



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



2024-1780

Officer Involved Critical Incident - [REDACTED]  
Youngstown, Ohio

**Investigative Activity:** Use of Force Policy  
**Involves:** Youngstown Police Department (O)  
**Activity Date:** 07/15/2024  
**Activity Location:** BCI Richfield  
**Authoring Agent:** SA Jon Lieber #50

### Narrative:

On Friday, July 05, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber received the use of force policy utilized by the Youngstown Police Department at the time of this incident. The document received is attached to this investigative report for further review.

### References:

None

### Attachments:

1. 2024-07-05 YPD Use of Force policy

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Youngstown Police Department General Orders Manual - Carl Davis,  
Chief of Police

## 1.8 Use of Force

All officers are individually responsible and accountable for all Ohio Revised Code sections, Youngstown City Ordinances, and Departmental policies concerning this subject. Annually, all officers shall be tested on the use of force policy and receive a passing score.

### Definitions

*Necessary Force* – That force which is necessary and reasonable in overcoming resistance to arrest, custody, or compliance with a lawful and necessary order.

*Excessive Force* – That force which exceeds what is necessary and reasonable.

Officers shall use only that degree of force reasonably necessary to affect an arrest, maintain custody of an offender, or otherwise execute their official duties. If resistance to custody is encountered or escalates, officers need not retreat from their lawful efforts, but may apply such force as may be necessary and reasonable in causing the offender to submit. This provided no substantial risk of death or serious physical harm to innocent persons results from such forceful efforts.

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## 1.10 Non-Deadly Force

Non-lethal weapons will only be used in arrest situations where physical confrontation occurs. Non-lethal weapons improperly applied can result in serious injury or death. Thus, care should be exercised during application and with the same probable cause as that used for arrest. While no two arrests are the same, officers must consider the following factors in combination when they are assessing the need to use force:

- A. Is the suspect submitting peacefully or is he/she resisting?
- B. Is the suspect armed?
- C. The nature of the crime committed.
- D. Previous arrest record and reputation for violence, if known.
- E. The number of subjects involved and the police support available.

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# 1.9 Deadly Force

## Definitions

*Reasonable Belief* – The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

*Serious Physical Harm* – A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long term loss or impairment of the functioning of any bodily member or organ.

*Deadly Force* – Any force which, when exerted upon or against another person, carries a substantial risk that it will result in death or serious physical harm to any person.

*Choke Holds* - Physical maneuvers that restrict a person's ability to breathe for the purpose of incapacitation.

*Vascular Neck Restraints* - Also known as "lateral neck restraints" are techniques that can be used to incapacitate a person by restricting the flow of blood to the brain.

*Note:* The discharging of firearms, except during the course of proficiency training, is always considered to be a use of deadly force.

A. Deadly force may be used upon or towards another person only after all other alternatives of apprehension have been exhausted and the identity of the perpetrator of an extremely serious, forcible, and violent offense is unknown, and/or:

- 1) Where an officer honestly and reasonably believes that such force is absolutely and immediately necessary to protect either the officer or another human being against death or serious physical harm, and/or

- 2) Where an officer honestly and reasonably believes that such force is absolutely and immediately necessary, as there is a

substantial risk that the person to be apprehended, or whose escape is to be prevented, will cause death or serious physical harm to another.

B. Officers shall use the greatest possible care when handling firearms and shall not draw their firearms unless there is reasonable cause to believe said weapons may have to be used in the lawful performance of their duties, nor shall officers point their firearms unless there is reasonable cause to believe they may have to fire.

C. Deadly force may not be used when:

- 1) The above criteria are not met.
- 2) Where the employment of such force, even though it may otherwise be justifiable, may create a substantial risk of death or serious physical harm to innocent persons.
- 3) During misdemeanor arrest situations, except that during such situations there may be a principle of escalation wherein the behavior of a suspect develops into a threat of death or serious physical harm to any person.

D. Where all other circumstances may warrant the use of deadly force, officers must first make a reasonable attempt to make known their official capacity and intention to arrest or recapture, except:

- 1) When the officer honestly and reasonably believes his/her capacity and intention to arrest are, in fact, known by the person to be apprehended, or
- 2) When, in making known such capacity and intention to arrest, the officer honestly and reasonably believes that he/she may thereby create a situation of substantial risk to the well being of either the officer's person or the person of other innocent parties.

E. Choke Holds / Vascular Neck Restraints

1. Officers are prohibited from using choke holds or vascular neck restraints unless the use of deadly force is legally justifiable and/or permitted by policy, both of which are set forth in these General Orders, or in accordance with applicable local, state or federal law.

F. Officers shall not fire warning shots.

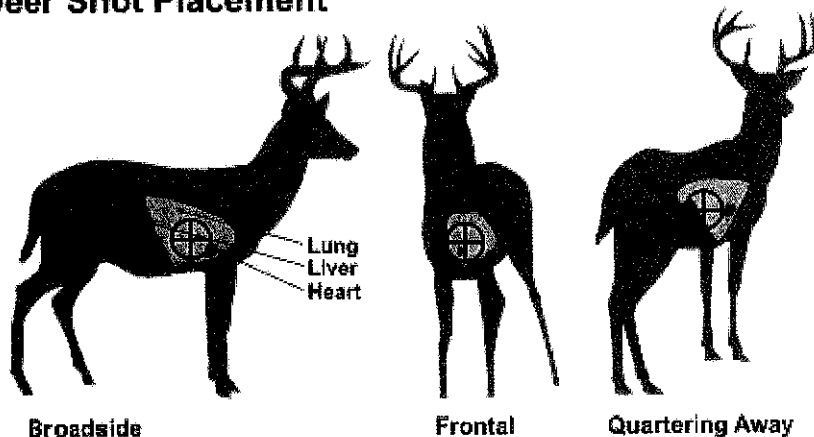
G. Officers should not discharge their firearms at or from a moving vehicle, unless immediate life threatening circumstances exist to protect either the officer or another human being against death or serious physical harm.

H. Deadly force may be used to destroy a dangerous animal or one so ill or injured that humane interests require its destruction. Extreme care must be taken to avoid risk of harm to bystanders or property. In such cases, the 12 gauge police shotgun shall be the preferred means of neutralization or destruction if time permits to utilize the weapon, unless immediate and exigent circumstances present themselves in which an officer's instantly available weapon becomes the most reasonable alternative to neutralize an immediate threat.

When the 12 gauge police shotgun is utilized, the following procedures should be followed:

- Permission from a Supervisor must first be granted and the Supervisor should respond to the scene, if practical.
- Carefully move the injured animal to an area where there is a soft earthen surface (grass, dirt, etc.) in order to avoid unnecessary ricochets
- Use department issued 12 gauge 00 buck (nine .32 caliber pellets)
- Target the shot placement in the torso area of the animal most likely where the heart would be located:

### Deer Shot Placement



The appropriate report shall be made without unnecessary delays.

*Note: Officer Surrendering Weapon* – An officer or his/her partner may be at the mercy of an armed suspect who has the advantage, but experience has shown that the danger to an officer is not reduced by giving up his/her firearm upon demand. Surrendering your weapon might mean giving away your only chance for survival; therefore, an officer should use every tactical tool at his/her disposal to avoid surrendering the weapon.



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# 1.11 Use of Force Continuum

**IMPORTANT** – The continuum of officer response is not intended to be in any specific order; rather, it reflects on the amount of resistance encountered. The officer will choose the necessary response to gain control of the situation based upon Departmental policy, his/her physical capabilities, perception, training, and experience.

