



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



2024-3257

Officer Involved Critical Incident - 200 Cline Avenue,
Mansfield, Ohio 44907

Investigative Activity: Use of Force Policy Received
Involves: Mansfield Police Department (O)
Activity Date: 10/19/2024
Activity Location: BCI, 4055 Highlander Parkway, Richfield, OH 44286
Authoring Agent: SA Jesse Bynum #179

Narrative:

On October 19, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jesse Bynum received a copy of the Mansfield Police Department's Use of Force Policy from Mansfield Police Records Lieutenant Robert Skropits. The Use of Force policy was attached to this report for review.

References:

None

Attachments:

1. Mansfield PD Use of Force Policy

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Keith Porch, Chief of Police

// K. Porch //

GENERAL ORDER 4

LAW ENFORCEMENT DIVISION ROLE AND AUTHORITY

EFFECTIVE DATE: February 15, 2024

SUMMARY OF REVISIONS: Additions to 4.3.5

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RESPONSE TO RESISTANCE/AGGRESSION DIRECTIVES
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4.1 RESPONSE TO RESISTANCE/AGGRESSION

It is the policy of the Mansfield Division of Police to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer(s) and others. The decision to use force requires careful attention to the facts and the circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer(s) or others, and whether they are actively resisting arrest or attempting to evade arrest by flight.

The response used shall be based upon the principles of the Action-Response to Resistance/Aggression Continuum (hereafter referred to as ARC) and shall be determined by the actions of the involved subject and the environment in which the subject is encountered. Generally accepted methods of response are identified in the model, with the levels of response corresponding to levels of offender resistance or aggression. De-escalation techniques/skills should be used in order to control a situation when it is safely possible to do so during a potential use of force encounter.

The list of officer responses provided in the RTR/A form 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 Division policy, physical capabilities, perception, training, experience and the circumstances encountered.

When force is used to overcome resistance and/or aggression, whenever possible the suspect should be transported to the detention facility and processed by officers not involved in the use of force.

Definitions:

Deadly Force: means any force that carries a substantial risk that it will proximately result in the death of any person (ORC §2901.01 (A)(2)).

Less-Lethal Force: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in the light of the totality of the circumstances known to the officer at the time the force was used and upon what a reasonably prudent officer would use under the same or similar situations [Also, see *Graham v. Connor*, 490 U.S. (1989)]

Serious Bodily Injury: serious physical harm that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

"Serious physical harm to persons" means any of the following:

- Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
- Any physical harm that carries a substantial risk of death;
- Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

- Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;
- Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain. (ORC §2901.01 (A)(5)).
- To affect the capture or prevent the escape of a suspect if there is a substantial risk that a person to be arrested will cause death or serious physical injury if his/her apprehension is delayed

“**Substantial risk**” means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist. (ORC §2901.01 (A)(8)).

“**Imminent threat**” can be defined as a threat that is mediate rather than immediate; **impending; or on the point of happening**. It may also be defined as impending rather than remote, uncertain, or contingent; that if circumstances remain unchanged, a result is reasonably certain. (From Black’s Law Dictionary).

De-escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating the legitimate law enforcement efforts.

Chokehold: A physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation. This does not include vascular neck restraints (**NOTE: VASCULAR NECK RESTRAINTS ARE NOT AUTHORIZED BY THIS DEPARTMENT**).

Distraction Shot: the discharge of a firearm for the purpose of distracting a suspect, as taught through the R.A.I.D.E.R. (active shooter) training program.

Warning Shot: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury. **WARNING SHOTS ARE STRICTLY PROHIBITED.**

4.1.1 DEGREE OF FORCE (LE1)

A law enforcement officer acting within the scope of his/her employment with the Mansfield Division of Police shall use reasonable force when force is used to affect an arrest, detention, or to accomplish lawful objectives Whenever possible and when such 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 use de-escalation skills and/or techniques and allow an individual time to submit to verbal commands in an attempt to de-escalate the situation before force is used.

4.1.2 DEADLY FORCE (LE1)

The preservation of human life is of the highest value in the State of Ohio. Therefore, officers must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force, including but not limited to, the use of a chokehold and/or vascular neck restraint, may be used only under the following circumstances:

- To defend against serious bodily injury or death; or
- To defend another from serious bodily injury or death; or
- In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*

A. **Response to resistance/aggression:** A law enforcement officer acting within the scope of his/her employment shall be justified in the use of **deadly force** under the following circumstances:

- To defend himself/herself or another person from what is reasonably believed to be an imminent threat of serious bodily injury or death;

B. **Discharge from vehicle:** Officers shall not discharge a firearm at or from a moving motor vehicle except as the ultimate measure of self-defense, defense of another, or to affect the capture or prevent the escape of a suspect if there is a substantial risk that a person to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.

4.1.3 WARNING SHOTS (LE1)

The use of "warning" shots is strictly forbidden.

4.1.4 LESS LETHAL WEAPONS (LE1)

A. **Carrying approved weapons:** Sworn members of this Division, on uniformed duty, shall carry only the approved less lethal weapons authorized by the Chief of Police, as recommended by the defensive tactics teams, for the purpose of defending the officer or effecting an arrest.

B. **Plain clothes carry:** Officers working plain-clothes (non-uniform) details will be encouraged but not required to carry a less lethal instrument, due to issues of concealment, etc.

C. The **use of other instruments** readily at hand for defensive purposes is only authorized when an authorized less lethal weapon is not immediately available or accessible and only within the scope of training received by an officer with regard to the response to resistance/aggression.

4.1.5 RENDERING MEDICAL AID (LE1)

Any time a lethal or less lethal weapon or other response to resistance/aggression as defined by this Division is used against an assailant, the person against which the weapon or response to resistance/aggression was used will be offered medical aid, monitored or checked for injuries by an EMS first responder or medic

and/or transported to a medical facility to be checked or treated. Care including eye wash shall be provided consistent with training. This includes rendering medical aid in other instances of law enforcement action that is not a result of a use of force by law enforcement. This would include activation of the Emergency Medical System (EMS) in obvious situations where severe injuries have occurred, medical distress is apparent, and/or the individual is unconscious.

4.1.6 VASCULAR NECK RESTRAINTS (LE1)

Vascular neck restraints are **PROHIBITED** and are not to be used by Division personnel, regardless of training. Only in a situation where deadly force is justifiable, as stated above in General Order 4.1.2, would Vascular Neck Restraints be allowed.

4.1.7 CHOKE HOLDS

The use of choke holds or any other technique that restricts the intake of oxygen for the purpose of gaining control of a subject is prohibited by Division officers unless the officer is justified in using deadly force as stated above in General Order 4.1.2, such as in situations where an officer is fighting for his or her own life or protecting the life of another.

4.2 RTR/USE OF FORCE REPORTING AND REVIEW

4.2.1 RTR/USE OF FORCE DISCHARGE OF FIREARMS REPORTS (LE1)

A. **Report of discharge of firearm:** Every incident of firearms discharge for other than training or recreational purposes will be reported to the supervisor on duty, reviewed and investigated.

Destruction of an animal: Humane destruction of an animal shall only be done when the discharge will not jeopardize human life or property and when other means of disposition are impractical.

– Permission must be granted by a shift supervisor and an Administrative Electronic Report (email) completed.

– When an animal is destroyed for humane reasons, officers are to notify the City of Mansfield maintenance department and arrange for the removal of a carcass. When a deer is struck or killed on a highway, this must be done within the guidelines of ORC §1533.12.

– If a deer has been killed as a result of a traffic crash, the officer may take a report and the driver of the motor vehicle is permitted to take possession of the carcass. Should the driver not want the animal, another person at the scene may be awarded the carcass by the investigating officer. The officer will complete DNR Form 21 (R1297) prior to releasing the carcass and issue the yellow copy to the driver. White copy is forwarded to the county Wildlife Officer by the Records Section.

Accidental discharge review: Accidental discharges shall be reported on an Administrative email as well as on a Blue Team Report and forwarded electronically to the Command Staff and range team supervisor for review. Upon review completion, the range team supervisor will forward his/her recommendations to the Command Staff, for final review and recommendation.

B. **Response to resistance/aggression procedure:** The Division or other agency designated by the Chief of Police will investigate the action of any employee that results in, or is alleged to have resulted in, **injury or death of another person** or any incident involving the response to resistance/aggression.

- The involved member will immediately notify his/her immediate supervisor and will, as soon as practical, complete a "Response to Resistance/Aggression Report" when the ARC as either the amount of resistance encountered or the response level qualifies as a level 2 or higher. The report shall be completed in Blue Team by the end of the officers' tour of duty unless extended by the section/ shift commander at which time a report will be submitted by the approving supervisor to the Command Staff via Blue Team.
- The RTR/A report will include the subject's and officer's response, note any injuries to any involved party, medical treatment provided or required, names with address and telephone numbers of any witnesses to the incident and a narrative of all relative circumstances and facts of the incident. A copy of the offense report will be submitted with the RTR/A Report.
- Every employee who witnessed but was not involved in a Level 3 or above RTR/A incident shall submit a modified, one page paper RTR/A Report prior to the end of their tour of duty, documenting their observations. This report will be included as an attachment to the initiating officer's RTR/A Blue Team Report.
- As soon as practical, the supervisor will notify the Command Staff via Blue Team of the RTR/A .
- Response to resistance/aggression procedures during tactical deployments should be documented as thoroughly as possible but may be modified with approval of the Chief of Police due to special circumstances. Officers involved in multiple jurisdictional deployments such as ASORT will be governed by the operational directives of the tactical team as approved by the units Board of Directors. Absent clear procedures, this directive will be followed.
- If the response to resistance/aggression results in serious injury to the officer or serious injury or death to any person and/or involves an officer in a shooting, the supervisor shall immediately notify the Command Staff.
- **Response to resistance/aggression investigation:** The Division will investigate all response to resistance/aggression incidents to determine if the response to resistance/aggression used was reasonable and consistent with Division policy.
- All response to resistance/aggression incidents will initially be investigated by the supervisor in charge of a shift, unless the supervisor is involved in the response to resistance/aggression or the response to resistance/aggression is likely to result in serious injury or death. Response to resistance/aggression involving a supervisor or force that is likely to result in serious injury or death will be investigated by the applicable Bureau Commander or his/her designee unless otherwise directed by the Chief of Police.
- The shift or section supervisor or assigned investigator will be responsible for gathering all witness statements and interviewing the subject for the completion of the investigation for all RTR/A incidents that has resulted in injury or complaint and in all incidents of level 3 or higher.
- Each Response to Resistance/Aggression Report shall include but not be limited to oral or written statements, from officers, witnesses, and persons against whom force was used. The report should include all related evidence such as audio/video recordings, a summary of observations, and a comprehensive review to include comments as to whether the response to resistance/aggression was reasonable and consistent with Division policy. If the subject is taken into custody, it may be necessary that the subject be advised of their constitutional rights prior to the interview. Photographs shall be taken whenever possible.
- The applicable Bureau Commander will review the report and forward same to the Chief of Police or his designate.

– The review will ensure that a preliminary investigation is completed based on current policy and required reports are submitted. The commander will make comments as appropriate.

– The Chief of Police, his designee or the investigating team may request another Division or agencies to participate in the investigation based on their qualifications and/or to lend credence to the investigation.

– Once the investigation is complete, response to resistance/aggression and use of firearm reports will be reviewed by the applicable defensive tactics/range team leader for comment, and recommendations including modification of training plans when appropriate. This need not be a formal documented review unless otherwise directed by the Chief of Police.

– The final report and issuance of any finding shall then be forwarded to the Chief of Police or his designee for review and concurrence/modification. Certain data will be collected at this step for analysis.

– The Chief of Police or his/her designee shall forward to the Prosecutor or Law Director's Office for review any information and/or reports connected with response to resistance/aggression in cases of questionable response to resistance/aggression or where there is a possible violation of law.

– **Concurrent investigation:** A concurrent investigation of any response to resistance/aggression that is likely to result in serious injury or death or where there is a possible violation of law will be conducted by the Special Operation Bureau or as assigned by the Chief of Police, under the direct supervision of the Chief of Police.

C. **Response to resistance/aggression reporting (lethal or less lethal weapon):** The officer will report response to resistance/aggression including less lethal or deadly force immediately to his/her immediate supervisor and will, as soon as practical, file a "Response to Resistance/Aggression Report". In the event the involved officer is incapacitated or otherwise incapable of making proper notification(s) or report(s), the officer's immediate supervisor will initiate such measures.

The supervisor will notify the Command Staff via electronic mail prior to the end of the shift and will initiate investigation unless otherwise directed.

D. **Response to resistance/aggression reporting (weaponless force):** Bodily force by means of a defensive tactic or technique or any other bodily force to overcome resistive tension shall be documented on a "Response to Resistance/Aggression Report". Minor hand-to-hand control techniques, such as handcuffing, physically touching, or gripping to overcome minor resistive tension, or escort techniques shall be reported on an incident report or narrative of the arrest form. Any bodily force resulting in an injury must be reported on a "Response to Resistance/Aggression Report".

The supervisor will notify the Command Staff via electronic mail of reportable RTR/A incidents prior to the end of the shift and will initiate investigation unless otherwise directed.

As a reminder, the use of chokeholds or any other neck restraint is banned by officers unless the officer is justified in using deadly force in situations where an officer is fighting for his or her own life or protecting the life of another and/or preventing themselves or another from serious physical injury.

4.2.2 WRITTEN RTR/USE OF FORCE REPORTS AND ADMINISTRATIVE REVIEW OF

RESPONSE TO RESISTANCE/AGGRESSION/DISCHARGE OF WEAPONS INCIDENTS (LE1)

A complete report and investigation of any response to resistance/aggression as required shall be forwarded to the Chief of Police or his designate through the chain of command, with notifications and reviews as specified in General Order 4.2.1. The reviews should determine whether there are policy, training, weapon/equipment, or discipline issues that should be addressed.

4.2.3 OPERATIONAL ASSIGNMENT EMPLOYEE REMOVAL PENDING REVIEW (LE1)

In the event that an employee's actions, including response to resistance/aggression, result or are alleged to have resulted in the proximate death or serious physical injury of another, the employee shall be removed from line duty by the shift commander and placed on administrative leave pending an administrative review of the incident.

When practical, the first officer on the scene following an officer involved shooting shall secure the officer's weapon and submit it as evidence. The on-duty supervisor may provide a replacement weapon.

The employee shall be examined by a professional psychologist and/or psychiatrist prior to returning to duty. Professional assistance may include critical incident stress debriefing.

4.2.4 ANNUAL ANALYSIS OF REPORTS (LE1)

The Chief of Police or his designee shall conduct an annual documented analysis of response to resistance/aggression and discharge of firearms reports. The review is meant to determine patterns or trends that could indicate training needs and/or policy modifications. The analysis will include:

- A. The date and time of incidents
- B. The types of encounters resulting in the RTR/Use of Force incidents
- C. Identifying trends or patterns related to race, age, and gender of subjects involved in the RTR/Use of Force incidents
- D. Identifying trends or patterns resulting in injury to any person including Divisional employees
- E. The impact of findings on policies, practices, equipment, and training.

4.3 WEAPONS AND TRAININGS

4.3.1 AUTHORIZED WEAPONS AND AMMUNITION (LE1)

A. **Weapons specifications:** Division issued lethal and less lethal weapons specifications for full-time and reserve sworn uniform officers used in the performance of their responsibilities will be maintained by the Division lead armor with the assistance of the range/defensive tactics team supervisor(s), after approval by the Chief of Police.

Approved weapons (lethal and less-lethal) and ammunition specifications for duty, secondary and off-duty weapons will be documented by the Division lead armor in the Uniform Manual. Officers carrying any lethal or less lethal weapon must carry and have at hand proper identification, including badge and Division