



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



2025-3739
Officer Involved Critical Incident – 4272 Cider Mill Drive,
Cincinnati, OH 45245 (L)

Investigative Activity: Document Review, Records Received

Involves: Union Township Police Department (O)

Date of Activity: 12/05/2025

Author: SA Lauren Frazier, #129

Narrative:

On December 5, 2025, Ohio Bureau of Criminal Investigation (BCI) Special Agent Lauren Frazier received the Use of Force Policy utilized by the Union Township Police Department at the time of this incident. The document received is attached to this investigative report for further review.

References:

No references.

Attachments:

Attachment # 01: UTPD Response to Resistance Policy

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PM 6-02 Response to Resistance

Purpose

To establish guidelines for member response to various forms of resistance and the limitations placed upon such response, and to clearly describe prohibited activities.

Policy

Members of this agency will respond to resistance by using only the amount of force reasonably necessary to accomplish an arrest and/or to defend themselves and others from attack. The response used will be dependent upon the amount of resistance offered and will cease when the person stops resisting. Members will not use unnecessary or unwarranted force in making an arrest or in dealing with a prisoner or other person. All response to resistance incidents will be reported, immediately upon occurrence, to supervisory personnel.

I. Definitions

- A. Physical Force - any violence, compulsion, or constraint physically exerted by any means upon or against a person which has the risk of physical harm to that person.
- B. Non-Lethal Force - any force that is intended to incapacitate or stop an assailant without causing death.
- C. Deadly Force - any force that carries a substantial risk that it will proximately result in the death of any person.
- D. Physical Harm - any injury, physical trauma, intense discomfort, or acute pain.
- E. Serious Physical Harm - physical harm which carries a substantial risk of death, permanent incapacity, permanent disfigurement, or acute pain of such duration as to result in substantial suffering.
- F. Risk - as used in this procedure, is defined as a significant possibility, as contrasted with a remote possibility that a certain result may occur or certain circumstances may exist.
- G. Substantial Risk - as used in this procedure, is defined as a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- H. Reasonable Belief - as used in this procedure, means circumstances that would lead a prudent person to a conclusion.
- I. Terms included in bullets A-H will be included and reviewed during the agency's annual firearms requalification.
- J. Reportable response to resistance incident - any incident where the following types of force are used for any reason:
 - a. discharge of a firearm (exceptions: firearms training, off-duty recreational shooting)
 - b. display of firearm (see PM6-02.VI)
 - c. use of a collapsible straight baton or other striking weapon
 - d. use of chemical irritant
 - e. use of electronic restraint device (CEW)
 - f. striking with personal weapons (hands, feet, etc.)
 - g. takedowns, person taken to ground
 - h. use of hobble restraints
 - i. use of pepperball gun
 - j. any incident of unusual nature as determined by the on-duty supervisor
 - k. takes any action that results in, or is alleged to have resulted in, the death or injury of any person;
 - l. bite by agency canines on any member of the public.
- K. Shotgun Conditions are defined as:
 - a. Condition 4 – Shotgun is completely empty, bolt and forearm to the rear, safety on.
 - b. Condition 3- (Cruiser Carry) Shotgun's trigger is depressed, magazine tube fully loaded with six rounds, no round in the chamber, safety on.
 - c. Condition 2 – Shotgun has a round in the chamber, and safety is on.
 - d. Condition 1- Shotgun has a round in the chamber, and safety is off.

II. Authorization to use force in response to resistance

- A. Members of the agency may respond with only the force that is reasonably necessary to:
 1. Effect lawful objectives
 2. Defend themselves or others from physical harm
 3. Overcome resistance to a lawful arrest
 4. Prevent the escape of an offender
- B. Deadly force may only be used when a member reasonably believes that the action is in defense of a human life, including the member's own life, or in the defense of any person in imminent danger of serious physical harm.
- C. Deadly force may not be used to prevent the escape of an unarmed offender, either for a felony or a misdemeanor offense, whenever such subject poses no immediate danger to any person.

III. Non-Lethal Weapons

- A. Members will be issued the following non-lethal weapons and will be trained in their use:
 1. Expandable straight baton, Autolock, Monadock.
 2. OC chemical irritant (MK-3 10% Oleoresin Capsicum Solution)
 3. Conducted Electrical Weapon, CEW (issued only for on-duty use).
The authorized electronic control device is the TASER International X2
 4. Pepperball gun; The authorized pepperball gun is the Tippmann Custom SX Carbine Launcher. Only PepperBall rounds are to be used in the launchers.

IV. Amount and type of response to resistance used

- A. Personnel will only use reasonable force to accomplish lawful objectives, and will apply de-escalation techniques when possible.
- B. The amount and type of response to resistance used by members will be determined in each situation by the circumstances facing the member at the time. Factors involved in a member's decision to use an appropriate response may include, but are not limited to, any of the following:
 1. The actions of the involved individual(s)
 2. The physical and mental characteristics of the offender(s)
 3. The severity and nature of any criminal offense
 4. Any threatened or displayed hostility
 5. Unresponsiveness or aggression by the involved subject(s)
 6. Whether or not there are multiple offenders
 7. The possible involvement of drugs or alcohol
 8. Any injuries, physiological capabilities, age, gender and/or size differential between the member and subject or physical exhaustion of the member due to exertion
 9. The type, presence or proximity of any weapon
 10. The possible need for immediate protection of a third party
 11. The physical setting:
 - a. time of day, visibility, weather, footing, availability of cover, escape/retreat routes, etc.
 - b. whether or not there is any chance of intervention or interference by bystanders
 - c. any time constraints (i.e., whether or not it is critical to make an immediate arrest)
 - d. any known history of violent behavior by the offender
 - e. the availability of back-up or assistance from other members
 12. any other unusual circumstances or factors introduced which may aggravate a situation.

V. Action/Behavior – Response to Resistance Continuum

- A. Most physical confrontations are dynamic, rather than static. Members must respond to rapidly changing factors. The Action/Behavior – Response to Resistance Continuum consists of several areas of member response(s) to the action/behavior of the subject with whom the member is interacting, any of which may be appropriate, depending on the circumstances. The following array of responses is authorized to be used in accordance with the Action/Behavior – Response to Resistance Continuum:

- Officer presence
- Verbal or physical directions or commands

- Assistance from other officers
- Escort positions
- Balance displacement
- Aerosol devices
- PepperBall
- Conducted Electrical Weapon, CEW
- Joint manipulations or pressure points
- Striking muscle groups or takedowns
- Canine Bites
- Baton restraints
- Baton techniques
- Striking structural areas
- Deadly force

B. The list of responses is not intended to be in any specific order, but reflects on the amount of resistance encountered. The member will choose the necessary response to gain control of the situation based on agency policy, physical capability, perception, training, and experience.

C. Use of the vascular neck restraint or chokehold is prohibited in all situations where the application of deadly force would be inappropriate.

VI. Display of Weapons

A. A member may display non-lethal weapons whenever the member has reasonable cause to believe that such display may diminish aggressive behavior displayed by another person.

B. Members may display deadly weapons whenever:

1. The member has reasonable belief that there is immediate danger of serious physical harm to any person
2. Whenever the member has a reasonable suspicion that an offender may be armed with a weapon or is attempting to arm himself.
3. under circumstances where a member is authorized to use deadly force

C. When any member has displayed a deadly weapon, the member will submit form 6-03d to their immediate supervisor for forwarding to the Operations Bureau Commander. A supervisor's form 6-03c is not required as long as the deadly weapon is not discharged.

VII. Prohibited Acts

A. The following acts associated with the use of deadly force are prohibited:

1. Firing into crowds.
2. Firing of warning shots.
3. Firing at a moving vehicle, except where the member reasonably believes that:
 - a. an occupant of the vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or
 - b. the vehicle is operated in a manner deliberately intended to strike another person, and all other reasonable means of defense have been exhausted (or are not present), which includes moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the member's action.
4. Firing from a moving police vehicle unless:
 - a. the member is not the operator of the police vehicle; and
 - b. the safety of innocent persons would not be unduly jeopardized by the member's action; and
 - c. the action is in defense of human life

VIII. Firearms Training

A. Members will demonstrate proficiency with agency-issued firearms and less lethal weapons at least once each calendar year.

1. Proficiency testing will be conducted in accordance with the mandates of the OPOTC and will be supervised by the agency firearms instructor.
2. The firearms instructor will maintain records of each member's proficiency testing.

- B. Only those members who demonstrate proficiency at least once each year with agency automatic weapons, rifles, and other specialized firearms may use those weapons. It will be the responsibility of the firearms instructor, and the supervisor in charge of the training function to schedule firearms proficiency testing for members in accordance with this procedure.
- C. During the annual proficiency testing or at the time issued, all weapons intended for use by members will be inspected and approved by the agency firearms instructor. Any unsafe weapons will be removed from service.
- D. The firearms armorers will maintain records of all firearms owned by the agency. The records will include the firearm's type, description, identifying model, serial number, and assignee.
- E. The MILO range simulator will be utilized in addition to live-fire training at the discretion of the training officers or supervisors. The MILO range is a decision-making tool that will assist in training shoot and don't shoot situations.
 - 1. A firearms instructor or supervisor will be responsible for scheduling and instructing all officers on various scenarios of the MILO range. No training will be conducted without a firearms instructor or supervisor present.
 - 2. Officers will interact with the MILO range on various scenarios of shoot and don't shoot situations as determined by the firearms instructor or supervisor.
 - 3. The firearms instructor will keep records of attendance that will include;
 - a. member's name
 - b. date of attendance
 - c. scenario used
 - 4. Firearms and ammunition will not be present in the training room while the MILO range is in use. Firearms and ammunition will be properly secured in a lockbox.
 - 5. The MILO range will not be taken off-site without the prior approval of the CEO.
 - 6. The MILO range will be made available to other outside law enforcement agencies with the prior approval of the Operations Bureau Commander. A firearms instructor will schedule the session, operate the system, and retain copies of attendance records of approved outside agencies. The outside agency's range officer will authorize and schedule all training of outside agency personnel in conjunction with this agency's firearms instructor.
 - 7. The MILO range will only be available to non-law enforcement members of the public with prior authorization from the Operations Bureau Commander. A firearms instructor or supervisor will be present any time a member of the public uses the MILO range.
- F. Firearms Range Rules
 - 1. When utilizing a firearms range for departmental purposes, the range will only be used for firearms activities approved by the Firearms Instructor. Other non-firearms-related activities will be approved and monitored by a Firearms Instructor.
 - 2. Documented safety procedures and range rules will be reviewed prior to every training event held at the range. A document outlining procedures and range rules will be signed prior to the engagement of any activities.
 - 3. A Firearms Instructor will be designated as the responsible range supervisor during all times the range is in use.
 - 4. Weapons and ammunition used will be in accordance with PM 6-02 XVI unless otherwise approved by a Firearms Instructor. Targets and all other equipment will be either OPOTA or Instructor approved.
 - 5. All members will wear approved hearing and eye protection in addition to their agency issued body armor. Firearms Instructors may give permission to deviate from these activities if necessary, but only after safety protocols have been observed.
 - 6. All Firearms Instructors will be certified by OPOTA. In addition, each instructor will be certified in emergency medical response training for firearms instructors.
 - 7. All ammunition and spare weapons will be secured in the Union Township Armory. All weapons and ammunition will be stored in a secured area, or monitored by a Firearms Instructor while on a firearm range.

IX. Instruction in Response to Resistance Procedures

- A. Every member issued or having access to agency weapons will be given a copy of this procedure and will be instructed in its contents.
- B. Newly hired members authorized to carry or having access to weapons will demonstrate proficiency with the weapon(s) before they are permitted to use or carry the weapon(s) in the line of duty.
- C. A memorandum stating that members have read and understand this policy will be signed and placed in each member's training jacket as indicated in the following:
 1. Upon initial issuance of this policy (for current members)
 2. Upon initial employment (for newly hired members)
 3. Upon any revision to this policy after its initial issuance (for all members)

X. Written Testing

- A. In addition to any other demonstration of proficiency, members will be required to achieve at least a score of 80% on a written examination covering PM 6-02.
- B. The written examination will be designed by the firearms instructor and will cover the procedures outlined under each subheading of PM 6-02.
- C. The written examination will be given each time a member appears at the firearms range.
- D. The written examination will be revised annually.

XI. Failure to Display Proficiency with Weapons

- A. Members who fail to display proficiency with their firearms or non-lethal weapons, or who fail to achieve a passing score on any written test, will not be authorized to carry such weapons until they have successfully completed remedial training by a qualified instructor. A continual failure to display proficiency after remedial instruction may lead to discharge.

XII. Medical Treatment

- A. Whenever any prisoner is suffering from an injury requiring treatment, first aid procedures will begin as soon as possible after the person is secured and the incident scene is safe. Decontamination procedures for OC chemical irritant must occur immediately after the person and incident scene is secured.
- B. Medical aid will be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained.
- C. Communications will be notified, and Union Township EMS will be promptly summoned or the person removed from the area to meet EMS at another location when any injuries have occurred, medical distress is apparent, or the individual is unconscious. If necessary, the person will be sent to the hospital for examination. All injuries, allegations of injuries, and treatments will be documented. When a CEW is utilized, the medical treatment provisions of this policy and PM 6-26 apply. Medical treatment is required after any agency canine bite.
- D. Medical aid will be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained.

XIII. Destruction of Animals

- A. The killing of an animal is justified for:
 1. Prevention of harm to a member or other person
 2. When the animal is so badly injured that humanity requires its relief from further suffering.
 3. A seriously wounded or injured domestic animal may be destroyed after reasonable attempts have been made to contact the animal's owner or to request assistance from the agency (S.P.C.A., humane society, game warden, etc.) responsible for the disposal of animals.
 4. Issued shotguns will be used in the destruction of sick or injured animals. Permission is needed from the patrol supervisor to use any weapon other than the issued shotgun for the destruction of an animal when surrounding conditions, or backdrops are not suitable for the use of the shotgun.
 5. Upon destruction of any animal, the member involved will submit a 5WH to the on-duty supervisor for forwarding to the Operations Commander. A supervisor's form 6-03c is not

required in these cases.

XIV. On-Duty Weapons Authorization

- A. Members on on-duty status will carry only agency-issued weapons and ammunition which have been approved by the CEO and with which they have received training.

XV. Off-Duty Weapons Authorization

- A. A member who is on off-duty status may carry, anywhere in the United States, an agency-issued weapon and ammunition approved by the CEO.
 1. The member must demonstrate safe and proficient use of this weapon during regular firearm qualification.
 2. A member who elects not to carry a firearm while off duty will not be subjected to disciplinary action if an occasion should arise in which the member does not take action in an incident in which he/she would have taken police action if he/she were armed.
- B. Any member carrying a firearm will have their issued agency identification and badge in their possession.

XVI. Types and Specifications of Weapons and Ammunition

- A. Members are issued the following weapons:
 1. Smith & Wesson M&P M2.0 9mm caliber semi-auto pistol.
 - a. ammunition – Winchester Ranger T-Series 9mm Luger 147-grain RA9T
 - b. The firearm and magazine will be carried in a fully loaded manner.
 2. Smith & Wesson M&P 9 Shield Plus 9mm caliber semi-auto pistol.
 - a. ammunition – Winchester Ranger T-Series 9mm Luger 147-grain RA9T
 - b. The firearm and magazine will be carried in a fully loaded manner.
 3. AR-15 (refer to section XVI.D) 30-round Magazines will hold no less than 28 rounds and no more than 29 due to the risk of magazine failure.
 - a. Hornady TAP Barrier 5.56mm 62-Grain round (#8125C)
 4. Collapsible straight baton; Autolock, Monadock.
 6. Oleoresin Capsicum spray; MK-3, Defense Technologies.
 7. Taser X2.
- B. Members, while on on-duty status and assigned to field operations, will have available in their assigned vehicle:
 1. Fully loaded Remington 870 pump 12-gauge shotgun.
 - a. ammunition – Federal 12-Gauge 2-3/4 00 Buck with Flight Control (FEDELE13200)
 - b. Shotguns will be carried in the cruiser in condition 3.
- C. Members of the Clermont County Special Response Team, if issued the following weapons, may have them available in their assigned vehicle while on-duty:
 1. Remington Model 700 scoped rifle
 - a. ammunition – .308 cal 168 GR boat tail hollow point
 2. AR-15 Rifle
 - a. ammunition – 5.56mm 55 gr. metal case boat tail
- D. Sworn members may carry a personally owned AR-15 under the following circumstances.
 1. The member is the sole owner of the weapon. Personal weapons are not to be shared or loaned by on-duty members.
 2. The weapon is inspected by a department armorer for dependability and serial number. Aftermarket parts and modifications must be preapproved and inspected by a department armorer before the weapon can go into active service.
 - a. The armorer will document the inspection on the Weapon Authorization form 6-02a.
 - b. All Weapon Authorization forms will be maintained by the Operations Bureau.
 3. The member must successfully qualify annually with the weapon in accordance to

state and department regulations as with any other weapon.
Any subsequent damage must be reported immediately. Repair costs for on-duty damage will be absorbed by the department.

4. Any rifles purchased must be approved by a Union Township Police Department armorer to ascertain if the weapon is fit for service.
5. Union Township Police Department will provide the authorized ammunition for duty use, while the owner provides the mandatory carrying case.
6. All department policies and procedures apply.
7. These weapons will be secured in the trunk of one's assigned vehicle and not be deployed unless authorized by the on-duty supervisor, or in the case of an immediate life-threatening incident.

E. Off-Duty Storage of Firearms: One of the most dangerous aspects of owning or controlling a firearm is safe storage when off-duty. When off duty, there are many opportunities for the untrained and unaware person to come in contact with a firearm that is left unsecured. It is, therefore, imperative that all firearms, when off-duty, be secured to prevent their casual access.

1. The Agency will provide gun locks to secure the employee's issued handguns.
2. When the issued gun locks are utilized, they shall be applied in accordance with the manufacturer's instructions. Employees shall comply with any amplification of those instructions received during any Agency training program.
3. Whenever the employee's firearm is not on the employee's person or within the immediate control of the employee; that firearm shall be secured by the issued gun locking device or by some locking contrivance that rises above the issued gun locks.
4. Even with a firearm unloaded and the gun lock applied, no employee shall leave an Agency firearm where it may be accessed by a minor or any unauthorized person.

XVII. Procedure When Shots Have Been Fired

A. Whenever any member discharges a firearm, either accidentally or intentionally, the member will immediately:

1. Determine if any individual has been struck by the round(s) fired, determine the physical condition of any individual who has been injured, and render necessary first aid
2. Notify Communications of the location and request the on-duty supervisor to respond
3. The on-duty supervisor will notify the Operations Bureau Commander and the Investigation Division Commander. (These supervisory personnel do not need to be immediately notified in case of shot(s) fired to destroy animals humanely)
4. This requirement does not apply to shots fired during training exercises.
5. This procedure will apply in the event any member or other person is injured by gunfire during any training exercise.
6. Anytime an employee discharges a firearm, they and any other employee in proximity may be subject to Administrative review by the CEO or their designee in accordance with the current Collective Bargaining Agreement.

XVIII. Reporting of Response to Resistance Incidents

A. When any member is involved in a reportable response to resistance incident, as defined in 6-02.I.I.a-i above, or whenever an allegation of excessive response to resistance by a member is made by any person, a supervisor will be notified immediately.

1. The supervisor will conduct an investigation of the circumstances involved in the response to resistance incident. This investigation will include a search of the immediate vicinity of the alleged response to resistance to locate witnesses or to recover any evidentiary materials. The supervisor will conduct an interview and examination of the subject of the response to resistance, will secure all facts pertinent to the case, and will document them on a form 6-03c to the Operations Bureau Commander. The computerized 6-03c will be utilized for this purpose. The investigating supervisor will ensure that the arrested subject is fully aware of the purpose for conducting the interview. The supervisor is authorized to call in any resources necessary to conduct this investigation, including technical assistance or personnel

from other agencies.

2. Photographs will be taken of every person (other than agency members and witnesses, unless injured) involved in a response to resistance incident. The photographs will detail any real or alleged injuries, and at least one photograph will include a facial shot. Injuries to any member will be documented with photographs.
3. The investigating supervisor will promptly route all reports to the Operations Bureau Commander with the findings, comments, and recommendations as to the propriety of the response used. If additional investigation is required, the original report will be so noted.

B. Written Reports

1. All members involved in the incident involving the actual or alleged response to resistance will prepare written reports that completely and accurately set forth all circumstances surrounding the response.
2. The arresting/charging member will submit form 6-03b to the investigating supervisor.
3. Other involved members will submit their reports on a 5WH form.
4. The investigating supervisor has the responsibility to take either written or videotaped statements from agency members and witnesses.

C. Report to CEO

1. The Operations Bureau Commander will review all submitted response to resistance reports and forward the same, along with a recommendation, to the CEO for final disposition. Following final disposition, all reports will be forwarded to the Administrative Services Commander for filing.

D. Confidentiality

1. Members involved in the response to resistance incident will not discuss the case with anyone except:
 - a. their immediate supervisor, bureau commander, and the CEO or his/her designee.

E. Annual Analysis of Response to Resistance Incidents

1. The Operations Bureau Commander will file all reports of response to resistance, animal destruction, and display or firearms incidents.
2. In January of each year, the Operations Bureau will conduct a tabulation and analysis of all response to resistance, animal destruction, and display of firearms incidents for the prior calendar year. The analysis will be conducted to identify any existing patterns that may be addressed by training.
3. The analysis shall identify:
 - a. date and time of incidents;
 - b. types of encounters resulting in use of force;
 - c. trends or patterns related to race, age, and gender of subjects involved;
 - d. trends or patterns resulting in injury to any person, including employees; and
 - e. impact of findings on policies, practices, equipment, and training.

F. Assault on Sworn Officer Review

1. Annually, the Operations Bureau Commander will conduct a review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues.

XIX. Administrative Leave

- A. When any member is involved in any response to resistance incident or takes any action that results in death or serious injury; the member will be removed from field duty upon completion of the preliminary investigation and placed on administrative leave until the incident has been reviewed by the CEO.
- B. Administrative leave will be without loss of pay or benefits, and such leave will not be interpreted to imply or indicate that the member has acted improperly. While on administrative leave, the member must remain available at all times for official agency interviews and reports regarding the incident and may be subject to recall to duty at any time. The CEO is empowered to change administrative leave to administrative duty at his/her discretion.

XX. Psychological Services

- A. In all cases where any person has been seriously injured or killed as a result of response to resistance by a member, the involved member will be required to undergo a debriefing with a psychologist as soon as possible. The purpose of this debriefing will be to assist the member in dealing with the moral, ethical, and/or psychological after-effects of the incident. The debriefing will not be related to any agency investigation of the incident, and nothing discussed in the debriefing will be reported to the agency without voluntary permission of the involved member.

XXI. Police Action Death Investigations

- A. In the event of an investigation of use of force and other police actions that result in death or serious bodily injury, the following criminal and administrative procedures will be followed:
 1. Criminal investigative authority will be with the Ohio Bureau of Criminal Investigation (BCI) in conjunction with the Union Township Police Department. If a Union Township Officer who is assigned to a County Task Force is involved in a police action that results in death or serious bodily injury, the criminal investigative authority will still reside with BCI and Union Township, but will be completed in conjunction with the Clermont County Sheriff's Office.
 2. The Professional Standards Bureau Commander or their designee will have administrative investigative authority over the incident. If a Union Township Officer who is assigned to a County Task Force is involved in a police action that results in death or serious bodily injury, the administrative investigation will still be completed by the Professional Standards Bureau Commander or their designee.
 3. The Clermont County Prosecutor's Office will be apprised of the investigation and will receive frequent updates from investigators. The Clermont County Prosecutor's Office will work with BCI and Union Township Investigator's on the incident, but the investigative authority will remain with BCI and Union Township.
 4. Information will be released in a timely manner to the public at the direction of the CEO or their designee. If the incident involves multiple jurisdictions, the department investigating the incident will designate a Public Information Officer (PIO) to speak with media. The release of video and documentation will be done in accordance with Ohio Sunshine Laws. All press releases will be done by the designated PIO.
 5. Patrol, Investigative, and Professional Standards supervisors will receive process training in managing incidents where death or serious bodily injury occurs.
 6. All police personnel will receive awareness training regarding police action death or serious injury investigations.

XXI. ACTION/BEHAVIOR - RESPONSE TO RESISTANCE CONTINUUM

SUBJECT'S ACTION/BEHAVIOR	MEMBER'S AREAS OF RESPONSE
1. Subject displays verbal or physical danger cues (threatens, clenches fists, etc.);	> Verbal warnings, physical directions and commands; assistance from other members;
2. Subject is not responding to commands to cease from threatening behavior; (active resistance)	>Assistance from other members; escort position and/or balance displacement; OC; CEW; Pepper ball
3. Subject refuses to move, resists by using body weight, offers active resistance;	>Assistance from other members; balance displacement and/or joint manipulation; OC; CEW; Pepper ball
4. Subject pulls away every time the member touches or grabs the subject;	>Assistance from other members; joint manipulation; takedowns; OC; CEW; Pepper ball
5. Subject pushes the member when the member attempts to gain physical control;	>Joint manipulations: OC ; striking major muscle masses and/or baton restraints; CEW; Pepper ball (see XXII)
6. Subject is actively resisting arrest, wrestling with member, but no active attempt to disarm member;	>OC ; striking motor points (nerve centers), major muscle masses or takedowns; baton restraints; striking muscle masses: CEW; Pepper ball; Canine bite.
7. Subject is striking and kicking at member, but doesn't pursue if member backs off;	>OC; striking structural areas; baton techniques; CEW; Pepper ball; Canine bite.
8. Subject aggressively chokes and gouges at eyes of member in a life-threatening weaponless assault;	>OC; baton techniques; striking structural areas; CEW; Pepper ball; deadly force; Canine bite.
9. Subjects attempts to grab and wrest the firearm from member;	>any response areas up to and including deadly force.
10. Subject produces a weapons and attempts to use it against the member;	>any response areas up to and including deadly force

XXII. Justified Use of CEW

A. The CEW may be used when it reasonably appears that it will be the most effective non-lethal response to resistance option, balancing the need to arrest or subdue the person; the likelihood of injury to the person, to innocent bystanders, or law enforcement officers; and officer safety concerns. Use of the CEW is generally authorized at level two of the Action/Behavior – Response to Resistance Continuum, but its use may be appropriate at lesser levels based upon considerations such as:

1. The member reasonably believes the subject poses a credible threat, or
2. The subject displays verbal or physical danger cues (threatens, clenches fists, fighting stance, etc.)

and is not responding to commands to cease the threatening behavior, or

3. The subject poses a threat from a distance, and the member is at risk of injury if he/she attempts to close the gap, or
4. The subject flees, creating a potential for a close-quarters or ground confrontation with members.
5. Member to subject factors such as age, gender, skill level, multiple subjects, and relative strength.

B. In all cases, the totality of the circumstances at the time will be considered when establishing whether the use of a defensive weapon was an appropriate response to resistance.

C. The CEW may become ineffective when responding to resistance from subjects intoxicated by drugs or in a toxic drug overdose state. Under these circumstances in which repeated or continuous exposure is required, alternative forms of response should be used.

D. Members should limit the exposures of the CEW to five cycles when alternative response is reasonable.

XXIII. Non-Lethal Ammunition / Simunition Training

- A. Non-lethal ammunition rounds can cause bruising, welts, or scrapes to the skin, especially if fired at close range. Non-lethal ammunition rounds can cause further damage to the neck, groin, head, or eyes. The risk of human error of misloading or not properly ensuring live ammunition has been replaced by non-lethal ammunition rounds can cause death or serious injury if active ammunition is not removed.
- B. Risk Mitigation Techniques
 1. Environmental Safety Measures – The following environmental safety measures are required for all non-lethal (simunition) ammunition training:
 - a. Non-lethal ammunition rounds are non-toxic; firing them does not expose the user or bystanders to inhalation hazards.
 - b. Users should do their best to clean up spent cartridges in training areas to ensure clear/safe pathways.
 - c. If the non-lethal ammunition rounds damage the training location in any way, the debris should be cleared before the next training scenario begins.
 2. Physical/Equipment Safety Measures – The following physical and equipment safety measures are required for all non-lethal ammunition training events:
 - a. All students, role players, or spectators in the active training area of non-lethal ammunition training will wear protective gear, including a full-face mask and neck protection, at minimum. Additional protective gear may be worn if desired or determined necessary by the safety officer.
 - b. A safety officer will be delegated to check all weapons and ensure that all live weapons are secured and not present in the training area.
 - c. Only weapons designated for non-lethal ammunition training will be used. The designated safety instructor will load and make non-lethal ammunition weapons safe. The designated safety officer on site will issue and monitor weapons.
 - d. No live weapons (firearms, OC, Taser, or edged weapons) will be permitted in the training area, including instructors or spectators. The instructor will conduct a visual inspection to ensure no live weapons are inside the training area.
 - e. All non-lethal ammunition training weapons will be treated as live weapons. All firearms safety rules will be followed to ensure the weapon is clear of live ammunition and safe for the training scenario.
 - f. The designated safety officer and instructors will conduct a walk-thru of the building before training starts. The building will remain locked to ensure a secure perimeter. No one is permitted to enter the training area without going through a safety officer check. If anyone leaves the training area or site, they must be rechecked by the safety officer upon return.
- C. Non-lethal firearms and training rounds will be secured in the agency armory
 1. Only firearms instructors are permitted to remove the non-lethal firearms or training rounds from the armory.
 2. Handling, removal, and storage of non-lethal training firearms and ammunition will be in accordance with PM 4-08 Armory and Weapons Management.