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

2026-2566
Officer Involved Critical Incident - State Route 67 and Township Road 8, Republic, OH 44867, Seneca County (L)

Investigative Activity:	Review - Use of Force Policy
Involves:	Seneca County Sheriff's Office (O)
Activity Date:	07/28/2026
Activity Location:	BCI – Bowling Green
Authoring Agent:	**SA David Hammond**

Narrative:

On Wednesday, July 08, 2026, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) David Hammond received the Use of Force Policy utilized by the Seneca County Sheriff's Office at the time of this incident. The document received is attached to this investigative report for further review.

References:

None

Attachments:

1. 300_-_Force_0001-OICI-05 Use of Force Policy Receipt

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines to establish uniform procedures regarding 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 Office is expected to use these guidelines to ensure to make such decisions in a professional, impartial, and reasonable manner regarding the response to resistance in the lawful performance of their duties.

To provide guidelines on proper documentation procedures for completing minor and major Response to Resistance documentation in a given situation when force is justified and only when no other reasonable alternative exists and only administered as a last resort in accordance with appropriate statutory authority. When situations require a response to resistance, only the minimum force reasonably believed necessary shall be used. In no event, shall force be used to impose punishment.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

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.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the employee at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

Non-Deadly Force - All uses of force other than those that are substantially likely to cause serious bodily harm or death.

Chokehold - means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.

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Neck Restraint - A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.

Positional asphyxia - Employees restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.

Reasonable Belief - Reasonable belief means that the person concerned, acting as a reasonable person, believes that the prescribed facts exist.

Minor Response to Resistance - consists of any physical contact with an inmate/detainee in a confrontational situation to control behavior or to enforce order, including the placement of hands on the offender in an effort to cause him to do anything involuntary.

Major Response to Resistance - A minor Response to Resistance becomes major under any of the following conditions:

a. If restraints are applied in order to restore or preserve order unless such restraints are routinely required to assure control of an offender or group.
b. OC or Tasers used only with the authorization of the Sheriff or designee.
c. If any offensive or defensive physical contact or hold is employed including any of the following: one or more physical blows, hard pushes, come along holds, pressure point techniques, defensive holds; or if, in the opinion of medical staff, an injury has occurred during a minor Response to Resistance, such as a bruise or wound. At no time are a choke hold and/or a carotid hold of any kind authorized to be used by a Seneca County employee.
d. ***In the Jail***, Deadly Force may be used when necessary to quell a rebellion, riot or disturbance in which loss of life or serious threatening injury to any person or escape is imminent, and where previous lesser means of major force have proved ineffective. On these occasions when this action becomes necessary authorization for the use of deadly force shall be made by the senior officer on duty at the facility, or higher authority. However, in case of emergency staff may exercise deadly force without the consent of higher authority if the situation does not permit the time to seek higher authorization. The Sheriff will ensure the proper required notifications, i.e., a serious incident or Response to Resistance report, verbal notification, etc., is submitted to the required parties as stipulated by policies and contract.

De-escalation - Force can often be avoided using de-escalation techniques and other non.dynamic law.enforcement tools such as police presence, containment, and communication. When feasible, Employees will use de.escalation and other techni. ues to reduce the immediacy of threats to peoples' safety and stabilize incidents. Whenever possible, Employees will seek to slow things down. Not every situation or subject can be deescalated. Conversely, Employee behavior can escalate a situation. Employees should not intentionally escalate situations unnecessarily.

Duty of care - Employees have an affirmative duty to care for persons in their custody. Employees and supervisors are responsible for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains whether injuries preceded custody, occurred during apprehension, or were sustained during custody. Additionally, Employees have an affirmative duty to provide or obtain medical attention for members of the public who are injured as a result of employee involved actions.

Objectively Reasonable - The amount of force that would be used by other reasonable and well-trained Employees when faced with the circumstances with which the employee using the force is presented. Use of force shall be limited to the amount of force necessary to control a given situation and shall include a continuum of escalating force levels.

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Reasonable Belief - Reasonable belief means that the person concerned, acting as a reasonable person, believes that the prescribed facts exist.

Serious Bodily Harm/Injury - Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

Active Resistance - a subject actively resists when they take affirmative action to defeat a employee ability to take them into custody

Active Aggression - Behavior that creates an imminent risk of physical injury to a subject, employee, or third party, but would not lead a reasonable employee to perceive a risk of death or serious bodily injury. Examples include but are not limited to an attack on an employee consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples may also include words or behavior such as pre-assault cues that clearly indicate that such an attack or actions are imminent.

Excessive Force - is force that is not objectively reasonable from the perspective of a reasonable employee in the same circumstances. Excessive force will not be tolerated.

Passive Resistance - A subject who takes no affirmative action to defeat the member's ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.

Electronic Control Device - Electronic Control Devices, TASER™, or stun-guns (electronic control weapons) that disrupt the central nervous system of the body. Any less-lethal electrical device used to temporarily immobilize an individual.(SEE ECD POLICY)

Instruments of Restraint - Any authorized device used to prevent escapes, prevent an inmate/ detainee from injuring him/herself or other persons, or prevent property damage (e.g. handcuffs, flex cuffs, leg irons, belly chains, emergency restraint chair, etc.).

Oleoresin Capsicum (OC) - A product using tincture of oleoresin capsicum derived from cayenne pepper as its active agent.

Planned Use of Force - The planned use of force by Jail professionals to remove an inmate/ detainee from a cell, the anticipated use of oleoresin capsicum, ECD, or other situation where a use of force can be reasonably expected to complete a specific objective.

Intervene - To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

Stun Cuff -The Stun-Cuff is a wireless electronic restraint device that attaches to the wrist or ankle and locks into place by an adjustable strap. The strap can be released or adjusted with a standard handcuff key. The Stun-Cuff produces a (2) two second shock when activated by the radio transmitter trigger. (SEE STUN CUFF ELECTRONIC RESTRAINT POLICY)

Wireless Transmitter - The wireless transmitter is a wireless keypad that can be programmed to control any Stun-Cuff device. The wireless transmitter can control a Stun-Cuff device up to 100 yards away.

300.2 POLICY

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

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Employees 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.

In an effort to protect and serve all citizens, inmates, detainees and visitors within this jurisdiction, respect the rights of suspects, and maximize employees safety in response to resistance events, it is the policy of this Office that employees will only use reasonable force to bring an incident or event under control and that all response to resistance events directed against active resistance be reported and reviewed as outlined in this policy. All uses of force must be objectively reasonable.

The policy of this Office is also to use force when necessary to the security of the jail and the safety of staff and inmates/detainees. Force will be balanced against the rights and safety of the subject inmate/ detainee. Force may be necessary and justified to maintain order within the jail. It is the policy of the Seneca County Jail that the use of physical force is restricted to instances of justifiable self-defense, protection of others, protection of property, and prevention of escape, and then only as a last resort with only the amount of force necessary to quell the situation.

Staff shall utilize the use of force continuum when responding to situations. In no event is physical force justifiable as punishment. There will be no corporal punishment of any kind. All persons injured in an incident will receive immediate medical examination and treatment. In immediate response to resistance situation, staff shall seek the assistance of mental health or medical personnel upon gaining physical control of the detainee. *Regarding **Jail** incidences*, Medical staff will be notified of ALL response to resistance incidents. The ICE Field Office Director will be notified promptly of all response to resistance incidents involving detainees.

The Seneca County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests. **(STANDARD 8. 2015.1, BULLET A-OCLEAS)**

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees 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:

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. Connor.

Employees 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.

Employees only use the amount of force reasonably necessary to protect life and enforce the law under decisions established by the Constitution of the United States, the Constitution of this State, established state and federal law and as articulated in this policy and procedures manual.

300.2.1 DUTY TO INTERVENE AND REPORT **(STANDARD 8. 2015.1, BULLET B-OCLEAS)** Any employee present and observing another law enforcement officer or a employee 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.

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Any employee who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor.

Use of Force: in accordance with the Office's **Duty to Intervene** policy employees of this Office have an affirmative duty to intervene if they witness a use force that is clearly unreasonable. Any employee present and observing another employee using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An employee who observes another employee use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each employee should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE **(STANDARD 8. 2015.1, BULLET A-OCLEAS)** Employees shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the employee 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 employee on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that employees 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.

Given that no policy can realistically predict every possible situation a employee might encounter, employees are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which employees reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this Office. Employees may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a employee to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, employees should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

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300.3.2 FORCE OPTIONS:

Employees have several force options that will be dictated by the actions of the suspect upon the appearance of the employee. Employees may be limited in their options due to the circumstances and actions of the subject. In any given circumstance there will be a range of options that may be reasonable. At no time should these options be considered a ladder which must be attempted one progressive step at a time. For example, a employee who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.
When utilizing a Force Option; employees are to follow the Use of Force Continuum.

a. Command Presence: Visual appearance of the employee where it is obvious to the subject, due to the employees uniform or identification, that the employee has the authority of law.

b. Verbal Commands: Words spoken by the employee directing the subject as to the officer's expectations.

c. Soft Empty Hand Control: Employees use of hands on the subject to direct the subject's movement; techniques that have a low potential of injury to the subject.

d. Chemical Spray: Where subject exhibits some level of active resistance, employees may use chemical spray to temporarily incapacitate the subject. (Oleoresin Capsicum) (See Control Devices and Techniques Policy)

e. Electronic Control Devices: Where subject exhibits some level of active resistance a employee may use an electronic control device to temporarily incapacitate the subject. (See Electronic Control Device policy.)

*The Stun Cuff - Electronic Restraint Device is to provide the safe and effective restraint of inmates during court proceedings, transportation, jail movement, and extradition of inmates. (See Stun Cuff - Electronic Restraint Device Policy)

f. Hard Hand Control: Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating a stunned mental state and/or motor dysfunction.

g. Impact Weapons: Batons, ASP/Expandable Batons, other impact weapons as allowed, or weapons of opportunity as may be dictated by the circumstances facing employees may be utilized in cases where the employees believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or were based on the employees belief at the time, the other options would not be successful in bringing the event to a successful conclusion.

h. Canine: Use of canine to bite and hold subject to prevent escape or to gain control of a subject who is actively aggressing toward employees. Prior to deployment of a canine, a warning in the form of an announcement should be made when reasonable to do so. ***In the jail**, Canines shall not be used for force, control, or intimidation of inmates/detainees.*

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i. Deadly Force: Force that creates a substantial likelihood of causing serious bodily harm or death.

f. Temporary Incapacitation - Impact weapons and/or electronic restraining devices.

300.3.3 USE OF FORCE TO EFFECT AN ARREST

Any employee 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. A employee who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall a employee be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

Regarding the jail, the use of force is never appropriate for previous bad acts and where the inmate/ detainee is not a present threat to safety or security of the jail.

300.3.4 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a employee has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to employees or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the employee at the time.

(c) Employee/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with employee commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the employee.

(l) Potential for injury to employees, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the employee.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

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(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the employee or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.3.5 FIREARMS RESTRICTIONS

(a) Warning Shots are prohibited

(b) Discharge of firearms is prohibited when the officer is presented with an unreasonable risk to innocent third parties.

(c) Discharging a firearm at an occupied vehicle is prohibited unless deadly force is justified.

(d) Whenever possible, employees should avoid placing themselves in a position where use of deadly force is the only alternative.

300.3.6 LESS THAN LETHAL WEAPONS/TACTICS

Prior to deployment of any less than lethal weapon, officers must be trained and certified where applicable in the proper use of the weapon. All deployments must be consistent with response to resistance policy.

(a) Chemical Spray:

1. Chemical Spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant.

2. Chemical Spray shall never be used as a punitive measure.

3. Employees should never spray from a pressurized can directly into a subject's eyes from a close distance due to the potential for eye injury as a result of the pressurized stream. Employees should never spray directly into a subject's eyes from closer than three feet or the distance recommended by the manufacturer of the spray (whichever is shorter), unless deadly force would be justified.

4. Employees should consider alternatives to chemical spray when attempting to control a subject in a crowded-enclosed area due to the innocent over-spray that may cause the onset of panic.

5. Employees should consider alternatives to chemical spray when the event is inside a building, particularly where the building has a closed-ventilation system due to the potential impact on innocent persons who may have to be evacuated (temporarily) from the locations.

6. Once control is gained, employees should immediately provide for the decontamination of the subject when reasonable and practical to do so.

7. If the person shows any signs of physical distress or does not recover in a reasonable amount of time, employees should immediately direct an emergency medical response and

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render first-aid at the degree for which they are trained.

(b) Impact Weapons: Batons, ASP/Expandable Batons

1. Impact weapons may be utilized in cases where the employees believe the use of these weapons would be reasonable to bring the event under control.
2. Examples would be where other options have been utilized and failed or were based on the employee's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
3. Employees shall not intentionally strike a person with an impact weapon where it would create a substantial likelihood of causing serious bodily harm or death, unless the use of deadly force would be justified. Intentional baton strikes to the head, face, groin, solar plexus, neck, kidneys or spinal column are *prohibited.*

a. Striking an inmate/detainee for failing to obey an order is *prohibited.*
b. Striking an inmate/detainee, when grasping or pushing the inmate/ detainee would achieve the desired result, is *prohibited.*
c. Using force against an inmate/detainee offering no resistance is *prohibited*

300.3.7 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Employees may only apply those pain compliance techniques for which they have successfully completed Office-approved training. Employees 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 Individual can comply with the direction or orders of the employee.

(c) Whether the Individual has been given sufficient opportunity to comply.

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

300.3.8 CHOKEHOLDS: **(STANDARD 8. 2015.1, BULLET A-OCLEAS)** An employee shall not use a chokehold or neck restraints in the performance of his or her duties, **unless deadly force is justified.**

(a) In general, employees may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, employees shall not use a chokehold, neck restraint or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion.

(b) Employees 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 for the purpose of seizing evidence.

(c) Employees restraining a subject should be cognizant of and avoid positional asphyxia.

(d) This agency prohibits prolonged face-down prone restraint.

300.3.9 RESPIRATORY RESTRAINTS The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

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300.3.10 USE OF FORCE TO SEIZE EVIDENCE

In general, employees may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, employees are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, employees should 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. Employees are encouraged to use techniques and methods taught by the Seneca County Sheriff's Office for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS When reasonable, the employee shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) An employee may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.

(b) An employee may use deadly force to stop a fleeing subject when the employee has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the employee reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

(c) Employees should warn the subject prior to using deadly force where feasible.

(d) Once the subject's active resistance has ceased and control has been gained an deputy is no longer authorized to use force.

(e) Employees should immediately provide any necessary medical assistance to the subject to the degree to which they are trained and/or provide for emergency medical response where needed and where reasonable to do so. Deputies should immediately place the subject in a recovery position which facilitates breathing.

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 a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

At all times, employees will exercise caution and will discharge firearms in the safest manner possible given the situation. Employees will avoid discharging firearms when the circumstances indicate that the employee should be cognizant of specific dangers associated with the discharge of the firearm at that specific time, i.e.: risk of striking innocent bystanders, risk of ricochets, etc.

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective. Deadly force may not be used to shoot at or from a moving vehicle, or solely because a subject fails to stop for a blockade or roadblock, or fails to obey a command to stop.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm from or at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 DISPLAY OF FIREARM

An employee will not point a firearm at a compliant individual who is not a threat to the safety of the employee or others. An employee is authorized to point a firearm at an individual who the employee perceives as posing an imminent threat of serious physical harm or death to that employee or another person, provided that the employee ceases to point a firearm at that individual if/when the individual is no longer perceived by the employee to pose that imminent threat of serious physical harm or death to the employee or another person.

300.5 REPORTING THE USE OF FORCE (STANDARD 8. 2015.1, BULLET B-OCLEAS)

Any use of force by a member of this Office shall be documented promptly, completely, and accurately in an appropriate report, along with the "Response to Aggression / Resistance" forms, in all instances of responses to force. The employee 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 Office may require the completion of additional report forms, as specified in Office policy, procedure, or law.

Whether on or off duty, Employees will report responses to resistance, via approved Office response to resistance form, when one of the following force options are utilized in response to active resistance.

a. Chemical Spray
b. Electronic Control Devices
c. Hard Hand Control
d. Impact Weapons
e. Pointing of Firearms: Any time a member points a firearm at an individual, notwithstanding the fact that deadly force is not ultimately deployed is a reportable event under this policy. This does not include drawing a firearm and maintaining at the low-ready position.
f. Firearms discharges: Any intentional or unintentional discharge of a firearm, not

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inclusive of training scenarios or approved humane life terminations of injured animals.

g. Deadly Force
h. Any incident, arrest, or circumstance, which in the Deputies or supervisor's opinion involved a physical confrontation necessitating documentation of circumstances.

Employees involved in an incident where a reportable response to resistance did not involve death or serious bodily injury, the employee will:

a. Notify their supervisor as soon as practical.

b. Document the response to resistance via Complaint/Report

c. Complete the approved Sheriff's Office response to resistance form and forward it to their immediate supervisor prior to ending their tour of duty. The form will be completed in detail including a narrative account describing the following:

1. Actions of the subject that necessitated a response
2. Force utilized in overcoming the resistant subject
3. Injuries or complaints thereof sustained by the subject and/or employee
4. Medical treatment received.
5. Photographs of any injuries of suspect/inmate/detainee
6. A list of all participants and witnesses to the incident

Employees involved in an incident where a reportable response to resistance involved death, serious bodily injury, or the discharge of a firearm will notify the on duty and/or designated supervisor immediately.

In the event of a reportable response to resistance involving death or serious bodily injury, the employee will ensure that:

a. Criminal Investigation: A Detective/Investigator will respond to the scene, conduct investigation, and complete the initial complaint/report. In the event an employee has no available personnel for this purpose or the Office believes it is in their best interest to request an outside Office conduct the investigation, they may utilize an outside Office (such as another Sheriff's Office) for this purpose.

b. Employees are reminded that a criminal investigation will be conducted, and that criminal liability may attach to their actions. In order to ensure a employee's 5th amendment protections are not violated the following procedure is established:

1. Employees will be removed from the scene as soon as practical.
2. Employees will be allowed time to reflect about their actions and speak with an attorney if they desire prior to any criminal questioning.
3. Employees are not required to submit to a criminal investigative interview and are subject to 5th Amendment protections if they so choose.

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c. Internal Investigation: Employees should understand that an Internal Affairs Investigation may begin at any time as determined by the Sheriff or his/her designee. Internal Affairs Investigations will be separate and distinct from the criminal investigation. Prior to Internal Affairs interview, Garrity warnings will be issued and signed by the employee investigated. Involved Employees are required to provide truthful information to internal affairs investigators, are not afforded protection under the 5th Amendment to the United States Constitution, and therefore may not refuse to provide complete and truthful information. Internal Affairs Investigations will follow procedures established under separate policy.

300.5.1 NOTIFICATIONS 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) Reportable response to resistance involved death or serious physical harm to either the employee or subject, or involved the discharge of a firearm.

(c) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.

(d) The individual subjected to the force complained of injury or continuing pain.

(e) The individual indicates intent to pursue litigation.

(f) Any application of the TASER device or control device.

(g) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(h) The individual subjected to the force was rendered unconscious.

(i) An individual was struck or kicked.

(j) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 SUPERVISORS RESPONSIBILITIES (STANDARD 8. 2015.1, BULLET C-OCLEAS) Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

a. If available, an on-duty supervisor will respond to the scene of all incidents involving a reportable response to resistance. 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:

1. If available, an on-duty supervisor will respond to the scene of all incidents involving a reportable response to resistance.

2. Irrespective of duty status, supervisory and investigative staff, delineated under separate policy or directive, will respond to all response to resistance events involving death or serious bodily injury (or the likelihood thereof).

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3. The ranking supervisor at the scene of an incident involving a reportable response to resistance will ensure that adequate investigation is conducted, forensic evidence is preserved, video graphic evidence is obtained, case investigation is sufficiently reported, and that response to resistance forms are completed. In those cases, where a supervisor is not present, the Reporting employee will ensure that adequate investigation and all required reports are completed.

    (a) Obtain the basic facts from the involved employees. 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 individual upon whom force was applied. If this interview is conducted without the individual 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.

        1. These photographs should be retained until all potential for civil litigation has expired.

    (e) Identify any witnesses not already included in related reports.

    (f) Upon receiving notification, the supervisor will immediately ensure that the Sheriff and/or the designee of the Sheriff are notified of the incident. If the supervisor is unable to make those notifications, any and all other employee(s) who become aware of the situation are equally responsible to ensure those notification are made.

    (g) Review and approve all related reports. **(STANDARD 8. 2015.1, BULLET C-OCLEAS)**

    (h) Determine if there is any indication that the individual 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.

    (i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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4. For all response to resistance events not involving death or serious bodily injury, the Employees immediate supervisor or the Supervisor responding to the scene will review the response to resistance form and preliminary investigative information to determine policy compliance. The Supervisor will meet with the involved Deputies to discuss the event, review policy, and clarify any matters of concern. The supervisor will forward the response to resistance form via the chain of command to the Sheriff or their designee. Anytime during the supervisor's review, he or she believes that a serious policy infraction or criminal act occurred, the supervisor will immediately cease investigation and forward all information to the Sheriff or their designee. The designee responsible for the investigation will conduct logical investigation per Official policy.**(STANDARD 8. 2015.1, BULLET C-OCLEAS)**

(a) *Regarding Jail incidences,* within two workdays of the post incident review submission of its determination, the Sheriff or his designee shall report with the details and findings of appropriate or inappropriate use of force, by memorandum, to the ICE Field Office Director, and indicate whether he/she concurs with the finding of an appropriate or inappropriate use of force.

(b) *Regarding Jail incidences,* the Seneca County Jail shall maintain all written use-of-force documentation for a minimum of six years. *(ICE RECORD KEEPING)*

(c) Video, audio and other recordings shall be catalogued and preserved until no longer needed, but for no less than 48 months after their last documented use. In the event of litigation, the facility shall retain the recording for a minimum of six months after the conclusion/resolution of the litigation.*(ICE RECORD KEEPING)*

5. All response to resistance events involving death or serious bodily injury will be reviewed for legal and policy compliance by the Sheriff or their designee.

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.

300.6 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. If an arrested person has been injured as the result of use of force by an employee, that person will be kept under constant guard by this agency until released from custody. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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Based upon the employee's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel, at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another employee 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 employee 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 employee reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

300.8 RESPONSE TO RESISTANCE TO ADMINISTER MEDICAL TREATMENT (JAIL)

Regarding the Jail, force or restraint may be used when ordered by a physician or his designee in order to allow medical staff to administer medical treatment deemed necessary. This force or restraint must be under direct supervision of a physician or his designee and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases or when treatment is offered in satisfaction of duty to protect the inmate/detainee against self-inflicted injury or death. The physician or his designee shall prepare a report documenting the reasons that force or restraint was authorized. The physicians report shall be attached to the Supervisor's Response to Resistance Summary Form when actual force is used or the Incident Report form, in cases when restraints are applied without the Response to Resistance as described above. Use of medical restraints (four point) will be applied only with the authority of the Medical Staff and will be only for the shortest period of time. Use of restraints for medical and psychiatric purposes shall be applied in accordance with policies and procedures approved by the health authority, including:

1. Conditions under which restraints may be applied.
    a. Only when treatment is necessary to protect other persons, as is the case of contagious and venereal diseases or when treatment is offered in the satisfaction of duty to protect the inmate/detainee against self-inflection injury or death.

2.Types of restrains to be applied.
    a. Four Point restraint ie ERC

3.Identification of qualified medical or mental health professional who may authorize the use of restraints after reaching the conclusion that less intrusive measures are not a viable alternative.
    a. Jail physician shall authorize the use of medical restraints after determining that no less restrictive treatment is appropriate.

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4. Monitoring process procedures.
    a. inmate/detainee will be Placed on first watch in booking
    b. SMU paper worker and medical watch sheet filled out and placed of door for monitoring
    c. while on first watch the inmate/ detainee will be checked and logged by staff at staged intervals not to exceed ten minutes.

5.Lengths of time restraints are to be applied.
    a. There shall be ten minute , varied checks by correctional staff;
    b. There shall be thirty minute checks by health trained personal;
    c. Inmate/detainees in medical restraints, if possible, after every two hours of continuous use, each extremity is freed of exercised for a period of five to ten minutes.

6.Documentation of efforts for less restrictive treatment alternatives.
    a. Checks by staff and health care personal are logged. if check deem less restrictive measures are deemed appropriate the will be utilized and documented.

7.After incident review
    a. response to resistance paper work and reports for the incident by all staff involved will be place in a response to resistance file, by given a jail incent number and turned over to the Jail Administrator for review.

Individuals 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 employees to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Employees who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

If injuries occur during Response to Resistance in the jail, all persons injured must receive an immediate medical examination and treatment. If Facility Medical staff is unavailable (i.e. after hours) the injured will be taken to the Tiffin ER.

See the Medical Aid and Response Policy for additional guidelines.

300.9 TRAINING

Employees will receive annual 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.

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Subject to available resources, employees should receive periodic training on:

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including alternatives to force.

Documentation of annual training and successful completion of training will be filed in each employee's personnel file.

300.10 USE OF FORCE ANALYSIS

At least annually, the Sheriff's authorized designee should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, 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.

300.11 EFFECTIVE DATE (OCLEAS) 01-01-2022

REVIEWED DATE: 01-01-2025

Approval Authority Title and Signature: **Sheriff** Fredrick W. Stevens

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