



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



2022-2608

Officer-Involved Critical Incident- 28 N. Pain St, Chillicothe

Investigative Activity: Document Review; Records Received

Activity Date: 11/22/2022

Activity Location: RCSO

Authoring Agent: SA Matt Collins, #151

Narrative:

On Tuesday, November 22, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Collins received the Use of Force Policy utilized by the Ross County Sheriff's Office at the time of this incident. The document received is attached to this investigative report for further review.



Chapter 5 - USE OF FORCE AND DEADLY FORCE

Section 1 - USE OF FORCE AND DEADLY FORCE

Effective 1/20/17

Reevaluate

Version Date 02/24/21
15:01

- 5.01-1 Purpose
- 5.01-2 Policy Statement
- 5.01-3 Certification Standards
- 5.01-4 Definitions
- 5.01-5 Use of Force
- 5.01-6 Exceptions to Force
- 5.01-7 Excessive Force
- 5.01-8 Response to Resistance
- 5.01-9 Less-Lethal Force
- 5.01-10 Deadly Force
- 5.01-11 Post Deadly Force Procedure
- 5.01-12 Medical Considerations
- 5.01-13 Shift Supervisor's Responsibilities
- 5.01-14 Documentation and Reporting
- 5.01-15 Use of Force Review and Committee
- 5.01-16 Policy Training and Testing Standards
- 5.01-17 Annual Review/Analysis of Use of Force Policy
- 5.01-18 Attachments

5.01-1 PURPOSE

It is the purpose of this policy to establish guidelines for responding to resistance.

5.01-2 POLICY STATEMENT

{STANDARD 8.2015.1a}

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement

duties. This Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and careful balancing of all interests.

It is the policy of the Ross County Sheriff's Office that only force which is necessary to overcome resistance, gain control of a law enforcement objective, or the urgency of the situation shall be employed. Deputies shall use only the force necessary to perform their duties and that the level of force correlates to the threat level or resistance. All use of force incidents shall be thoroughly documented, including video from Body Worn Video (BWV) and reviewed by the Sheriff, or designee (Use of Force Review Committee).

5.01-3 CERTIFICATION STANDARDS

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standard 8.2015 as provided in the Standards of Compliance Checklist. The agency maintains a use of force/deadly force written directive that includes:

- policy statements in support of the Ohio Collaborative guiding principles; {5.01-1; 5.01-9}
- when a written report shall be conducted; {5.01-14}
- investigation/report reviews for policy compliance; and {5.01-15}
- annual read and sign and testing over directive content for sworn agency personnel. {5.01-16}

5.01-4 DEFINITIONS

Brandish — any public display of a tool or weapon used for imposition of force, whether traditional or untraditional (i.e. removal of a taser from the holster and pointing it in the direction of a subject in order to gain compliance, etc), but not requiring fully utilizing the tool or weapon for its intended purpose (i.e. subject becomes compliant after seeing the taser as an option to the deputy and deployment is no longer necessary).

Choke hold: physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Deadly Force: Means any force that carries a substantial risk that it will proximately result in the death of any person. Examples of deadly force include, but are not limited to, the following:

1. Discharging a firearm in the immediate vicinity of or directed toward another person.
2. Striking a person on the head with an instrument.
3. Applying force or weight to the throat or neck of another.

Excessive Force: Means an application of force which, either by the type of force employed, or the extent to which such force is employed, exceeds that force which reasonably appears to be necessary under all circumstances surrounding the incident. (There is never justification for excessive force.)

Force — The exertion or application of a physical compulsion or constraint through physical techniques or tactics, chemical agents or weapons to another person.

Force Greater Than Slight: Any force greater than handcuffing, escorting; any force including pain compliance techniques, any force resulting in use less-lethal tools, or the use of an Immobilizing Security Restraint, or the use of Deadly Force; any occurrence in which OC, Taser, Blunt Impact Weapon, or firearm is removed from carrying device and is brandished to the suspect, or noted by a witness to be held in a fashion other than remaining against the body of the deputy for quick access; any open and direct display of a tool or weapon is considered an increase in force displayed, thereby requiring appropriate documentation. A Use of Force Attachment shall be completed for any Use of Force Incident.

High Interest Use of Force: means a use of force where, either due to the notoriety of the offender(s) involved, the location of force incident, type of force used, apparent level of injury to either offender or staff, or other factors, the incident may cause a higher level of interest from both internal and external stakeholders.

Immobilizing Security Restraint: Means any appliance, which secures the offender in such a way, that the offender is prevented from rising, using toilet facilities, or eating. "Immobilizing security restraint" shall include, but is not limited to, what is known as "four-way" or "five-point" restraints.

Less-than-Deadly Force: Means any force, which is not reasonably be expected to result in the death of the person against whom it is directed.

Physical Harm to Persons: Means any injury or other physiological impairment regardless of its gravity or duration.

Planned Use of Force: Means any use of force in which staff can prepare for the use of force. (i.e., cell extraction, 4/5-point restraints, etc).

Reactive Force: Means a use of force employed as an immediate response to a specific act.

Risk: Means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

Serious Physical Harm to Persons: Means any of the following:

- Any physical harm, which carries a substantial risk of death.
- Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity.
- Any mental illness or condition of such gravity as would normally require hospitalization, or prolonged psychiatric treatment and which is caused by a physical injury.
- Any physical harm that involves some permanent disfigurement or which involves some temporary serious disfigurement.
- Any physical harm that involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged, or intractable pain.

Substantial Risk: Means a strong possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

Use of Force Incident — any interaction in which force greater than slight (see definition) is exercised

Use of Force Attachment - a form which must be completed to varying degrees for any use of force

incident; Section 1 must be completed for any use of force incident, and the appropriate section shall be completed for any tool used.

Vascular Neck Restraint: a technique that can be used to incapacitate individuals by restricting the flow of blood to their brain (also known as the lateral neck restraint).

5.01-5 USE OF FORCE

A deputy shall use only the force reasonable and necessary to effectively diffuse an event or resistance, while protecting themselves or the lives of others, given the facts and circumstances perceived by the deputy at the time of the event. Deputies may employ physical force, non-lethal force, or lethal force depending on the totality of the circumstances and/or the level of the threat to life and public safety. Deputies shall only use the force that represents the level of training the deputy has received in the force to be employed befitting the level of force reasonably necessary to overcome resistance or gain control of a subject or event. Deputies should evaluate and alter the level of force as resistance decreases. Deputies may use reasonable force:

- To protect themselves from serious physical harm or death
- To protect others from serious physical harm or death
- To affect a lawful detention
- To affect a lawful arrest or search
- To overcome resistance

Before using force, deputies shall evaluate whether a person's lack of compliance is deliberate or whether the person cannot comply based on, but not limited to, medical conditions, mental abnormality or restriction, physical disability or limitation, and/or a language barrier.

The immobilizing security restraint can be used in the following circumstances:

- To prevent one from causing harm to the property of the Ross County Sheriffs Office;
- To prevent one from acting in a manner which poses a threat of harm to another.

Should a deputy feel the use of the Immobilizing Security Restraint device is necessary for a reason other than as documented above, permission must be sought from a supervisor prior to the immobilization, and the Division Commander must be notified as soon as possible, not less than immediately after the subject is restrained in the device.

5.01-6 EXCEPTIONS TO FORCE

Deputies shall not use force as retaliation or to punish at any time. Force may not be used on a handcuffed or restrained persons except in circumstances where the person's actions must be stopped to prevent injury, escape, or destruction of property. Force shall also not be used to stop a person from swallowing an item, substance, or other evidence.

5.01-7 EXCESSIVE FORCE

Factors considered to determine if force is excessive in a law enforcement and/or correctional setting

shall include:

- Need for the application of force
- Relationship between the need for the application of force and the amount of force used
- The extent of injury inflicted
- The threat reasonably perceived by the responsible officials
- Any efforts made to lessen the severity of a forceful response

5.01-8 RESPONSE TO RESISTANCE

Any peace officer who has probable cause to believe a person has committed a crime or public offense may use reasonable force to effect an arrest through the use of force, security equipment and restraint tools only as intended and at the most reasonable level necessary to control the situation. They are not intended, and shall never be used as punishment. A deputy shall notify a supervisor as soon as possible after responding to resistance to effect an arrest, detention, or mission.

The force continuum is a set of guidelines used to determine the level of force necessary to overcome resistance or gain control of a situation or incident. Deputies may respond with a level of force commensurate to the situation at hand and may move from one level of the continuum to another as the situation evolves.

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

- The conduct of the person being confronted as reasonably perceived by the officer at the time.
- The officer's and subject's factors, including but not limited to: size, age, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and the number of officers verses subjects.
- The influence of drugs or alcohol and the subject's mental capacity.
- The proximity of weapons.
- The distance between the officer and subject.
- The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- The time and circumstances permitting, the availability of other options (resources that are reasonably available to the officer under the circumstances).
- The seriousness of the suspected offense or reason for the contact with the individual.
- The training and experience of the officer.

- The potential for injury to citizens, officers and suspects.
- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officers or others.
- The prior knowledge of the subject's propensity for violence.
- Any other exigent circumstance or special knowledge.

From least to most severe, the Continuum looks like such:

a) DEPUTY PRESENCE

No physical application of force is used. May be sufficient to control or resolve a situation. Deputies shall keep their demeanor nonthreatening. This includes a "show of force" in which, if time and circumstances allow,

b) VERBALIZATION

No physical application of force is used. Deputies will make every attempt to make clear their intentions to place a subject in custody by issuing calm, nonthreatening commands. Deputies shall warn the subject of the consequence of non-cooperation. Deputies may increase their volume and shorten commands in an attempt to gain compliance.

c) PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed agency approved training. Effective techniques are:

1. Soft empty hand controls: Techniques intended for pain compliance, but which have the possibility of causing injury (e.g., joint manipulations, pressure points, etc).
2. Hard empty hand controls: Techniques intended for pain compliance, but which have the probability of causing injury (e.g., kicks, strikes with the hand/elbow/knee, etc).

Officers utilizing any pain compliance technique should consider the degree to which the application of the technique may be controlled given the level of resistance, whether the person can comply with the direction of orders of the deputy, and whether the person has been given sufficient opportunity to comply. The application of any pain compliance technique shall be discontinued once the officer determines compliance has been achieved.

d) LESS-LETHAL METHODS

Deputies shall only carry less-lethal weapons authorized by the Division Commander and only after receiving appropriate training in use of the Less-Lethal Weapon. With the exception of training, all instances of OC or CEW usage, including accidental discharges, shall be reported to a supervisor and documented on a Use of Force Attachment. Deputies use less-lethal methods or technologies to gain control of a person or situation. Methods are listed as:

1. Chemical agent deployment
2. Conducted Electrical Weapon (Taser)

Also reference 5.01-8 Less-Lethal Weapons.

e) BLUNT IMPACT WEAPONS

Deputies shall only carry blunt impact weapons authorized by the Division Commander and only after receiving appropriate training in the use of the Blunt Impact Weapon. Deputies may use a baton or impact weapon to immobilize a combative person or in an attempt to gain control of a situation. Use of a blunt impact weapon is likely to cause injury.

Also reference 5.01-8 Less-Lethal Weapons

f) DEADLY FORCE

The use of lethal force is to be used as a last and final resort and after all available options have been exhausted. With the exception of training, all instances of firearms discharges, including accidental discharges, shall be reported to a supervisor and documented on a Use of Force form.

5.01-9 LESS-LETHAL FORCE

Deputies may only apply those pain compliance techniques for which they have successfully completed agency approved training. It is the policy of the Ross County Sheriff's Office that less-lethal force and less-lethal devices may be employed in order to bring a person or incident under control or do effect an arrest. Less-lethal force and less-lethal devices may also be used in order to protect the deputy or another person from physical harm or to prevent the escape of a suspect who may reasonably be assumed will cause physical harm to another person.

Deputies may employ less-lethal force and/or less-lethal devices in situations which is not permissible to use deadly force to bring a suspect or incident under control. Examples of such situations include:

- When the use of less-lethal force and/or less-lethal devices are necessary to protect the deputy or another person from physical harm
- To restrain or subdue a person who is resisting arrest
- To bring an unlawful incident safely and effectively under control

Less-lethal force and/or less-lethal devices are not to be used:

- Playfully, maliciously, or intentional against another person other than as intended
- As retaliation or punishment
- When the suspect is visibly pregnant, elderly, frail, pre-adolescent, or disabled
- If the person is in a position where there is a risk of substantial physical harm from a fall
- In any other situation the deputy reasonably believes the use of the less-lethal force and/or less-lethal device is prohibited by the General Orders or under the Ohio Revised Code.

Types of Less-Lethal Force include:

a) CHEMICAL AGENT USE

The chemical agent canister shall not be carried in an armed and ready state. It shall be carried with the safety engaged except when it is determined that the agent's use is warranted. If the use of the chemical agent is deemed necessary, only the amount required to effect the arrest or immobilize the subject(s) should be used. The chemical agent shall not be used intentionally on persons or animals as a form of harassment, or as a joke, or in an enclosed building or on a prisoner who is in handcuffs unless such use is required due to exigent circumstances. Deputies shall notify other deputies in the immediate area of the chemical agent's use prior to and/or during its use.

See also 5.01-11 Medical Considerations.

See also 3.01 Equipment Management.

b) CONDUCTED ELECTRICAL WEAPON (CEW)/TASER/STUN-GUN/STUN-CUFF

The CEW can be used in the following situations: against menacing animals, to break resistance prior to or during an arrest, to break up a fight, to prevent injury to a deputy or civilian, to calm hostile jail custody situations, and in any situation the deputy deems the usage necessary and warranted.

The CEW shall not be used in the following situations: against a handgun or other firearm, to threaten or intimidate a subject to gain or attempt to gain information through for pain compliance, against any person in custody unless physical resistance has to be broken, or to wake up any person

If the first application of the CEW appears to be ineffective in gaining control of a subject and if circumstances allow, the officer should consider the following before additional applications of the CEW:

- Whether the probes are making proper contact
- Whether the application of the CEW is interfering with the ability of the subject to comply
- Whether verbal commands and/or other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the CEW on a person. Be advised, each five (5) second cycle and/or each deployment shall be considered an additional use of force and must be justified accordingly.

The actual deployment of the CEW requires that a physical arrest be made. Proper probable cause shall exist for any arrest. If the CEW is used in any situation listed in this section of this policy, the deputy shall affect an arrest for assault, resisting arrest, persistent disorderly conduct, any combination of the previous offenses, or any applicable provisions of the Ohio Revised Code.

See also 5.01-11 Medical Considerations.

See also 3.01 Equipment Management.

d) BLUNT IMPACT WEAPONS

No strike or blow should be intentionally delivered to the head or neck of any person with an impact weapon or baton unless deadly force is warranted.

See also 5.01-11 Medical Considerations.

See also 3.01 Equipment Management.

5.01-10 DEADLY FORCE

(Standard 8.2015.1.a)

Deputies shall only use enough force necessary to effect an arrest, detention, or apprehension. Deputies shall not infringe on the rights of an individual within their control. Deputies must have an objectively reasonable belief deadly force, including but not limited to the use of a choke hold or

vascular neck restraint, is necessary to preserve life before using deadly force. Deputies must have an objectively reasonable believe deadly force is necessary to preserve life before using deadly force. Thus, deadly force may only be used in accordance with U.S. and Ohio Supreme Court Decisions, specifically Tennessee vs. Garner and Graham vs. Connor for the purposes of:

- Defending oneself, or to defend the life of another, believed to be in imminent danger of death or serious physical harm
- Preventing the escape of a fleeing felon when there is probable cause to believe that allowing the felon to continue to flee poses a substantial risk of death or serious physical harm to others.

This segment of the Use of Force policy has additional specifications, as follows:

a) REGULATIONS FOR USE OF DEADLY FORCE WITH FIREARMS

If time, safety, and circumstances permit, deputies shall identify themselves and give a warning of their intent to shoot.

1. Warning shots or signals for help are not permitted.
2. Deputies are not permitted to use deadly force to stop a threat without being able to articulate opportunity, jeopardy, ability, and preclusion.
3. Firearms shall not be fired from a moving vehicle.
4. Firearms may be fired at a moving vehicle only if the vehicle is being used as a weapon.
5. Firearms shall not be discharged when there is a substantial risk that an innocent person may be injured.

b) DEADLY FORCE SHALL NOT BE USED:

1. To subdue persons whose actions are destructive to property.
2. Against persons who are injuring themselves.
3. If the deputy reasonably believes that an alternative to the use of deadly force will adequately eliminate an imminent threat of death or serious physical harm and will not cause an increased risk to the deputy or another person.

5.01-11 POST DEADLY FORCE PROCEDURE

Any deputy who has used a firearm or other deadly force shall submit the weapon and all live or spent ammunition from the weapon to the Sheriff or designee for investigative purposes. The same applies to any weapon used in deadly force (e.g., blunt force object, etc).

Deputies should seek counseling from a psychologist or counselor qualified in critical incidents within seventy-two (72) hours of any incident that has resulted in a death or serious physical harm. Counseling will be at the expense of the Sheriff's Office, be confidential and all information privileged except that the attendance of the counseling must be reported to the Sheriff's Office, and will not interfere with the investigation into the incident.

Refer to 5.01-14 Use of Force Review for additional procedures.

5.01-12 MEDICAL CONSIDERATIONS

Deputies involved in use of force incidents shall render first aid as soon as possible for subjects injured as a proximate result of the use of force. If there is obvious physical injury, the subject complains of an injury or requests medical attention, or if physical force greater than slight has been employed, medical attention shall be rendered without delay when safe to do so. Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics/EMT's, hospital staff, or medical staff once at the jail.

If any such individual refuses medical attention, such a refusal shall be fully documented in the narrative, and whenever practicable, should be witnessed by another deputy by way of a supplement to the report, or medical personnel by way of written documentation. If a recording is made of the contact on a Body Worn Video camera, any refusal shall be included in the recording, if at all possible. The primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g. prolonged struggle, extreme agitation, impaired respiration, etc.)

Person who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and are imperviousness to pain (sometimes called "excited delirium"), or who require an active physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as is practicable and have medical personnel staged, off-scene if necessary, to immediately render aid to the subject.

Medical considerations for specific uses of force include the following:

a) CHEMICAL AGENT

Any person or prisoner who has had chemical agent applied shall be transported to the Ross County Jail Booking Area for decontamination, or in the case of injury, transported to the emergency room for medical treatment and decontamination. Preliminary decontamination of flushing of the face and eyes may be performed at the scene if the prisoner is no longer combative. The rear window(s) of the patrol or transport vehicle should be opened slightly to allow for the circulation of fresh air into the vehicle. The subject shall be advised to wash the contaminated areas with cool water and non-oil based soap or dishwashing liquid, patting the affected areas to dry the area; do not rub the eyes or affected areas.

b) CONDUCTED ELECTRICAL WEAPON

Deputies shall take prompt and ongoing care to monitor the condition of the subject if one or more probes strike the neck, head, breasts (female), or groin. Probes located in these areas must be removed by appropriate medical personnel. Based upon the deputy's initial assessment of the probe placement, medical assistance may consist of examination by fire personnel, paramedics/EMT's, hospital staff, or medical staff once at the jail, if deemed most appropriate. Probes in other areas of the body may be removed on-scene by the deputies, if able. Secure the probes and cartridge after taking pictures of the probe entry points on the subject.

If the CEW is applied three or more (3+) times, or for fifteen or more (15+) seconds total to the same subject, the subject must be evaluated by appropriate medical personnel, which can include medical

staff at the jail, emergency medical technicians, and/or hospital personnel. This must be documented on the Use of Force form, as well as in the Offense Report.

c) BLUNT IMPACT WEAPON

Refer to the general medical considerations and see that any injury complaint is appropriately assessed. Whenever possible, still pictures shall be captured of any injury sustained by any/all parties involved.

If staff have been injured in the process of using force, the supervisor shall be immediately notified and appropriate medical attention shall be given without undue delay.

f) DEADLY FORCE

The use of lethal force is to be used as a last and final resort and after all available options have been exhausted. With the exception of training, all instances of firearms discharges, including accidental discharges, shall be reported to a supervisor and documented on a Use of Force form.

5.01-13 SHIFT SUPERVISOR'S RESPONSIBILITIES

All efforts shall be made by the supervisor on-shift to report to the scene of a use of force greater than slight. If on-scene contact is not able to be completed, an explanation of this shall be made by way of a supplemental narrative for documentation purposes. The shift supervisor is still expected to complete as many of the following tasks as circumstances permit.

The shift supervisor is responsible for gaining the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties. The supervisor shall ensure any injured parties are examined and treated. Once any initial medical assessment has been completed or first aid has been rendered, ensure photographs have been taken of any areas involving visible injury or complaint of pain, as well as over photographs of uninjured areas.

The shift supervisor shall ensure a copy of the Use of Force report is submitted as an attachment to the original offense report, and a copy of the offense report as well as the Use of Force report are submitted to the Division Commander by the end of the shift on which the force occurred.

The shift supervisor shall report directly to the Division Lieutenant (or appropriate Command Staff) as soon as practicable following the application of force in any of the following circumstances.

- The application caused a visible injury.
- The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- The individual indicates intent to pursue litigation.
- Any application of the Conducted Energy Weapon (Taser) or control device.
- Any application of a restraint device other than handcuffs, shackles or belly chains.
- The individual subjected to the force was rendered unconscious.
- An individual was struck or killed.

- An individual alleges any of the above has occurred.
- A High Interest Use of Force occurs.

5.01-14 DOCUMENTATION AND REPORTING

{Standard 8.2015.1.b}

Any and all use of force incidents (see definition) of force greater than slight (see definition), whether or not injuries have occurred, shall be documented promptly, completely and accurately in an appropriate offense report or jail system report. This includes a display of power in the brandishing or display of OC, Taser, Blunt Impact Weapons and firearms other than in a manner of quick access held close to the body, and includes any show of the less-lethal or lethal weapon to the subject and/or public. This documentation will include a narrative detailing the events leading to the use of force including the directions given as well as the subject's responses, full explanation of any weapons wielded by the subject, and an accurate and precise description of the force used. The reporting deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. The documentation shall also contain a description of injury(ies) to the subject(s) and/or the deputy(ies) involved, complete photographs of any injuries, a comprehensive account of medical attention rendered to all parties, and a list of all parties involved (e.g. subject, deputy, witnesses, etc).

a) SUPPLEMENTAL NARRATIVES

A supplemental narrative shall be made by all deputies actively participating in the use of force, as well as any deputy witnessing the use of force. The supplement shall specify what they witnessed (what they saw, and/or heard), as well as any role they had or action they applied in the use of force.

b) USE OF FORCE ATTACHMENT

Section 1 must be completed for any use of force incident, and the appropriate section shall be completed for any tool used.

Within the Law Division, the original copy of the Use of Force Attachment will be submitted to Records and attached to the appropriate Offense Report. A copy of the Use of Force Attachment must be attached to a copy of the original report with a complete narrative and submitted to the Division Commander before the end of the shift on which the force occurred.

Within the Corrections Division, if no force greater than slight is exercised in taking a subject into custody, or securing the subject in the Immobilizing Security Restraint, the deputy is responsible for completing the first section of page one (1) of the Use of Force Attachment, in addition to the narrative and any necessary supplements. These shall be forwarded to the Division Commander prior to the end of the shift on which the restraint occurred.

With the exception of training, all instances of usage, including accidental discharges (OC, CEW, firearms), shall be reported to a supervisor and documented in the first section of a Use of Force Attachment. A memo is to be written to the Division Commander and the Use of Force Attachment shall accompany the memo, being submitted to the Division Commander by the end of the shift on which the usage occurred.

See also 5.01-3 Definitions for additional information.

5.01-15 USE OF FORCE REVIEW

{Standard 8.2015.1.c}

Uses of Force and responses to resistance occurring at the level of Less-Lethal Weapon and greater severity (including Blunt Impact Weapon and Deadly Force) shall be forwarded to the Division Commander for review before the end of the shift on which the force occurred. The Division Commander will review the Use of Force within seven (7) calendar days. The Offense Report, Use of Force Report, BWV footage, still photographs, witness statements, and all other pertinent information will be reviewed and screened to ensure compliance with this policy and to address any training issues. Should there be an issue with policy compliance (or improper use) identified, the Division Commander shall notify the Sheriff immediately and shall refer the case to full investigation by the Command Staff of Investigations. Written notification of the review shall be forwarded to the reporting deputy, documented on the Use of Force Attachment form and shall include the disposition of the review.

If the use of force has resulted in a death or serious physical harm to a person(s), the Sheriff or designee will request the Bureau of Criminal Investigation lead the investigation and the deputy shall be placed on paid Administrative Leave pending the Sheriff's review. Administrative Leave is intended to protect the deputy and allow for any necessary counseling and protect the public's interest. The deputy shall remain and be available for interviews and/or recall. The Administrative Leave may continue in consideration of:

- The use of force has been ruled appropriate and reasonable by the Prosecutor and the Sheriff's Office
- A mental health professional has examined and determined the deputy capable of returning to duty
- The Grand Jury has determined there is no wrongdoing or misconduct by the deputy.

Refer to 5.01.17 Attachments for the Use of Force Attachment

5.01-16 POLICY TRAINING AND TESTING STANDARDS

{Standard 8.2015.1.d}

In accordance with the Ohio Collaborative Community Police Advisory Board Standard 8.2015.2 a, b, c, and d, all agency personnel shall be issued a copy of this agency directive, upon hire at minimum.

All agency personnel will be required to submit to proficiency testing regarding this directive and any/all supporting documents not less than upon hire.

The exam will consist of multiple-choice questions and a passing score will require all questions be answered accurately for a 80% score of completion. This annual review of the material will be documented on the annual policy review.

5.01-17 ANNUAL REVIEW/ANALYSIS OF USE OF FORCE POLICY

Quarterly the Division Commander shall prepare an analysis report on use of force incidents. The report shall be submitted to the Accreditation Coordinator by the tenth (10) day of the month following the calendar quarter (i.e. April 10, July 10, October 10, and January 10). The report should not contain the names of deputies, suspects, or case numbers, but shall include:

- The number of OC usages (accidental and necessary)
- The number of CEW usages (accidental and necessary)
- The number of blunt impact weapon usages
- The number of firearm discharges (accidental, necessary, and humane destruction)
- The number of policy violations directly related to the use of force
- The number of investigations regarding improper or excessive use of force
- The findings of investigations regarding improper or excessive use of force

Annually, at minimum, the Ross County Sheriff's Office shall conduct a documented annual analysis detailing the agencies progress toward the use of force policy objectives being using force only when and how necessary, which shall include revisions to the plan as needed.

5.01-18 ATTACHMENTS

Use of Force Attachment

OCLEAC Standards Compliance Checklist