The use of deadly force is used without subjecting bystanders to significant risk of serious injury or death.

### **1.3.3 Warning Shots**

- A. Discharging a firearm for the purpose of warning or threatening, commonly referred to as "warning shots", is strictly prohibited.

### **1.3.4 Use of Less Lethal Weapons**

- A. Officers are authorized to use less-lethal weapons for the purpose of overcoming resistance to arrest, defending themselves or others against assaults, restoring order during a jail or civil disturbance, animal attacks or restraining and controlling individuals in order to prevent escape or violence.
1. Less lethal weapons are used in accordance with training and only at a reasonable level following the principles of the progression of force.
- B. Electronic Control Device (ECD) (Taser) is an alternative less lethal application of force. It is not intended to replace firearms, chemical sprays or self-defense devices or techniques. The use of the ECD will be in accordance with required training programs.
1. Only those officers who have received and documented their training in the use and reporting of the ECD are permitted to carry the ECD.
  2. Officers shall only carry agency issued ECD's.
  3. ECD's are maintained according to training documents provided by the manufacturer. The training documents are maintained with ECD lesson plans.
  4. Carry Method
    - a. Only authorized holsters are used to carry the ECD.
    - b. ECD are worn according to training instructions.
    - c. The ECD remains holstered at all times unless it is being tested or used to respond to an incident.
    - d. ECD's are not left unattended unless properly stored.
    - e. ECD's may only be carried on non-gun side of an officer's duty belt.
  5. Deployment of the ECD
    - a. Is used to detain or arrest a subject when the officer has reason to believe that person has committed a criminal offense and is displaying active resistance, active aggression, or aggravated active aggression.
    - b. Is used to protect a subject when that person is either attempting to injure himself or commit suicide.
    - c. Is backed up with the availability of lethal force.



- d. Whenever possible, the use of the ECD is preceded by a verbal warning that force will be used if compliance is not obtained.
  - e. Is reasonable and based on the totality of the circumstances known to the officer.
  - f. The officer considers the potential injury to subjects who are running, traveling at high speeds (bikes, mopeds, skateboards, etc.), situated in elevated places (roofs, ladders, trees, walls, utility poles, etc.). Age (the very young and the very old) and obvious physical handicaps are also taken into consideration.
  - g. Officers avoid using the ECD on females suspected of being pregnant.
  - h. Officers only use the ECD on individuals in bodies of water (lakes, ponds, streams & swimming pools) when they have the means and ability to immediately recover the individual should they submerge.
  - i. Officers do not deploy the ECD from or at moving vehicles.
  - j. The ECD is not used when a risk of fire or explosion is present, such as suicidal individuals doused in flammable substances or where there is a release of explosive gases.
  - k. Officer's should avoid multiple, repeated, prolonged or continuous exposures unless necessary to counter reasonably perceived threat(s). Multiple discharges cannot be justified solely on the grounds that a suspect fails to comply with a verbal command.
  - l. Officers that deploy an ECD on a suspect should be alert for symptoms of "excited delirium." The effects from the X26 Taser should last only a few seconds after the last trigger deployment. The suspect should have normal body functions even though the darts are still embedded in his body.
  - m. The shift supervisor will be notified immediately of any use of an ECD.
  - n. If multiple officers utilize an ECD on the same subject, each shall document their use on a separate Use of Force/Response to Resistance Packet.
- C. OC (Oleoresin Capsicum) Spray may be used against a person to subdue an aggressor or resisting suspect when there is a credible threat of violence and an officer has time to draw and safely spray the subject.
- 1. The officer must be trained in its use.
  - 2. A supervisor shall be notified immediately of any use of OC spray.
- D. Agency officers, specially trained and certified, are authorized to carry and utilize Specialty Impact Munitions (SIMS), or extended range impact weapons, which are fired, launched or otherwise propelled.
- 1. The deployment and use of Specialty Impact Munitions assists in achieving the goal of protection of life or restoration of order. Specialty Impact Munitions are considered as a force option whenever the use of less lethal options can assist

in enabling an arrest, restoring order and/or reducing the risk of more serious injury. Circumstances justifying the use of SIMS include, but are not limited to:

- a. Restoring order during a jail or civil disturbance;
  - b. Safely controlling violent persons;
  - c. Subduing vicious animals;
  - d. Situation wherein the authorized person deems their use necessary to safely resolve an incident, whether or not an arrest is made.
2. The use of Specialty Impact Munitions, when practicable, requires supervisory approval and its use against a group or individual or attempted use (discharge) constitutes a use of force, and as such is reported in a Use of Force Packet.
3. Target Area
  - a. Green Area – Primary Strike Zone
    - 1) Considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.
    - 2) This area has the greatest amount of muscle mass and the least number of vital organs. Striking in this area will usually result in bruises and abrasions.
  - b. Yellow Areas – Secondary Strike Zones
    - 1) These areas will be considered when an escalation of force above the green area is necessary and appropriate. An increase in the potential for death or serious injury is acknowledged.
    - 2) In most cases, the yellow areas lack the muscle density found in the green areas. In addition to the types of injuries found in striking the green zone, the yellow area may result in lacerations or fractures.
  - c. Red Areas – The area of last resort
    - 1) Intentional impact to these areas will be avoided unless the use of deadly force is justified, necessary, and appropriate.
    - 2) These areas include the head, neck, spinal cord, kidney area and center mass. If this area is struck by a less lethal impact munition serious bodily injury or death may result.
- E. Agency officers, specially trained and certified are authorized to carry and utilize Chemical Munitions and delivery systems.
  1. The deployment and use of Chemical Munitions can assist in achieving the goal of protection of life or restoration of order. Chemical Munitions are

considered as a force option whenever the use of less lethal options would assist in enabling an arrest, restoring order and/or reducing the risk of more serious injury.

2. The use of Chemical Munitions, when practicable, requires supervisory approval and the use of Chemicals constitutes a use of force, and its use against a group or individual or attempted use (discharge) is reported on a Use of Force Packet.

**F. Responsibilities**

1. A Firearms Training Supervisor will be assigned by the Chief of Police.
2. The Firearms Training Supervisor will be responsible for making sure all officers are in compliance with ORC 109.801 for yearly qualification. A written document of every officer that is in compliance for that year shall be created and kept on file.
3. The Firearms Training Supervisor will be responsible to maintain a list of every department firearm with serial number and who it is issued to.
4. The Firearms Training Supervisor will be responsible to maintain records of all departmental training sessions pertaining to firearms and qualifications.

**1.3.5 Rendering Medical Aid**

- A. Whenever officers use lethal or less lethal force pursuant to agency policy, they initiate the appropriate medical aid response as soon as practicable. Officers document their request for medical aid on the Use of Force Form.
- B. When medical assistance for a subject contaminated with chemical defensive agents is needed, the Material Safety Data Sheet and the first aid information that is provided for the product are used. If no first aid information is provided, the following guidelines apply:
  1. The subject is approached as a dangerous person. Proper restraints are used to assure officer safety;
  2. The subject is monitored and verbally assured they are safe. The officer instructs the subject to calm down and breathe normally;
  3. The subject is removed to fresh air and faced into the wind if possible. If the subject is an escape or assault risk, they are placed in a cruiser and windows may be opened to provide ventilation;

4. If the subject is cooperative, cool water is used to rinse the chemical agent from the face and eyes;
  5. Efforts are made by the officer to keep the subject from rubbing or covering affected areas. Subjects wearing contact lenses, if practicable, are permitted to remove them;
  6. Soap and water removes resin from the skin and speeds the recovery process;
  7. The officer seeks medical attention if the subject requests or symptoms persist beyond 45 minutes;
  8. All steps taken to provide medical assistance to the subject are documented in the use of force report.
- C. Subjects who have been struck with a Defensive Impact Weapon, Electronic Control Device (ECD), or specialty impact munitions will be immediately evaluated by EMS personnel as soon as possible.
1. The officer assists the subject in keeping the affected area immobilized.
  2. EMS personnel determine if the affected area requires additional evaluation, such as X-rays.
  3. Ice or chemical cold packs can be applied to affected areas.
  4. If the pain persists or if requested by the subject they are immediately transported to a health care facility by EMS personnel for further evaluation.
  5. ECD Post-Use medical procedures:
    - a. Do not attempt probe removal if subject is combative or if the location of the barb is in the face, neck, ear, female breast tissue, groin, or deeply imbedded or imbedded in bone.
    - b. Barbs superficially in the skin are removed by an officer who is trained to do so and in the presence of another officer.
      - 1) Officers use latex gloves for removal of probes.
      - 2) Break the cords connecting the probes to the Taser cartridge.
      - 3) Place the removed probes in spent cartridge barb side down.
      - 4) Clean wound with antiseptic wipe and bandage.
      - 5) Remove the gloves over the cartridge and probes to secure them.
      - 6) Assess subject for injury or condition that may need medical attention, and seek appropriate level of service.
      - 7) Place cartridge with probes into biohazard waste container.
      - 8) Clean hands with waterless hand sanitizer.

- 9) Officers should photograph probe site.

### **Reporting Use of Force**

- D. Incidents requiring the use of force are reported on a Use of Force Packet, and the agency Record Management System (RMS). For the purpose of this General Order, reportable use of force incidents include:
1. Discharging a firearm, not including training, recreational purposes, the humane destruction of an injured animal, accidental discharge of a weapon or use against an attacking animal;
  2. Taking an action that results in, or is alleged to have resulted in, injury or death of another person;
  3. Applying force through the use of lethal or less-than-lethal weapons; or
  4. Applying physical force as defined by the agency, such as striking another person with the hand or an object; causing a person to be forcibly shoved or thrown to the ground or against another object.
- E. Whenever an officer uses force against an individual or takes any action that result, or is alleged to have resulted in, injury or death to a person, the involved officer immediately notifies the on duty supervisor.
1. The involved officer(s) first submits a verbal report to the supervisor and then as soon as practical submits a detailed written report to the Chief of Police, through the chain of command, prior to the completion of the tour of duty. The report details the circumstances of the incident in which the injury or death, or alleged injury or death, occurred.
  2. If force is used against an individual by an officer, the report includes the reason for the use of force, method of application of force, including weapons used, injuries or alleged injuries to prisoners and officers, medical treatment required, and names and addresses of all known witnesses to the incident.
- F. The above reports are in addition to any other notification or report and are submitted to the on duty supervisor prior to the completion of the officer's tour of duty.
- G. Following notification of an officer's involvement in an incident that has resulted in injury or death to any person, or is alleged to have resulted in injury or death to any person, a use of force by an officer, or, the accidental or self-inflicted injury or illness of a prisoner while in police custody, the on duty supervisor conducts an investigation into the incident by:
1. Interviewing the officer(s) involved;

2. Interviewing the arrestee(s) involved, if possible;
3. If an ECD with downloadable data was involved in the incident, the ECD information shall be downloaded according to the manufacturer recommendations.
  - a. The downloaded information shall be saved in the use of force packet using the incident number for reference.
  - b. A copy of the ECD download report shall be attached to the use of force report and submitted through the chain of command.
  - c. If the information cannot be downloaded from the ECD after a deployment, the ECD shall be taken out of service until the information can be retrieved.
- H. Upon completion of the investigation, the supervisor submits to the Chief of Police, through the Chain-of-Command, a detailed written report, including his/her findings and recommendations.
- I. Whenever an officer discharges a firearm, for other than training, ballistic examinations or a recreational purpose, the involved officer notifies the on duty supervisor as soon as possible.
  1. If any person is injured as a result of the discharge of a firearm, emergency medical personnel are immediately summoned to the scene.
- J. Notification that a firearm discharge has occurred requires the supervisor to respond to the scene, conduct a preliminary investigation into the circumstances of the firearm discharge and determine the procedure to be followed.
  1. When there is no indication of injury to any person, the supervisor directs the involved officer(s) to submit a detailed, written report (using the Use of Force Packet and General Offense Report) of the facts and circumstances surrounding the firearm discharge to the Chief of Police, through the Chain-of-Command, prior to the completion of the officer's tour of duty, except in instances in which the supervisor initiates a criminal investigation.
  2. When an officer, acting in an official capacity, regardless of duty status, is involved in a "use of firearms" incident and an indication exists that the officer has consumed an alcoholic beverage, or has used some other form of drugs, the on duty supervisor directs the officer to submit a breath sample or body fluids for laboratory analysis to determine the extent of such usage. The laboratory report is returned to the Chief of Police and becomes a part of the Internal Affairs investigation.

K. In the event that the discharge of a firearm by an officer results in the injury or death of any person, the on duty supervisor is responsible for securing the scene, including any firearms that are discharged, and, for the identification of all known witnesses. The supervisor ensures the following notifications are made as soon as possible:

1. Chief of Police - *dispatch*
2. Shift Captain - *Bushy*
3. Coroner's Office - as required - *Bushy / Rouse*
4. Prosecutor's Office - as required -
5. Involved Officer's Legal Counsel - as requested by the officer(s) involved. - *Send notified*

L. The Chief of Police, upon notification pursuant to this directive, immediately initiates a formal criminal investigation into the incident. The results of the criminal investigation are submitted to the Richland County Prosecutor's Office for review and presentation to the Richland County Grand Jury, as required. A copy of the investigative report is forwarded to the Chief of Police.

M. The Chief of Police initiates an Administrative Investigation into the circumstances of any reported firearms discharge. This Administrative Investigation is in addition to, and in conjunction with, any formal criminal investigation conducted by the Investigative Bureau. The Chief assigns additional personnel to provide such assistance, as necessary.

1. Regardless of whether an officer, involved in a use of deadly force incident, chooses to waive their Constitutional Rights and answer questions, and/or submits a statement in conjunction with a criminal investigation, the officer is read the Garrity Warning and ordered to answer questions, and submit a written statement in conjunction with the Administrative Investigation.
2. In cases where the discharge of a firearm has resulted in injury or death to any person, the involved officer(s) is accorded a reasonable length of time to obtain legal counsel prior to being ordered to answer questions or submit a written report.
3. When a firearm is discharged to destroy a sick, injured or dangerous animal, the officer shall complete a general offense report. Such reports will be submitted through the chain of command and reviewed by the Patrol Supervisor. In general, destroying sick or injured animal does not require an internal investigation, unless the Patrol Supervisor or Chief of Police determines that an investigation is necessary.
4. In the event that a firearm discharge is determined to have been accidental, the weapon is inspected by the armorer. Absent a determined mechanical failure, the officer is required to undergo remedial firearms training and re-qualification.

N. Use of Force (Response to Resistance) Packet

1. Packet Contents-Maintained in the designated folder
  - a. RTR Packet Cover sheet
  - b. RTR Form containing 4 pages
  - c. RTR Continuum
  - d. Taser Use Addendum
  - e. Taser After Care Instructions
  - f. Taser Use download readout
  - g. Copies of any photographs
  - h. Copy of General Offense Report, including any witness statements.
- O. Any time an officer discharges his/her weapon that is to defend a person against an animal, or there is an accidental discharge of a firearm by an officer, these are not considered a Use of Force. However, they are required to be thoroughly investigated immediately starting with the "Officer in Charge" of the shift. The reporting process will be handled as an agency internal investigation. This investigation will cover making sure policy was followed or violated.

#### **1.3.6 Use of Force Review**

- A. The Shift Captain reviews the Use of Force reports, required by General Order 1.3.6, as they are submitted through the chain of command in conjunction with the supervisor's preliminary investigation into the Use of Force. The Shift Captain forwards the findings and recommendations to the Chief of Police. The Chief of Police will review the findings, recommendations or requests and may order an internal affairs investigation.
- B. All incidents involving the discharge of a firearm by a police officer or the application of deadly force by other means are heard by a Board of Firearms Review.
  1. The Chief of Police can rule that a hearing is not required in cases involving the disposal of animals, accidental firearms discharges, and other circumstances in which no human injury is involved.
- C. The Board of Firearms Review Process
  1. The Board of Firearms review consists of the following members:
    - a. Chief of Police
      - 1) The Chief acts as chairperson and does not vote except to break a tie.
    - b. 1 Captain (unless directly involved)
    - c. 1 Sergeant designated by the Chief of Police



- d. 1 Firearms Training Officer/Instructor designated by the Chief of Police.
  - e. 1 Officer designated by the Chief of Police.
2. The Chief of Police notifies in writing, the officer whose actions are under investigation, as to the date, time, and place of the Board of Firearms Review hearing, and the names of the Board of Firearms Review members.
  3. The officer whose case is being reviewed can challenge the seating of any member of the Board of Firearms Review. Challenges are made in writing, stating reasons for objections, and are submitted to the Chief of Police in a reasonable time prior to the date of the hearing.
  4. The Chief of Police has final authority as to the membership of the Board of Firearms Review.
  5. The Board reviews all information concerning the incident to include:
    - a. The Criminal Investigation Report
    - b. The Internal Report
    - c. Hearing of direct testimony, as required from officers or witnesses
  6. The Board determines whether the use of firearm/deadly force was within Division policy;
    - a. Facts unknown to the officer at the time that deadly force is used are not considered in determining whether the officer's actions are within policy.
  7. The Board prepares and forwards a report of the findings to the Chief of Police.
    - a. If there is a dissenting opinion between members of the Board, the dissenting member(s) will include a letter of finding along with the Board of Firearms Review report.
  8. The Chief of Police will notify the involved personnel of the Board of Firearms Review findings.
  9. The Board of Firearms Review report will be forwarded to the Internal Investigator for inclusion in the investigation file.
    - a. If the use of firearm/deadly force was within policy, the Internal Investigator will complete the investigation with the findings.
    - b. If the use of firearm/deadly force was within policy, but the investigation discovered other policy violations or training issues, the Internal Investigator will include such in the findings and recommendations.

- c. If the use of firearm/deadly force was outside of policy, the Investigator will include findings and recommendations.
- 10. The original copies of all investigation reports, involved officer's statements, and the report of the Board of Firearms Review, are forwarded to the Chief of Police, and are maintained in a secured file.

### **1.3.7 Post-Shooting, Use of Force and Critical Incident Procedures**

- A. Law enforcement duties often expose officers and support personnel to mentally painful and highly stressful situations that are not resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. Officer-involved shootings and use of force in an official capacity resulting in death or serious bodily injury to a citizen or a fellow officer can precipitate such stress disorders. It is the responsibility of this agency to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it is the policy of this agency to take immediate action after such incidents to safeguard the continued good mental health of all personnel.
- B. Post-Traumatic Stress Disorder is an anxiety disorder that results from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

An officer-involved shooting or Use of Force incident is a line-of-duty incident where the shooting or Use of Force causes death or serious bodily injury to an officer or other person.

- C. Handling of Officers at Scene of Shooting Incident
  - 1. A supervisor is immediately dispatched to the scene of the incident, and assumes primary responsibility in caring for involved personnel.
  - 2. The supervisor or their designee makes appropriate arrangements for all necessary medical treatment.
  - 3. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer is taken to a quiet area away from the scene of the incident. A supportive friend or officer remains with the officer, but is advised not to discuss details of the incident.
  - 4. The supervisor arranges for the officers directly involved in the incident to leave the scene as soon as possible, and taken to a quiet, secure setting.
  - 5. If possible, the supervisor briefly meets with the involved officers.
    - a. No caffeine or other stimulants or depressants are given to the officers unless administered by medical personnel.
    - b. Only minimal, preliminary questions are asked about the incident. The officers are advised that a more detailed debriefing is conducted at a later time.

- c. Any standard investigations that occur concerning the incident are discussed with the officers.
- d. The officers are advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator, until the conclusion of the preliminary investigation.

D. Post-Incident Procedures

1. Involved personnel are placed on administrative non-line duty or administrative leave pending evaluation but remain available for any necessary administrative investigations, at the discretion of the Chief of Police.
2. All officers directly involved in a shooting incident or Use of Force incident resulting in serious injury or death are required to meet with an agency-designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel are also encouraged to meet with such specialists after a critical incident. After the counseling sessions, the specialist advises the agency:
  - a. Whether it is in the officers' best interest to remain on administrative leave or light duty, and for how long;
  - b. When the officers were relieved of their duty weapons after an incident, at what point they are returned; and
  - c. What is the best continued course of counseling.
3. The agency strongly encourages the families of the involved officers to take advantage of available counseling services.
4. Any agency investigation of the incident is conducted as soon as practical.
5. The agency briefs other agency members concerning the incident so that rumors are kept to a minimum. Agency members are encouraged to show the involved officers their support.
6. All personnel involved in a critical incident are advised that they are not permitted to speak with the media about the incident. Officers refer all inquiries from the media to a denoted agency spokesperson, unless otherwise authorized to release a statement relating to the incident.
7. In order to protect against harassing telephone calls, officers are advised to have telephone calls answered by another person for several days if their names are released to the public.

8. Officers directly involved in a shooting incident are required to re-qualify as soon as practical.

E. Daily Stress Recognition

1. As post-traumatic stress disorders do not arise immediately or the officer attempts to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
2. The Chief of Police orders an officer to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress is disrupting the officer's job performance.

F. Training

1. The agency provides employees with information pertaining to post-traumatic stress disorders and the uniform procedures contained in this policy on a regular basis.
2. Supervisors are responsible for making available to their personnel information about the agency's mental health services.

**1.3.8 Authorized Firearms and Ammunition Specifications**

- A. Only weapons and ammunition authorized and provided by the agency shall be used by agency personnel in the performance of their duties.

B. Authorized lethal weapons

1. The authorized, agency-owned, on duty handgun is based on assignment, one of the following is carried:
  1. Sig Sauer P320 Semi-Automatic Pistols: Caliber 9mm
    - 1) In addition to the issued firearm, uniformed officers carry, in magazines, sufficient ammunition to reload the firearm three times. Non-uniformed officers and those assigned to staff functions carry sufficient ammunition to reload the weapon at least once.
  2. OPOTA trained Auxiliary officers are authorized to carry duty firearms approved by the Chief of Police.
    1. Caliber .40, 9mm

2. In addition to the approved firearm, uniformed officers carry, in magazines, sufficient ammunition to reload the firearm twice. Non-uniformed officers and those assigned to staff functions carry sufficient ammunition to reload the weapon at least once.
3. Sworn officers are permitted to carry an authorized firearm while off duty or on duty, as a secondary firearm, but are not required to do so. Firearms carried by off duty officers are carried concealed from casual view. Sworn officers that carry off duty shall carry the badge of his authority, official identification card, and shall conform to all applicable laws. Officers do not carry firearms or take any official action while under the influence of alcohol or drug use. Authorized off duty/secondary firearms are firearms conforming to agency specifications or any firearm suitable for concealed law enforcement use and for which a Weapon Authorization form is signed by the Chief of Police and the qualifying firearms instructor. Sworn officers may have more than one secondary firearm approved by the Chief of Police, but only one may be carried while on duty in addition to the departmentally issued/approved firearm.

**1) Secondary Weapon Criteria**

- (i) Not less than .352 caliber and no greater than .45 caliber
  - (ii) Barrel length of no less than two inches
  - (iii) Officer must supply own ammunition for qualification
2. Officers assigned to non-uniformed or staff function can carry a firearm conforming to the agency specifications as an on duty weapon, with written authorization by the Chief of Police
  3. Uniformed officers carry the following agency owned, issued 12 gauge shotgun and/or a 223 semi-automatic rifles, in the patrol cruiser.
    1. Remington 870 pump-action shotgun
    2. .223 caliber semi-automatic AR-15 platform rifle
  4. In addition to the weapons listed above, the agency authorizes other agency owned lethal weapons for exceptional circumstances or activities, such as SWAT, including: specialized Remington 870, 12-gauge shotguns; semi-automatic 12-gauge shotguns, automatic weapons, and precision scoped rifles. The use of these weapons is restricted to officers selected for SWAT duties according to agency general orders.
    1. A list of officers trained and certified as competent in the use of these weapons is maintained in the Firearms Training File.
  5. Officers maintain firearms proficiency standards for all weapons carried.

6. Personally owned rifles similar to those that are department issue, may be carried in patrol vehicles if approved by the Chief of Police in writing. The officer must have qualified with the weapon and these weapons must be declared, certified and recorded at the time of qualification. There cannot be any modifications to the rifle once approved. If any modifications are made the rifle must go back through the approval process.
- C. Agency personnel are permitted to carry knives primarily as a cutting or rescue tool. Personnel are prohibited from using knives as an offensive weapon. Knives may be used for defensive purposes in a deadly force situation and only as a last resort.
- D. Agency personnel are authorized to carry the following less lethal defensive weapons:
1. Agency owned/issued Taser X-26 Electronic Control Device (ECD);
  2. Officers specially trained and certified are authorized to carry and utilize the TASER ECD delivery systems;
  3. Straight baton or nightstick, solid or collapsible, not more than 36" in length and 1 3/4" in diameter, designed for police use;
  4. Personal defense weapons such as short batons, and kubatons;
  5. Individual officers carry the following type(s) of chemical defensive weapons:
    - a. Agency issued Oleoresin Capsicum Spray
    - b. A material safety data sheet for the current issue remains on file
    - c. Special care is given to selecting the chemical agent used to assure the propellant is water based with no flammable contents to avoid adverse reaction to electronic defensive weapons
  6. Officers engaged in tactical groups or specifically trained carry and use the following types of chemical defensive weapons:
    - a. CS-(tear gas)
    - b. Clear Out
    - c. Smoke
  7. Agency officers, specially trained and certified are authorized to carry and utilize less lethal defensive weapons and delivery systems.
    - a. Specialty Impact Munitions (SIMS), or extended range impact weapons
    - b. Specialty Impact Munitions include beanbags, launchable wooden and foam singular and multiple baton, rubber pellets and other similar

items. Delivery methods include 12 gauge shotgun, 37mm, and 40mm launchers.

8. Agency officers, specially trained and certified are authorized to carry and utilize Chemical Munitions and delivery systems for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential of causing death.
    - a. Chemical Munitions include; CS-irritant color code, OC-inflammatory, smoke, gas foggers, pressurized or aerosol propelled gases, gas grenades, and ferret rounds.
  9. Brass knuckles, sap gloves, nunchaukus and similar martial arts weapons are prohibited.
  10. The use of flashlights as a defensive weapon will be allowed when circumstances preclude the use of a baton or other defensive techniques.
- E. All firearms carried or used by officers for the performance of official duties are loaded only with ammunition issued/approved by the agency.
1. The authorized calibers of ammunition used by the members of the agency are those listed below and as issued:
    1. .40 caliber
    2. .45 caliber
    3. 9 mm
    4. .380 caliber
    5. .38 caliber
    6. .357 caliber
    7. .357 sig
    8. .44 caliber
    9. 12 gauge rifled slugs
    10. 12 gauge 00 buckshot
    11. .223 center-fire
    12. .308 center-fire
  2. The specific manufacturer, model and load of each caliber of ammunition issued to members of agency will be authorized by the Chief of Police based on recommendations from the Firearms Training Staff. The recommendations will be based on, but limited to the following criteria:
    1. Manufacturer ballistic comparisons
    2. Availability of acquisition
    3. Inclusion in the State Procurement listing
    4. Recommendation of local law enforcement firearms training staffs



5. When possible, comparison testing by the firearms training staff
- F. The procedure for weapon authorization requires a Weapon Authorization form to be completed by the requesting officer and submitted to the Firearms Training Supervisor. All weapons intended for line of duty use by an employee are examined by a qualified weapons instructor and/or armorer, prior to approval. Once the weapon meets specifications, the Firearms Training Supervisor refers the request to the Chief of Police for final approval.
1. If approved by the Chief of Police, the form is forwarded to a firearms instructor who conducts training and qualification.
  2. Following the successful completion of training and qualification, the firearms instructor signs and dates the Weapon Authorization form certifying the officer's competency to carry and use the firearm.
  3. The firearms instructor forwards the completed form to the Firearms Training Supervisor. The Firearms Training Supervisor files the form in the following manner:
    1. Firearms Training File
    2. Copy to Firearms Instructor
    3. Copy to Requesting Officer
  4. In the event an officer disposes of a firearm for which a weapon authorization was issued, the officer notes on their copy the date and manner by which the firearm was disposed. The officer submits a copy to the Firearms Training Supervisor, who forwards all copies to the Chief of Police.
- G. Process for removing unsafe weapons:
1. Agency owned firearms, issued to officers for use in the performance of official duties and personally owned firearms, authorized for official use, are subject to inspection upon demand of any agency supervisor.
  2. Any modification to an agency owned firearm is approved by a qualified armorer and is of a non-permanent nature, allowing the firearm to be readily restored to its original condition. Modifications are limited to reasonable accommodations necessary for proper fit.
  3. Any firearm authorized for use in the performance of official duties, is maintained in proper working order and cleaned frequently.
  4. In the event that a mechanical problem develops with an officer's authorized firearm, the officer promptly refers the firearm to an agency armorer for repair. If a mechanical problem is noticed in another type of authorized weapon, such

as an ECD, the weapon is referred to the appropriate training officer for repair. If the mechanical defect is related to the safety or functional reliability of the firearm/weapon, the firearm/weapon is immediately removed from service until repaired.

H. Procedure for maintaining a record on each weapon:

1. An inventory record on each agency owned weapon is maintained by the Firearms Training Supervisor. The inventory is updated annually.
2. Annually, all agency owned firearms are inspected by the agency armorer. A report is maintained by the Firearms Training Supervisor.

I. Guidelines for safe and proper storage of authorized firearms:

1. Agency-issued firearms are carried in holsters designed to safely hold the specific firearm. Uniformed officers' holsters are issued or approved and have at a minimum, a thumb break-type retaining strap or mechanical release. Back-up and/or second weapons are carried in a holster designed to safely hold the firearm.
  1. Officers are to demonstrate proficiency in use of their holster(s) to a firearms instructor during live fire exercises.
  2. The holster is used only with prior approval from the Chief of Police.
2. Officers assigned to non-uniformed or staff function can carry a firearm conforming to the agency specifications as an on duty weapon with written authorization by the Chief of Police.
3. Officers are responsible in making every effort to secure agency weapons to prevent unauthorized access within the agency and at home.
4. When not in use during a tour of duty, the shotgun and/or rifle is carried and secured in a rack or in a padded case in the trunk of the patrol vehicle. The weapon is stored with the chamber empty.

J. Officers while on duty do not carry on their person or within any police vehicle any unauthorized or unregistered firearm.

**EXCEPTION:** Transportation of firearms that are confiscated as evidence or for other legitimate reasons.

- K. Personally owned rifles similar to those that are departmental issue, may be carried in patrol vehicles if approved by the Chief of Police in writing. The

officer must have qualified with the weapon and no changes to the weapon can be made after approval and visual inspection.

### **1.3.9 Firearms Proficiency Standards**

- A. Officers are certified by an agency firearms instructor, as competent in the use of any firearm authorized for the performance of official duties.
- B. Officers are required to achieve a minimum score of 80% on individual firearm qualification courses, utilizing the Ohio Peace Officer Training Council (OPOTC) scoring method, as well as demonstrate safe weapon handling practices.
- C. If an officer fails to achieve a minimum OPOTC score of 80% during a scheduled firearm qualification, the following procedures are followed:
  - 1. They will immediately be given a second chance to achieve a passing score;
  - 2. In the event an officer fails to achieve the OPOTC minimum qualification score of 80% with their duty firearm, the firearms instructor immediately forwards written notice to the Chief of Police that the officer has failed to meet minimum OPOTC standards and is not competent to carry the weapon;
    - a. The Chief of Police notifies the officer's immediate supervisor and has the officer report for duty on their normal date and time; however they are not authorized to act in an official law enforcement capacity until the firearms proficiency standard is met.
  - 3. Upon receiving notification that an officer has failed to meet minimum OPOTC standards, the Chief of Police immediately revokes the officer's authorization to carry a firearm until minimum standards are achieved;
  - 4. The Firearms Supervisor will schedule the officer for remedial training and qualification within five days of being revoked;
  - 5. In the event that an officer fails to meet minimum OPOTC firearms qualification standards following remedial training and an official 2<sup>nd</sup> attempt, a pre-disciplinary hearing will be held for incompetence and unable to perform essential functions of a police officer;
  - 6. In the event that an officer fails to meet minimum OPOTC firearms qualification standards with any secondary firearm, such as a shotgun or an off duty/second weapon, the officer will be given an immediate 2<sup>nd</sup> attempt to pass. In the event that the officer fails the 2<sup>nd</sup> attempt, the firearms instructor will immediately forward written notice to the Chief of Police that the officer failed to meet minimum OPOTC standards, and specify the weapon involved;

7. Upon receiving notification that an officer failed to meet minimum OPOTC qualification standards with any secondary weapon, the Chief of Police immediately revokes the officer's authorization to carry the specified weapon.
- D. If a firearm instructor observes hazardous or unsafe firearms handling practices being exhibited by an officer, the firearm instructor immediately brings the deficiencies to the attention of the officer and provides corrective instruction. If the officer is unable to demonstrate satisfactorily corrected safe firearms handling practices after corrective instruction, the firearms instructor immediately submits, to the Chief of Police, a detailed letter describing the officer's deficiencies, corrective actions taken, and the firearms instructor's recommendation as to the officer's competency to carry a firearm. The Chief of Police determines the action to be taken on an individual basis.
- E. During firearms qualification and training, the firearms instructor is the officer-in-charge and has the authority to seize any agency issued firearm and ammunition, and, to eject from the firearms range any person whose actions or condition creates an immediate hazard to the safety of others present.

Specifically no person is permitted to remain on range or handle a firearm that exhibits any evidence of alcohol or drug usage. The firearms instructor immediately notifies the ranking officer on duty in the event it is necessary to remove a person from the range.

#### **1.3.10 Lethal and Less Lethal Training Standards**

- A. All sworn officers are required to successfully complete a firearms requalification program approved by the Ohio Peace Officer Training Council at a minimum of one time a year. Firearms requalification will be administered by a certified firearms instructor.
- B. In addition to annual firearms requalification approved by the Ohio Peace Officer Training Council, all sworn officers will complete 3 additional firearms qualifications courses approved by the agency. Firearms training will be administered by certified weapons instructor.
- C. Officers/Dispatchers are tested annually on General Order 1.3 by means of written examinations, decision-type less lethal weapons and firearms courses (shoot/don't shoot), or other accepted testing methods.
- D. The agency conducts in-service training annually for other less lethal weapons and weaponless control techniques. Officers/Dispatchers are tested annually on proficiency and knowledge of the agency approved electronic control weapons. All training and proficiency scores are documented and kept in officer's training file. Training is monitored by a certified weapons or tactics instructor.

- E. Any officer/dispatcher failing to demonstrate proficiency with a lethal or less lethal weapon is not permitted to return to duty with such weapon until such time as proficiency is demonstrated and documented (See G.O. 1.3.10).

**1.3.11 Lethal and Less Lethal Weapon Policy Instruction**

- A. All sworn officers are issued copies of, and instructed in, the policies described in 1.3.1 through 1.3.5 prior to being authorized to carry a lethal or less lethal weapon. Probationary officers are issued, and instructed in, the policies by their supervisor. The field-training officer assigned to the probationary officer attends the instruction and documents the training on the Field Training Daily Evaluation report.

**1.3.12 Annual Use of Force Analysis**

- A. The Chief of Police prepares an annual Use of Force Analysis of those reports required by General Order 1.3.6.
- B. The documented Use of Force Analysis reveals patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications.

By order of  
/s/ M. Lance Combs, Chief of Police