



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



2023-2306

Officer Involved Critical Incident - [REDACTED]
Ave., Alliance, OH 44601, Stark County

Investigative Activity: Use of Force Policy Received
Activity Date: September 12, 2023
Activity Location: BCI Richfield Office
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On September 12, 2023, the Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Armstrong received the Alliance Police Department (APD) Use of Force Policy utilized by the APD at the time of the officer-involved critical incident on September 3, 2023. The policy was provided by APD Lieutenant Don Wensel. It has been attached to this investigative report for further review.

Attachments:

2023-09-12 Alliance Police Department Use of Force Policy

04 USE OF FORCE

USE OF FORCE 04.01

Effective Date: February 9, 2021

NOTICE: Our Use-of-Force policy shall only be used for administrative purposes only and shall not be considered as an establishment of a higher legal standard of conduct for members in third party claims.

POLICY

Physical force may only be used to accomplish a lawful objective (e.g., control a situation, effect an arrest, for self-defense and the defense of others). The level of force used must be necessary and proportional (i.e. reasonable) to the degree of threat and resistance under the circumstances existing at the time of its use.

DEADLY FORCE

The preservation of human life is of the highest value in the City of Alliance. Therefore, officers must have an objectively reasonable belief that deadly force is necessary to protect life before the use of deadly force. Deadly force may be used under the following circumstances:

1. To defend yourself from serious physical injury or death
2. To defend another person from serious physical injury or death
3. In accordance with US and Ohio Supreme Court decisions, specifically Tennessee v. Garner and Graham v. Connor.

CHOKEHOLDS AND LATERAL VASCULAR NECK RESTRAINT (LVNR)

The Alliance Police Department prohibits the use of chokeholds, defined as applying direct pressure on a person's trachea or airway (front of neck), blocking or obstructing the airway. Also prohibited is the use of LVNR, defined as restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located. These techniques may only be employed in situations where deadly force may be used.

LEVELS OF RESISTANCE

The degree threat and suspect's level resistance varies from:

1. Non-physical Resistance –verbal expressions, physical gestures, behaviors and the like that would reasonably convey an intent to not comply with a lawful order.
2. Passive Resistance – halted movement (e.g., sags, drags feet, goes limp creating dead weight) with no overt act that would reasonably convey an intent to cause physical harm or damage.
3. Dynamic Resistance – action taken to break away, escape, evade control with no overt act that would reasonably convey an intent to cause physical harm or damage.
4. Offensive Resistance – mounting a physical attack that would reasonably convey an intent to cause more than *de minimus* harm or damage, but less than life threatening.
5. Imminently Life Threatening Resistance – a physical attack with a high probability of rendering another incapable of defending him/herself or would likely result in life threatening injuries or death.

DISCUSSION

When persons resist lawful authority, a proportional level of force is necessary to overcome and control the resistance.

The level of force used must be objectively reasonable as judged by a reasonable officer under the particular circumstances existing at the moment of its use.

Reasonable force is force that is both imminently necessary and proportional to the levels of threat and resistance.

Force includes verbal commands, escort techniques, joint manipulation/pain compliance, chemical weapons, conducted energy weapons, hard empty hand control, impact weapons and/or methods and instruments likely to cause severe injury or death.

Officers carry the burden to justify the level of force they use. Multiple factors must be taken into consideration, to include:

- a. an armed subject
- b. officer/subject size, gender and age
- c. officer/subject fitness
- d. relative strength
- e. officer/subject skill level
- f. presence of multiple officers or subjects
- g. subject's mental condition

- h. close proximity to a firearm/weapon
- i. special knowledge of the subject
- j. injury or exhaustion
- k. ground position
- l. imminent danger (e.g., environmental conditions, close confined areas)

PROCEDURES

When resistance is anticipated and when practicable:

1. call and wait for backup before engaging;
2. tell subjects what they want them to do to comply;
3. delayed and/or disengagement when faced with overwhelming odds or resistance;
4. if necessary contain the area, conduct surveillance, wait the subject out, summoning reinforcements or calling in specialized units to assist;
5. give and continue giving clear, repetitive, verbal commands ordering the subject to stop resisting and to comply with orders. Keep calm, avoid conflicting orders, allow reasonable time for the subject to comprehension and response to orders.

RESISTANCE – RESPONSE CORRELATION

As the threat level and resistance increases or decreases so must the level of force permitted. The following describes this dynamic relationship (i.e., correlation):

A. Level of Resistance: Imminently Life Threatening

Level of Perceived Threat: An objectively reasonable fear of death or serious life-threatening injury.

Response: Any tactic or device readily available (firearms, Muscle Disruption Devices, batons, flashlights, strikes and/or blows to any area of the body (e.g., center of mass, throat, head, eyes, groin) that will likely stop the threat.

B. Level of Resistance: Offensive Resistance

Level of Officer's Perceived Threat: An objectively reasonable fear of more than *de minimus* injury or damage.

Response: Strikes, Blows, Kicks, Impact Devices (e.g., ASPs, Bean Bags, uses of Electro-muscular Disruption Devices, K-9 bites) directed at non-life-threatening body areas.

C. Level of Resistance: Dynamic Resistance

Level of Perceived Threat – Escape

Response: Chemical Sprays, Pain Compliance Control Tactics/Devices, Electro-muscular Disruption Devices

D. Level of Resistance - Passive

Level of Perceived Threat – Loss of control

Response: Verbal persuasion and commands, chemical spray, come along holds and tactics

E. Level of Resistance: Non-physical

Level of Officer's Perceived Threat: Loss of control

Response: Verbal persuasion and commands, hands-on physical control (e.g. handcuffing maneuvers.)

Annual Review

The Use of Force policy shall be reviewed by all employees on an annual basis. All sworn personnel shall complete a test on Use of Force on an annual basis.

PRIMARY DUTIES OF INVESTIGATORS 04.01.01

Effective Date: October 18, 2017

The shift supervisor will attempt to interview the subject upon whom physical force was used. The supervisor will fully identify him/herself to the person, disclose the reason for the interview, and read the person's Miranda Rights. If the person declines to give a statement or be interviewed, or requests a lawyer, no further questioning will occur.

Photographs will be taken to identify both the subject and the location and nature of the injuries and/or alleged injuries. The investigating supervisor will specifically and completely identify photographs.

If the suspect has been transported to a medical facility for treatment, the supervisor will go to that facility to gather the information.

The supervisor will request an official statement/record of the condition of the patient-suspect from the medical staff, including a statement or opinion regarding the nature and extent of injuries.

1. If doctor-patient confidentiality, and/or any other law or regulation, prevents disclosure of any information, the investigating supervisor will note such information in the report.
2. In the event the suspect is hospitalized, the O.I.C. will be contacted to make arrangements for appropriate security during the course of hospitalization.

Appropriate charges and booking information will be completed by the investigating supervisor or designee of the investigating supervisor.

The investigating supervisor will record the investigation by prescribed supplemental reports. The supervisor will complete the report before ending his/her tour of duty.

A serious, possible life threatening injury, to an arrested person will be immediately reported to the Shift Supervisor.

1. An injury to a member that results from defensive measures will be included with the report on a supplemental narrative. If the injury was not a result of use of a responsive or defensive measure, a detailed Incident Report will be completed.

2. Reportable injuries will include those occurring immediately before, during, and after the arrest has been made. For example, an injury that resulted from a fall during a foot pursuit.

4. Normal and expected physical irritation due to chemical spray application is not considered an injury. However, a use of force form will be completed.

Based on the findings of the initial investigation, the duty status of the involved member will be determined by the Chief of Police.

The Prosecutor's Office will be briefed on all use of force involving serious physical injury or death. The arrangements for this briefing will be made at the direction of the Chief of Police.

FIREARMS.FIRING AT OR FROM A MOVING VEHICLE 04.02

Effective Date: October 18, 2017

POLICY

It is preferred policy to not fire at or from a moving vehicle, but doing so is not forbidden in certain situations.

DISCUSSION

The probability of a bullet stopping a motor vehicle is extremely unlikely. However, the risks of a bullet missing or deflecting and striking innocent passengers and/or bystanders are extremely high.

Firing at moving vehicle incidences typically involves a fleeing suspect who tries to run down or ram a member. Investigations of such incidences often show that the danger could have been reduced or avoided had the member used better approach and encounter tactics.

Nevertheless, when a suspect attempts to run down or ram a member, or another person and places such persons in a position of imminent and substantial risk of death or serious physical harm, deadly force is justified. This includes situations common in recent terror attacks in which the suspect utilizes the vehicle actively to physically harm others by means of, but not limited to, striking others with the vehicle, firing a weapon from the vehicle or conveying explosives to a target.

The investigation of such incidences shall include an examination of the member's approach and encounter tactics; and, such factors will be considered in the administrative outcome of the investigation.

FIREARMS.DISCHARGES INVOLVING DEATH OR INJURY 04.02.01

Effective Date: October 18, 2017

A. The Shift Supervisor shall notify the Chief of Police, and supervisor of investigations immediately of any discharge of a firearm resulting in injury.

B. When an injury or death is involved in the use of a firearm, the Chief of Police and/or Special Operations Captain shall respond to the scene and conduct or direct the following tasks:

1. separate witnesses and others involved,
2. interview witnesses, and gather basic facts from the officers involved
3. determine if the discharge resulted in property damage,
4. examine the firearms involved in the incident. Verify the serial numbers of weapons, and determine the number of rounds fired. The report shall contain a description of the firearms involved. If the officer's weapon must be surrendered for inspection. at no time will an officer be left at the scene without a duty weapon. An alternate duty weapon may be provided.
5. account for each round fired, if possible, and indicate the terminal point of each, if located,
6. if a person is wounded or killed, determine the number and location of all wounds,
7. when appropriate, photographs and sketches shall be a part of the investigation,
8. formally interview any officers involved no sooner than 48 hours after the incident,
8. submit a completed report.

C. Whenever a firearm is discharged unintentionally or intentionally, resulting in a death, the Chief of Police or his designee shall immediately notify the Coroner.

Final presentation of facts shall be made to the Chief of Police.

FIREARMS.DISCHARGE REVIEWS 04.02.02

Effective Date: October 18, 2017

After a discharge incident is investigated, the Chief or Police shall review the facts of the discharge. The use of outside investigating agencies may be involved in the review (BCI, Stark County Prosecutor, etc.)

A. If the review shows there was no violation of the law, department directives or no negligence was involved, the member shall be so notified and the investigation shall be closed.

B. If the review shows there was a violation of the law, department directives, or negligence was involved the member shall be notified of the decision within 48 hours of such decision and appropriate disciplinary action taken.

These procedures are independent of any criminal prosecution which may be initiated by other governmental or law enforcement agencies if a violation of law was involved.

FIREARMS. REPORTING DISCHARGES **04.02.03**

Effective Date: October 18, 2017

A. Officers shall report all discharges of a firearm except in firearms training. They shall immediately notify the shift supervisor and shall make an oral report to as soon as circumstances permit.

Officers discharging a weapon accidentally or intentionally shall:

1. File a written report of the incident within 48 hours of its occurrence unless directed otherwise by a superior officer.

2. The supervisor shall submit all findings in writing through the chain-of-command to the Chief of Police.

B. The Chief of Police may reassign duties, work locations, transfer positions or shifts, or relieve a member from duties pending the results of the investigation by the Firearms Review Board and the Chief of Police.

C. The member will surrender his/her weapons (handgun, rifle, & shotgun) to his/her immediate shift supervisor of the preliminary investigation, and have the weapons stored in the department armory. If permitted by the Chief of Police, the member will be issued a temporary weapon until the investigation is concluded.

D. The member shall be available at reasonable times for official interviews and shall be subject to recall to duty at any time; and, notify the Chief of Police of his/her whereabouts until the conclusion of said investigation. Exceptions to this would be the member being able to speak with family, religious leaders, doctors, and attorneys.

FIREARMS.WARNING SHOTS 04.02.04

Effective Date: February 10, 2010

It is prohibited to fire warning shots to stop fleeing suspects or into crowds where suspects have fled.

Firing into buildings, through doors, windows, openings and the like is prohibited if the shooting is not clearly justified and the intended target is not clearly visible. This does not prohibit the proper use of gas and other projectile that are designed to create a distraction or divergence.

LESS -LETHAL IMPACT PROJECTILES (LLIP) 04.03

Effective Date: February 10, 2010

1. Less than lethal impact projectiles are munitions fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death. The less than lethal impact projectile used will be the beanbag round fired from a shotgun.

2. The beanbag round is used whenever the use of other less than lethal options would assist in making an arrest, restoring order and/or reducing the risk of more serious injuries. Some uses of the beanbag round include but are not limited to:
 - a. restoring order during a jail or civil disturbance,
 - b. safely controlling violent persons,
 - c. subduing vicious animals,
 - d. situation that the authorizing person determines the use of the beanbag round is necessary to safely resolve the incident.

3. Officers must complete an approved training program in the use of beanbag rounds in order to use them during actual operations.

4. Beanbag rounds are stored in their original packaging and separate from lethal munitions to prevent confusion.

5. A shotgun with an orange stock and a supply of beanbag rounds are kept in a gun bag and are to be placed in the trunk of cruiser(s) determined by the O.I.C. at the beginning of each shift. This specially colored shotgun is the only weapon used to fire beanbag rounds and is never loaded with lethal munitions. This shotgun is left unloaded until the O.I.C. determines there is a need to use beanbag rounds.

6. When deployed, the O.I.C. will designate a trained member to handle the beanbag rounds and shotgun. That member is responsible to ensure that only beanbag rounds are loaded into the shotgun. The member is also responsible to unload the shotgun before returning it to his/her vehicle. Officers assigned a beanbag shotgun will ensure the weapon is returned to the gun safe at the end of their shift.

7. When the subject is under control and secured, the O.I.C. will designate a member to administer first aid as soon as possible if needed..

8. When the beanbag round is used, the arresting member will complete a Use of Force Report in addition to any other appropriate and necessary reports, to include photographs of injured areas on the suspect.

FLASH SOUND DIVERSIONARY DEVICES 04.03.01

Effective Date: February 10, 2010

The use of flash/sound diversionary devices, also referred to as Flash Bangs or distraction devices, have saved lives of many officers and innocent civilians, as well as suspects. However, in order to reduce any potential for injury, devices must be properly deployed and their use supervised.

DEFINITIONS

Flash/Sound Diversionary Device: a low explosive, less lethal, mechanical device that upon initiation emits a loud noise, bright light, and heat. It is intended to divert or distract one's attention.

PROCEDURES

A. Authorization for Use

1. Only personnel who have successfully completed an approved training course in the proper use and deployment of flash/sound diversionary devices shall be certified/authorized to deploy them during actual operations. In order to remain certified/authorized to use the devices, personnel shall successfully complete a refresher course on an annual basis. Because of the specialized nature of these devices and the training required to deploy them, their use shall be restricted to trained personnel from the Special Response team.

2. Except under extreme emergencies (i.e., life-threatening situations), flash/sound diversionary devices shall not be used without prior authorization of the Special Response team commander. In the absence of the Special Response team commander, a Special Response team supervisor may authorize their use.

B. Justification for Use

1. Generally, flash/sound diversionary devices may be considered whenever the use of a less-lethal diversion would facilitate entry, enable arrest, and potentially reduce the risk of injury.

2. Circumstances justifying the use of flash / Sound diversionary devices shall include but not be limited to:

a. Barricaded persons and or hostage situations.

b. High Risk Warrant Service.

c. Circumstances wherein distraction of violent mentally deranged persons or those under the influence of alcohol/drugs believed necessary in order to facilitate apprehension.

d. Situations wherein the authorizing person deems their use necessary to safely resolve the incident.

C. Deployment Considerations

1. Prior to deploying flash/sound diversionary devices, personnel shall consider available intelligence information and circumstances (i.e., the presence of children, elderly persons, and the like). Circumstances may dictate the exterior deployment is preferable to deployment on the interior of a structure. Whenever possible, devices shall be deployed to an area visible to the deploying member. These devices shall not be used solely for the preservation of evidence.

2. Because flash/sound diversionary devices have the potential to ignite flammable materials, a portable fire extinguisher shall be readily accessible whenever devices are deployed.

3. Flash/sound diversionary devices should not be used in drug labs or other explosive environments.

D. Reporting

1. The Special Response team commander will make sure that a log is maintained to satisfy administrative requirements.

2. Officers will document the use of flash/sound diversionary devices in an Incident Report.

E. Review Process

1. The Special Response Team Commander shall review the use of flash/sound diversionary devices as soon as practical following each incident or operation to ensure the devices functioned properly. Information this obtained shall also be utilized for statistical and training purposes.

PROHIBITED WEAPONS TECHNIQUES 04.04

Effective Date: February 10, 2010

A. No member will carry or use at any time any weapon of the type commonly referred to as brass knuckles, nun chucks, slappers, blackjacks, saps, sap gloves, or any other device capable of being used as a weapon, not expressly authorized by this policy.

B. No member will utilize any form of choking technique for the sole purpose of retrieving evidence (drugs or contraband) that the suspect has placed in his/her mouth.

ANALYSIS OF REPORTS 04.05

Effective Date: October 18, 2017

Every January the Operations Captain and Special Operations Captain will review all Use-of-Force data for the previous year and submit a report, as part of the annual report process, to the Chief of Police identifying any patterns or trends that need to be addressed. The report will identify training needs and/or policy changes suggested, as well as individual officers requiring remedial training for that year.

Effective Date: February 10, 2010

A. The subject on whom force was used will be transported to the appropriate medical facility for treatment and medical clearance in any of the below listed situations. A patrol supervisor will be notified and will respond to observe the subject in any of the below listed situations:

1. Use-of-force cases where the Muscle Disruption Device is deployed and the barbs remain embedded in the subject.
2. When physical injury requiring medical treatment or transportation is involved.
3. Any incident when the subject alleges injury or injury is obvious.

B. The supervisor shall photograph any visible injuries and ensure that the subject is transported to the appropriate medical facility.

C. Officers shall ensure that EMS is called to the scene if emergency medical aid is required.

D. At no time shall an in-custody-subject be handcuffed and placed face down or on the stomach. Always be alert for signs of positional asphyxia.

E. Prisoners being transported to the hospital for treatment will be secured with handcuffs and other restraints to the extent that their injury permits and kept under constant view.

F. A neutral member, when available, should transport a prisoner to a detention facility or hospital following a use-of-force.

G. If a subject is treated and released, the member will transport the subject to the appropriate holding facility for processing. If the subject requires hospitalization, the member will immediately contact the shift supervisor. It will be the responsibility of the supervisor to make appropriate notifications and arrange for security of the subject until released.

A. Officers shall document any use-of-force and the justification for the use-of-force in the original case report.

The narrative of the original case report shall include the following:

1. subject behavior (i.e., actions, behavior, statements, assault language and the like) ,
2. weapons used, displayed and/or implied by the subject, if any,
3. physical description of the subject,
4. whether or not there were additional subjects present in the area,
5. the member's tactical concerns,
6. the member's response, what type of force was chosen,
7. witnesses to the incident, if any,
8. the physical environment at the time of the incident (i.e., weather conditions, elevated surface, near water danger and the like) ,
9. injuries sustained and medical treatment received,
10. the names of all officers involved in the use-of-force, and
11. if a supervisor was on scene, officers should also note the fact.

Effective Date: February 10, 2010

A. Supervisors will review and sign off on the Use-of-Force reports indicating that the force conforms with this policy. The form will then be submitted to the Shift Commander who will also sign the form and forward it to the appropriate Captain.

B. If a report is not endorsed by the supervisor or the Captain, it will be reviewed by the Chief of Police. Copies of the case report, any medical documentation, or supplemental documentation available will be attached.

C. If a member is involved in a use-of-force incident that results in serious physical injury or death to another person, the scene will be processed in accordance to our evidence policies, as well as:

1. The patrol supervisor will immediately initiate an area to canvas to locate additional witnesses who have pertinent information regarding the incident.

2. All officer-involved use-of-force incidents that result in serious physical injury or death to another person will be reviewed by the Chief of Police.

E. As needed the Chief of Police will convene a Use-of-force Review Board. The board will consist:

1. Chief of Police
2. Captains

This board will review the facts and circumstances surrounding the incident. Upon review of the facts, the board will make a recommendation as to whether the actions of the member were in compliance with policy.

F. The Chief of Police will review the facts of the incident and the findings and recommendations of the Board members. If it is determined by the Chief of Police that an incident is not within policy and disciplinary action is warranted, a pre-disciplinary hearing will be scheduled.

G. Supervisors directly involved in the incident will not be a part of the review. This does not preclude supervisors from signing off on the use-of-force report form, who were on scene but were not directly involved in the use-of-force aspect of the arrest.

RESPONSE TO ACTIVE SHOOTER SITUATIONS 04.08

Effective Date: February 10, 2010

POLICY

It is the policy to protect life by all reasonable means, as possible. Officers responding to an active shooter incident shall use any legal means at their disposal to make contact with and stop the active shooter as quickly and safely as possible. This may include arrest, containment or use of deadly force.

PROCEDURES

The prioritization of activities, in their order of importance is:

- A. Stop the active shooter
- B. Rescue the victims
- C. Provide medical assistance
- D. Preserve the crime scene

DEFINITIONS

Active Shooter- one or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harm others. Typically their overriding objective is that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, and the like.

Active Shooter will also include anyone who uses any other deadly weapon (knife, club, bow and arrow, explosives, and the like) to systematically or randomly inflict death or great bodily harm on people.

Extraordinary Deployment - Situations where citizens lives are at immediate risk due to hostile action of one or more suspects. Generally occurs in a large geographical area that includes many citizens and involves a heavily armed suspect or suspects who are in the process of harming specific individuals or any available target. An extraordinary deployment is the agreed upon tactical response to this situation. It involves immediate

action and rapid deployment. Delayed deployment may result in death or great bodily injury to innocent persons.

SUPPRESSIVE FIRE

Suppressive fire towards the position of an active shooter is permissible, so long as it appears that no innocent victims are in the line of fire.

EQUIPMENT

All officers of the Special Response team shall carry their assigned weapons and gear in their take-home units while on and off-duty. All officers must be trained and range qualified with these weapons before carrying or using them on duty.

TRAINING

The training officer shall research and implement suitable tactical training for response to active shooter incidents. He/she shall review department needs in this area annually. The training officer shall also arrange for patrol rifle familiarization classes. The range officers shall devise a qualification course of fire for the patrol rifles.

PROCEDURES

All on-duty personnel who are not on an emergency call shall respond to the scene of an active shooter.

Contact Team-First responders, up to four, shall form a contact team and go in immediate pursuit of the active shooter. The focus is to make contact as soon as possible and stop the active shooter by arrest, containment or use of deadly force. The team will be subject to 360-degree vulnerability and will not do a thorough clearing. They will continue on past victims or harmless distractions. The locations of victims are relayed to the rescue team, as possible.

a. Plain-clothes officers should not be used as entry officers unless they can be immediately identified as officers, amidst the chaos. It is recommended that if they do go in on entry, it shall be a last resort, and that they wear department issued tactical /

ballistic vests with police markings. These officers are best used in perimeter positions if possible.

Rescue Team-The second team of up to four officers arriving on the scene will form another contact team. If the active shooter is incapacitated or isolated this team becomes a rescue team. Rescue teams locate and remove injured victims, and direct uninjured victims out of the building. Rescue team officers should remember that uninjured victims may nonetheless be in shock, or paralyzed with fear, and not respond to regular verbal commands. Rescue team officers are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect and they will be subject to 360-degree vulnerability.

If a Special Response team member is on either the contact team or the rescue team, he/she will assume the role of team leader.

If either team encounters a suspected explosive device, it must use judgment reference to posting a member near it, or reporting, marking and bypassing it.

All personnel are to restrict their use of the radio for emergency traffic only.

INCIDENT COMMAND

A. The first Patrol supervisor on scene will be the incident commander until relieved by a higher authority. He/she shall establish a staging area for entry elements, in a police vehicle if necessary. He/she must also establish an incident command post.

B. The command post must be established in a safe location not in the direct line of fire of the active shooter. It shall not be in the same location as the staging area for entry personnel.

C. The Patrol Supervisor shall:

1. Choose a safe response route and staging area for arriving personnel
2. Establish a perimeter to contain the incident.
3. Order the dispatch center to initiate calls to:
 - a. EMS rescue units

- b. Chief of Police
 - c. Operations Commander
 - d. Alliance Fire (if necessary)
 - e. SRT Commander/Crisis Negotiators (if necessary)
 - f. Stark County Emergency Management Agency (if necessary)
 - g. Alliance Police Auxiliary/Reserves (if necessary)
 - h. Stark County Bomb Squad (if necessary)
-
- 4. Form additional contact and rescue teams, as necessary.
 - 5. If crisis response plans have been written by the Alliance Police Department they will be used.
 - 6. Call for mutual aid from other agencies, as necessary.
 - 7. Arrange a safe staging area for medical personnel and treatment of the injured
 - 8. Group the media in a safe location. This is very important as live news coverage may compromise the safety of officers, victims, and by-standers.
 - 9. Post additional responding officers to guard crime scene.
 - 10. Call for Detectives.

If the suspect is arrested or incapacitated, regular procedure will be followed regarding the investigation and evidence preservation.

If the contact team contains the suspect, the Special Response Team will relieve them, and negotiations will be used to try and effect a surrender. Department policy regarding hostage, barricade gunman, terrorist incidents will be followed.

COUNSELING

All personnel involved in a deadly force encounter must attend at least one counseling session with a qualified professional of the department's choosing. Personnel may also be directed to counseling if mass carnage is encountered, even if deadly force is not used. No report on the session will be made back to the department, except to verify attendance.

CONDUCTED ELECTRICAL WEAPON (CEW) USE 04.09

Effective Date: August 15, 2017

PURPOSE

The purpose of this directive is to establish control and accountability for the use of Conducted Electrical Weapon (CEW) devices.

NOTICE: This directive is used for management and administrative needs of the Alliance Police Department only. It is not intended to impose a higher standard of care for purposes of civil liabilities on employees or the police department. Violations are administrative in nature and investigations are conducted through administrative proceedings only.

POLICY

The Alliance Police Department endorses the use of CEW devices as a safe and effective tool for controlling dangerous and/or potentially violent subjects when such subjects have demonstrated the intent, have the opportunity and have the means to cause imminent serious bodily harm or the death of themselves, or of a member or any other person.

CEW devices can provide a safer and more effective alternative to blunt instruments and deadly force; however, they are not replacements for these tactics or lesser tactics when the totality of the circumstances justify the need for such measures.

As is the case with all uses of force situations, it is the member's burden to justify the use of any force. The standard for review requires officers to articulate specific facts based on the totality of the circumstances existing at the moment and exercise the judgment of a reasonable officer under similar circumstances.

Officers are cautioned that any Use-of-Force involves an inherent risk of injury, and possibly death dependent on a variety of diverse circumstances. Included in these circumstances are the physical and mental conditions of the subjects involved. The physical and mental conditions of subjects are important factors that must be appropriately weighed in decisions to use force and the level of force used. Justifiable force used to gain control over a normal healthy subject can have a disproportional impact on such 'at-risk/infirm' populations (for example: elderly persons, persons with

heart problems, the mentally ill, drug addicts, persons in a state of 'excited delirium' and the like) .

AUTHORIZATION

Sworn officers shall only carry authorized CEW devices. It may be worn on the weapon belt or any manner which will allow it to be secured and easily accessible.

TRAINING

1. Officers will receive annual training in the use of CEW devices prior to being approved to carry it. Training shall include the most recent approved curriculum by the CEW manufacturer.

LIMITATIONS IMPOSED ON THE USE OF EMD DEVICES

CEW devices shall never be used as punishment, as an interrogation tool, or as horse-play. In certain situations use of an CEW is not prohibited, but officers should use extreme caution when using :

1. on persons confined to a wheelchair,
2. on a person in control of a running motor vehicle, or motorized equipment,
3. on a person holding a firearm,
4. on a person once the person has been secured in handcuffs,
5. near flammable liquids or fumes, explosives, or volatile materials,
6. on pregnant women,
7. on persons known to be, or should be known to be 'at-risk' (e.g., persons with apparent debilitating illnesses, neuromuscular disorders, infirmities, heart problems, serious ill-health, persons exhibiting signs of 'excited delirium', drug addicts),
8. on small children (example: less than 12 years old),

9. Persons less than 60- 80 pounds,
10. where a risk of serious injury or death may result from a fall (e.g., falling on a sharp, blunt or protruding objectives, from a dangerous height, into deep or swift moving water and the like), or
11. on persons who have been severely injured from an accident, or involved in an accident and exhibits signs of head injuries, dazed, difficulty in breathing, unconscious, and the like.

DEPLOYMENT

A CEW device:

1. shall never be purposefully aimed at the groin area, eyes, neck, throat, open mouth, face, or breasts of a female;
2. does not replace the use of a firearms when an imminent threat with a high probability of serious injury or death exists (example: the subject is pointing a firearm at another, is aggressing and within striking distance with a knife);
3. shall be accompanied, when possible prior to deployment, with a verbal warning the device is going to be deployed;
4. shall be first deployed in its most effective and safest mode (i.e., the Probes), if at all practicable.

POST DEPLOYMENT

Subjects will be visibly monitored at all times while in custody in the field.

Follow appropriate safety precautions to avoid being infected with blood-borne pathogens (e.g., wear latex gloves, wipe the affected area with an alcohol swab and apply a band aid over the probe site) .

Probes may be removed by CEW trained officers if necessary. Only certified EMS or medical personnel shall attempt to remove a probe from sensitive body areas (face, eyes, genitals, buttock, or a woman's breasts) . Persons who have probes broken off in the body will be transported to a hospital and probes removed only by qualified medical personnel.

In cases where death or a serious reaction occurs after deployment of a CEW device, an officer shall:

1. Have the shift supervisor respond to the scene;
2. Ensure that photographs are taken of the site of the probe impacts and any related injuries;
3. Document and photograph all visible injuries as a result of the incident. When possible, photographs should be taken before the probes are removed and immediately after removal;
4. Place probes, spent cartridge and AFIDs into evidence, marked as biohazard
5. Have a CEW certified instructor/technician download and preserve CEW data-port information as soon as practical. The CEW will be taken out of service until the download is performed;

Transporting officers will notify detention officers if a subject has been exposed to a CEW.

Exposed subjects will be under constant visual observation for a period of not less than 30 minutes during the booking process, while detention personnel look for and assess the possibility of adverse effects.

If any of the following behaviors are observed, subjects will be transported immediately to a hospital for evaluation and treatment by qualified medical personnel.

1. Bizarre or violent behavior
2. Signs of over heating
3. Slurring or slowness of speech
4. Self-mutilation
5. Breathing pattern disturbances or loss of consciousness
6. Signs of unusual physical distress

7. Any signs of excited delirium (e.g., bizarre behavior, extreme physical strength, impervious to pain and the like)
8. The subject requests medical attention
9. The subject is a juvenile or a person of small stature

REPORTING RESPONSIBILITIES

Officers who have used a CEW device will ensure that the shift supervisor is notified as soon as practicable.

Officers who have used a CEW will complete the Use-of-Force report as soon as practicable, and before the end of their work shifts.

The shift supervisor shall:

1. Ensure the probes are removed from the subject's skin by a CEW device certified member, or medical personnel, and
2. Ensure qualified EMS and/or other appropriate medical personnel are notified and asked to respond to the scene if there is reasonable cause to believe a person is suffering, or has suffered an adverse reaction, has been injured, or a subject's pre-deployment behavior would suggest the possibility of an unusual or adverse reaction, and
3. Ensure that subjects are examined at the hospital after use of a CEW in probe mode or drive-stun mode before their release or detention at the county jail, and
4. Ensure the incident is properly documented on the Use-of-Force Report.

CARE, SECURITY, AND MAINTENANCE

The member issued a CEW device has primary responsibility for its security and care. Damage, defects or loss will be immediately reported, without delay, through the chain-of-command.

Under no circumstances shall a CEW device be dismantled or altered by unauthorized personnel.

The manufacturer's instructions for care, maintenance and cleaning will be strictly followed.

OLEORESIN CAPSICUM SPRAY (O.C. SPRAY) 04.10

Effective Date: February 10, 2010

Use of O.C. Spray is a use-of-force and must comply with our Use-of-Force policy.

DEFINITION

Oleoresin capsicum (O.C.) : a derivative of cayenne pepper. O.C. is classified as an inflammatory agent.

- a. The effects work immediately and dissipate within approximately 45 minutes.

- b. Exposure to a spray of O.C. to the face causes involuntary closing of the eyes, coughing and choking sensation, impaired breathing and intense burning sensation to affected areas.

AUTHORIZATION

Sworn officers shall only carry authorized O.C. defense spray. It may be worn on the weapon belt in any manner which will allow it to be secured and easily accessible.

TRAINING

1. Officers will receive training in the use of O.C. spray prior to being approved to carry it. Training shall include:
 - a. effects and duration of O.C. use,

 - b. basic defensive and offensive tactics,

 - c. vehicle extractions,

 - d. use on animals,

e. safety considerations, and

f. liability.

2. The O.C. instructor will provide the department with documentation of training to include:

a. date,

b. hours,

c. participants,

d. training location, and

e. test scores (if any) .

USAGE

O.C. Spray is classified as a non-lethal tool. It will be used in accordance with guidelines established by training, and in compliance with the tenets and standards of our Use-of-Force policies. Unless extenuating circumstances exist, examples of when O.C. spray will not be used, includes:

a. when it's use is likely to cause panic or unnecessarily affect uninvolved bystanders,

b. against a handcuffed prisoner, and

c. against a prisoner in a cell except as a means to subdue and restrain her/him to prevent injury to himself or others, or from inflicting property damage.

Every reasonable effort to protect a subject sprayed with O.C. from potentially getting injured, while under the effects of the O.C.

DECONTAMINATION - HUMAN

1. Symptoms of O.C. exposure are expected to disappear in 15-45 minutes or less with only minor aftereffects (red skin, mild burning sensation, and the like.) .

2. Secondary contamination or effects on the user are generally minor. The subject may be handled immediately after being subjected to the O.C. spray.

a. Persons handling the prisoner however should be aware that particulate matter may get on their hands and caution should be used not to touch their face or other body areas until their hands can be washed.

3. When the subject is in custody, officers will provide for decontamination. Reasonable decontamination efforts may include (as practical, depending on the amount of exposure and cooperativeness of the subject) :

a. removing the affected person from the spray area to an area of fresh air or providing some other form of ventilation,

b. keeping the person calm by informing the person of the anticipated effects of O.C. exposure,

c. allowing the affected person to flush the affected areas with saline solution or clear water to relieve the inflammation to the eyes and skin,

The prisoner should be transported as soon as possible to station to perform the flushing procedure.

d. if practicable, allowing the affected subject to wash all exposed skin areas with soap and water,

e. instructing the affected person to blow his/her nose to remove lodged O.C. particles, and

f. changing contaminated clothing as may be necessary.

4. Medical treatment

a. If symptoms, other than mild aftereffects, persist beyond the normal forty-five (45) minutes recovery period without significant relief to the eyes, skin, and respiratory system, arrange for prompt medical attention.

Some burning sensation may last up to ninety (90) minutes.

b. obtain immediate medical attention, whether requested or not, if the affected person is in need of such attention, regardless of how much time has passed.

c. If transportation to a hospital is necessary, subject will be transported to Alliance Community Hospital.

DECONTAMINATION - CARS, BUILDINGS

1. Decontamination may be achieved by opening doors and windows. After about 30 minutes of ventilation the area should be clear of airborne O.C.

2. Surface areas may be decontaminated by washing with soap and water.

DOCUMENTATION

1. All use of O.C. spray will be documented on Use-of-Force form.

2. Additionally, a member will complete an O.C. Use Data form.

3. The above two reports, after being approved by the O.I.C., and forwarded through channels.

REPLACEMENTS

Following the use of O.C., the used container will be turned in to the Operations Captain who will provide a replacement.

O.C. DECONTAMINATION PROCEDURES ON STATION

- A. conduct eye flushing and facial cooling in the jail decontamination area,
- B. fill a bucket with cool water and provide running water,
- C. provide prisoner with towels to dry his/her face,
- D. place bucket on the floor and have the prisoner splash water on his/her face and flush his/her eyes,
- E. continue flushing until discomfort dissipates and symptoms diminish,
- F. have prisoner change into jail uniform if clothes are wet or heavily contaminated with O.C. particles.
- G. if desired, allow prisoner to further decontaminate by taking a shower,
- H. handle contaminated clothing carefully and bag to prevent further contamination, and
- I. if necessary, allow prisoner to call someone to bring fresh clothing.

O.C. DECONTAMINATION PROCEDURES AT HEALTH-CARE CENTER

- A. Subject will be transported to Alliance Community Hospital as soon as possible for treatment,
- B. The hospital will provide treatment as required,
- C. Subject will be allowed to contact someone to bring a change of clothing, if the clothing which subject was wearing is contaminated heavily,

D. If clothing is brought to the hospital or to the station, the clothing will be placed in a plastic bag and either given to the person who brought the clean clothing or held until subject is released or taken to jail, and

E. Handle contaminated clothing carefully and bag to prevent further contamination.

ASP BATON 04.11

Effective Date: February 10, 2010

1. Officers will only carry the approved baton (ASP baton) in an approved holder. An ASP baton will not be altered in any way.

2. Officers must complete our approved ASP baton training program in order to carry and use an ASP baton.

3. The ASP baton will only be used when necessary to gain control over a resistant or aggressive subject. The ASP baton is generally used against an unarmed aggressive or resistant subject.

4. The use of the ASP baton as a club is prohibited.

5. Avoid strikes to the head, throat, side of the neck, armpit, or chest cavity.

6. When the subject is under control and secured, first aid shall be administered as soon as possible if needed.

7. When the ASP baton is used, the member using it will complete a Use of Force Report in addition to any other appropriate and necessary reports.