



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



2020-3388

Officer Involved Critical Incident – 1062 Oberlin Drive, Columbus,
Ohio

Investigative Activity: Records Received
Involves: Columbus Police Department (O)
Date of Activity: 01/04/2021
Author: SAS Kevin Barbeau, #142

Narrative:

On Monday, January 4, 2021, Bureau of Criminal Investigation (BCI) Special Agent Supervisor (SAS) Kevin Barbeau received, via e-mail, the attached Policies and Procedures from the Columbus Division of Police Detective Terry McConnell. The requested documents were requested during the course of BCI's investigation into an Officer-Involved Critical Incident where CPD Officer Adam Coy and Officer Amy Detweiler responded to the area of the listed address. During said call, Ofc. Coy fired his firearm striking Andre Hill, who eventually died from injuries he sustained.

The attached reference Policies and Procedures will be reviewed during the course of the investigation and are listed below for documentation purposes.

Attachments:

Attachment # 01:1-01 ROC – Reference to Medical Aid
Attachment # 02:Use of Force Policy
Attachment # 03:Summary of Medical Aid
Attachment # 04:Body Worn Camera Policy
Attachment # 05:2.02 – Reference to Medical Aid

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Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 1-01
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Rules of Conduct		



1.01 Obedience to Laws and Ordinances

Division personnel shall obey the Constitutions of the United States and the State of Ohio and all federal, state, and local laws.

1.02 Knowledge of Directives, Laws, and Ordinances

Division personnel shall be thoroughly familiar with Division and **City of Columbus Central Work** rules, policies, directives, **and** orders, and city, state, and federal laws that pertain to their employment.

1.03 Violation of Rules or Division Directives

- A. Division personnel shall not commit or omit acts in violation of the explicit or implicit purpose of the Rules of Conduct, Policies, Directives, or orders of the Division. It is not necessary that every specific act which would constitute a violation be expressly prohibited in written form.
- B. The Rules of Conduct are the most authoritative directives issued and shall be the basis for formal disciplinary action.

1.04 Cause for Dismissal

Division personnel hold their positions during good behavior and efficient service, but may be suspended or dismissed for incompetence, gross neglect of duty, gross immorality, habitual intoxication, failure to obey orders given by proper authority, misfeasance, malfeasance, nonfeasance, or for any other just and reasonable cause.

1.05 Residence Change and Notification Requirement

- A. Division personnel shall:
 1. Record their residence address, telephone number, and/or emergency telephone number with the Personnel Unit.
 2. Notify the Personnel Unit in writing of any change of address or telephone number within 48 hours of such change.

1.06 Conflicting or Illegal Orders

- A. Division personnel who are given an otherwise proper order which conflicts with a previous order, rule, regulation, or directive shall respectfully inform the supervisor issuing the second order of the conflict. The supervisor issuing the second order shall decide which order is to stand. Under these circumstances, responsibility for the conflict rests with the supervisor who issues the second order. Personnel will not be held responsible for disobedience of an order, rule, regulation, or directive which they are ordered to disregard. If necessary, the supervisor issuing the second order shall write a letter to the Chief of Police explaining the reason for the conflicting order.
- B. Division personnel shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, personnel shall request the issuing party to clarify the order or to confer with a higher authority.

1.07 Insubordination

Division personnel shall obey any lawful order of a supervisor or any order relayed from a supervisor by an employee of the same or lesser rank. Insubordination includes, but is not limited to, any language or action directed toward a supervisor which is disrespectful, mutinous, insolent, or abusive.

1.08 Requirement to Take Action

- A. Sworn personnel, regardless of duty status, shall take prompt, effective action regarding anything which comes to their attention requiring a police response within the City of Columbus.
 - 1. Sworn personnel are not relieved of the responsibility for taking proper action when they are detailed to special duties.
 - 2. Sworn personnel assigned to undercover operations are exempted when taking action would seriously impair the success of the undercover assignment.
 - 3. Sworn personnel shall not enforce violations of traffic laws while in off-duty status unless in uniform and in a marked vehicle.
 - 4. Sworn personnel should not enforce violations of non-violent misdemeanors while in off-duty status.
 - 5. No exceptions apply in life-threatening situations.
 - 6. ***Personnel shall render appropriate aid and/or summon emergency medical services for individuals injured, unconscious, or in medical distress as soon as it is reasonable and safe to do so.***
- B. Division personnel who either engage in or become aware of another Division employee's involvement in conduct ***that violates local, state, or federal law*** or violates a Division Rule of Conduct shall take immediate, appropriate action to stop said conduct (for example, advising the employee ***to stop the misconduct, directly intervening to stop excessive force***, or arresting the employee) ***and shall immediately report critical misconduct to a Division supervisor.***

- C. Division personnel who become aware of another Division employee's involvement in misconduct of a criminal nature may also report the alleged misconduct to any law enforcement agency with proper jurisdiction, any regulatory body with proper oversight, or the Assistant Director – EEO Compliance for the Department of Public Safety.
- D. Any report of criminal activity by a Division employee, which is made either to a Division supervisor or to the Assistant Director – EEO Compliance for the Department of Public Safety, shall be treated as a report made pursuant to Ohio Revised Code 4113.52 (Ohio's Whistleblower Protection Act) and shall receive the protections outlined therein.

1.09 Aid to Fellow Officers

Sworn personnel, except when actually incapacitated, shall aid, assist, and protect fellow officers in time of danger or under circumstances where danger might reasonably be impending.

1.10 Interference with Written/Electronic Communications

- A. Division personnel shall not request others to alter or withdraw reports, letters, requests, or other written/electronic communications without justification for doing so.
- B. Division personnel shall forward all communications without unnecessary delay.
- C. Division personnel shall forward all confidential mail unopened. If accidentally opened, personnel doing so shall initial it before forwarding.
- D. Division personnel shall not add, modify, or delete information from any Division report, written or electronic, in which they or a family member are the victim, witness, or suspect.

1.11 Care of Division Property

- A. Division personnel are responsible for the proper care and use of Division property and equipment assigned to or used by them.
- B. Division personnel shall not loan individually issued keys, electronic key cards, or identification cards to other persons.

1.12 Rescinded

1.13 Rescinded

1.14 Reporting for Duty

- A. Division personnel shall report for and remain on duty at the time and place required by their assignment or as ordered. ***Division employees shall ensure that the electronic timekeeping system accurately reflects time worked.***

- B. Division personnel shall be physically and mentally fit to perform their duties.
- C. Division personnel shall be properly equipped and able to immediately assume their duties.

1.15 General Requirements

- A. Division personnel shall:
 - 1. Be civil, orderly, and courteous in their conduct and demeanor.
 - 2. Address and/or refer to Division supervisors by rank or "Sir/Ma'am."
 - 3. Maintain a strictly impartial attitude toward citizens, complainants, and violators.
 - 4. Coordinate their efforts in order to attain the goals of the Division of Police.
 - 5. Be truthful at all times.
 - 6. Carry out such orders and directives as may be given them by Division supervisors.
 - 7. Adhere to the Division of Police Code of Ethics.
- 8. Adhere to the City of Columbus Central Work Rules.**

Note: This is not applicable to sworn Division of Police personnel when a violation of a particular City work rule is required in order to accomplish their lawful duties in accordance with Division rules, policies, or procedures.

1.16 Requirement to Carry Badge, ID, and Firearm

- A. Sworn personnel shall wear or carry their police badge, identification card, and authorized firearm at all times, except as exempted by other directives, by law, or as approved by a Division supervisor for officer safety or the performance of an undercover assignment.
- B. Sworn personnel, on or off duty and in plain clothes, carrying their police badge, identification card, and authorized firearm shall do so in a concealed manner unless in a police facility or while performing a police function.

1.17 Wearing of Identification Card

- A. Division personnel shall wear the issued identification card in the chest area of the outermost garment with the photo side visible at all times when in a police facility, at a crime scene, or in any other area secured by police. This section does not apply to sworn personnel while in uniform.
- B. Division personnel shall challenge, or cause to be challenged, individuals who are not wearing issued identification cards while in police facilities, at crime scenes, or in any other area secured by police.

1.18 Arrest, Search, and Seizure

Sworn personnel shall make arrests, searches, and seizures only in accordance with law and Division policy and procedures.

1.19 Use of Force

Sworn personnel shall use force only in accordance with law and Division policy and procedures. ***Civilian personnel have the right to defend themselves in accordance with the law.***

1.20 Use of Firearm

Division personnel shall carry and use firearms only in accordance with law, and when in the line of duty, in accordance with Division policy and procedure.

1.21 Display of Firearms

Sworn personnel shall not draw or display their firearms in public except for official inspection or use.

1.22 Public Statements and Appearances

- A. While acting as a Division employee or otherwise representing the Division of Police, Division personnel shall not publicly criticize or ridicule the Division, its policies, or other personnel by speech, writing, or other expression ***unless otherwise permitted by law.***
- B. Division personnel addressing the public or the broadcast media, preparing any articles for publication, or acting as correspondents with a newspaper or periodical shall not divulge investigative information, information contained in Division records, or any other Division matter in violation of law or Division policy.

1.23 Gratuities

Division personnel shall not solicit or accept from any person, business, or organization any tangible or intangible property, promise, or service, or in any way use their official position if it may be reasonably inferred that private interests conflict with police duties and responsibilities.

1.24 Endorsing Products/Use of Division Badge, Patch, Logo, or Equipment

- A. Division personnel, without the prior written approval of the Chief of Police, shall not use or allow the use of their rank designation, name, photographs, or employment position with the Division as an endorsement of products or services, whether their own or another's, when the endorsement alludes to their affiliation with the Division of Police.

- B. Division personnel shall not use nor permit the use of any reproduction of any Division badge, patch, other official logo, and/or any equipment for commercial purposes, either profit or nonprofit, without the prior written approval of the Chief of Police.

1.25 Personal Correspondence

- A. Division personnel shall not use the Division of Police as their personal mailing address, except to be displayed on their operator's license and/or vehicle registration as permitted by State law.
- B. Division personnel shall not use official letterhead for private correspondence.

1.26 Visiting Prohibited Establishments

Division personnel shall not knowingly visit or enter a house of prostitution, gambling house, or other establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the line of duty.

1.27 Interference in Private Business

Division personnel shall not interfere in the private business or affairs of another other than in the course of official police business.

1.28 Neglect or Inattention to Duty

Division personnel shall not engage in activity or personal business which may cause them to neglect or be inattentive to duty.

1.29 Associations

- A. Division personnel, except in the line of duty or when unavoidable, shall avoid associations or dealings with persons or organizations who they know, or should know, are under criminal investigation or indictment or who are known to have involvement in criminal or subversive activity.
- B. Division personnel are prohibited from donating to, being a member of, or participating in activities (including attending meetings or rallies or participating in social media groups) organized by or executed on behalf of any group that they know, or should know, is a hate group. This section does not apply to Division personnel when affiliation is necessary for conducting official duties.***

1.30 Withholding Information

- A. Division personnel shall communicate to their immediate supervisor and/or any appropriate unit within the Division information or tips on crimes, suspects, criminal activity, or other important police matters of which they may be aware.
- B. Division personnel involved in or becoming aware of any misconduct of a serious nature by another Division employee shall promptly report the misconduct to a Division supervisor.

1.31 Divulging Police Information

Division personnel shall not divulge police information or information contained in police records to anyone except as provided by law and Division policy.

1.32 Identifying Informants

Division personnel shall not divulge the identity of persons giving confidential information to the Division except as directed by a Deputy Chief or the Chief of Police.

1.33 Recommending Professionals or Businesses

Division personnel shall not recommend a person or business to any non-Division person with whom they have contact **while on duty**.

1.34 Political Activity

- A. Division personnel are permitted to participate in the electoral process to the extent it is consistent with federal, state, and local law and the following:
1. Division personnel shall be off duty, out of uniform, and not represent that they speak for the City of Columbus and/or the Division of Police while engaging in any political activity. Division personnel shall not wear or display any item or uniform part that identifies them as a member of the Division of Police.
 2. Division personnel shall not use their official capacity to otherwise interfere with or affect the result of any election.
 3. Division personnel may freely express their political opinions but shall not campaign for a partisan political candidate or otherwise take part in partisan politics.
 4. Division personnel may attend political gatherings but shall not assume any active role in the management, organization, or fiscal matters of the political gathering.
 5. Division personnel may sign political petitions and circulate non-partisan political petitions but shall not circulate or file partisan political petitions.
 6. Division personnel are prohibited from being a candidate for any elective office within the City of Columbus and partisan elections outside the City of Columbus. Division personnel are permitted to be a candidate for and hold a position as a member of a local board of education, village council outside the City of Columbus, or a board of trustees, as long as they:
 - a. Do not solicit, directly or indirectly, campaign funding for their campaign for elective office.
 - b. Do not seek or use the endorsement of a political party.
 - c. Do not participate in matters under consideration by the local school board, village council, or board of township trustees whenever a conflict of interest appears.

- d. Do not perform work for the local school board, village council, or board of township trustees during assigned working hours for the Division of Police.
7. Division personnel shall not bring any political material or activity into the work environment.
8. Division personnel shall not intentionally associate themselves with the Columbus Division of Police while engaged in any activity involving the electoral process.
9. Division personnel shall not solicit or receive any assessment, subscription, or contribution for any political party or any candidate for public office.

1.35 Requirement to Attend Trials or Hearings

Division personnel who have been subpoenaed or otherwise notified by competent authority to appear in court or at a hearing are required to comply with the notification. This requirement is excepted when personnel are notified by Court Liaison Section that their attendance is not necessary, or when there is a legitimate conflict and prior permission to be absent is obtained from Court Liaison Section or the prosecutor's office.

1.36 Unbecoming Conduct

Division personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Division. Unbecoming conduct is behavior that implicitly or explicitly dishonors the Division and/or its members, reflects discredit upon the individual as a member of the Division, or impairs the operation or efficiency of the Division or the individual. This includes, but is not limited to, derogatory, discriminatory, or harassing comments, gestures, or insinuations.

1.37 Use of Tobacco

A. Division personnel shall not:

1. Smoke, use, or permit the use of smokeless tobacco products, electronic cigarettes, or alternative nicotine products **while** in any Division facility or City-owned or leased vehicle; while in formation; while participating in a ceremony; or while engaged in official duties with the public.

Note: This does not apply to other nicotine cessation products such as patches, gum, or lozenges.

2. Take cigarette or tobacco breaks.

1.38 Display of Material in Police Facilities

A. Only authorized material shall be posted within or upon Division of Police property.

- B. Division personnel shall not post any type of personal notice or any cartoons, drawings, papers, or other material that may be offensive or contain derogatory language. This includes any material that contains sexual, ethnic, or racial slurs or is demeaning to other protected class members (for example, age, religion, disability, or sexual orientation). Division personnel shall remove any material they become aware of that violates this policy.
- C. Division personnel shall not deface, damage, destroy, or tamper with material which is authorized.

1.39 Dependent Health Care Coverage

Division personnel shall notify the Employee Benefits Unit as soon as practical when their dependents become ineligible for health care coverage for any reason.

1.40 Sick/Injury Reporting

Division personnel shall not feign illness or injury, falsely report illness or injury, or otherwise deceive or attempt to deceive the Division as to a health condition.

1.41 Rescinded

1.42 Alcohol/Drugs

- A. Division personnel shall not be under the influence of intoxicants or illicit/illegal drugs while on duty or while in any part of their uniform.
- B. Division personnel shall not purchase or consume alcoholic beverages or have the odor of an alcoholic beverage on their breath while on duty or in any part of their uniform, except as required in the line of duty and with prior approval of their bureau commander.
- C. Division personnel shall not consume, possess, or purchase illicit/illegal drugs except as required in the line of duty.
- D. Division personnel shall not consume alcohol to the extent it renders them unfit to report for their next regularly scheduled tour of duty.
- E. Division personnel shall not possess intoxicants or illicit/illegal drugs in police buildings or vehicles, on police property, or **on** property leased to the City of Columbus for police use, except as required in the line of duty or with the express approval of the Chief of Police.

1.43 Over-the-Counter Medication/Prescription Drug Use

Division personnel shall not abuse prescription or over-the-counter medication. Division personnel shall notify their immediate supervisor if their ability to perform their duties may be impaired by prescription or over-the-counter drugs.

1.44 Expenditures of Division Funds

- A. Division personnel shall not incur expenditures of money or financial obligations in the name of the Division without prior authorization from a commander or higher.
- B. Division personnel shall not use customer loyalty or rewards cards when making purchases on behalf of the City of Columbus.

Note: This does not apply to a personal credit card with a reward program that is used by a Division employee to make a purchase for which the City later provides reimbursement, such as hotel or travel accommodations for a conference or training.

1.45 Requirement to Give Name and Badge Number

- A. Division personnel shall give their name and badge/tech/IBM number to any person upon request.
- B. Uniformed sworn personnel shall display their identification card to any person upon request or as soon as safe and practical.
- C. Sworn personnel in plainclothes, when exercising their authority under the law and identifying themselves as a police officer, shall display the badge and police identification concurrently or as soon as safe and practical.

1.46 Requirement to Submit Body Fluids

Division personnel who are the subject of an investigation shall submit body fluids for analysis if doing so would aid the investigation and if ordered by the investigating supervisor. Blood specimens will be taken by medical personnel under medically safe and sanitary conditions.

1.47 Saluting

Uniformed officers, while outdoors upon approaching or meeting a uniformed officer of the rank of lieutenant or higher, shall promptly render the regulation salute which shall immediately be returned. While in formation, sworn personnel shall not salute unless ordered to do so by the officer in command.

1.48 Compliance with EEO Laws, Rules, Orders, Policies, and Directives

- A. Division personnel shall obey Division and City rules, orders, directives, and policies pertaining to EEO.
- B. Division personnel shall obey federal, state, and local antidiscrimination statutes pertaining to EEO.
- C. ***EEO violations that involve discrimination, retaliation, or a hostile work environment will be deemed critical misconduct. If resulting departmental charges are sustained, the standard discipline recommendation shall be suspension and/or termination.***

1.49 Rescinded

1.50 Stopping or Detaining Persons

- A. Division personnel shall stop and detain a person only for an articulable reason and shall not stop or detain a person based solely on a common trait of a group (for example, race, ethnicity, gender, sexual orientation, religion, economic status, age, **or** cultural group).
- B. Division personnel stopping or detaining a person for any reason shall advise that person of the reason for the stop or detention as soon as practicable, but prior to termination of the contact. Division personnel shall be courteous and, when applicable, shall express appreciation for the involved person's cooperation.

1.51 Identifying Offenders

- A. Division personnel shall take reasonable actions to identify any individual who does not have a picture ID and is being charged with a traffic violation or a criminal offense. Reasonable actions may include using an OHLEG photograph, using an arrest photograph from the ID Section, **verifying** fingerprints through a mobile fingerprint device, or processing the individual through the ID Section.
- B. Division personnel shall document the actions taken to identify the individual on the appropriate report or document (for example, Arrest Information Form, U-10.100; electronic incident report; or the traffic citation).

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	REVISED Jul. 12, 2020	TOTAL PAGES 14
Use of Force		



Cross Reference: 2.02, 2.03, 2.05

Rule of Conduct 1.08

I. Definitions

A. Use of Force

The exertion of energy or the actions of personnel in the performance of their duties used to direct or control another's movements or actions. A use of force may be implemented to control resistive or aggressive behavior toward the involved personnel, other personnel, third parties, or property.

B. Use of Force Levels of Control

1. Levels of Control used by the Division of Police for reporting purposes are **as follows**:

Level 0: Officer presence, verbal and non-verbal commands, searching, handcuffing, sparking a taser for compliance, using flashbangs and multiple baton rounds as diversions, **and the use of the Long Range Acoustic Device (LRAD) warning tone**

Level 1: Empty hand control, pressure points, grounding techniques, and joint manipulations

Level 2: Use of chemical spray

Level 3: Use of electronic device (electronic custody belt or **Conducted Energy Weapon, [CEW] for example, the taser**)

Level 4: Hard empty hand control (strike/punch/kick)

Level 5: Use of impact weapon (baton/flashlight)

Level 6: Police K-9 bite

Level 7: Less lethal weapons (beanbag/multiple baton rounds)

Level 8: Deadly force

C. Deadly Force

Any force which carries a substantial risk that it will proximately result in the death of any person.

D. Injury

1. For the purposes of this directive, injuries are classified as **follows**:

a. Minor Injury

An injury that does not require transport to a medical facility.

b. Serious Injury

An injury that requires transport to a medical facility for treatment.

Note: If a Division supervisor classifies an injury as minor, refusal at the county jail does not require a Use of Force-Injury to Prisoner administrative investigation.

E. Taser Application

One full or partial five-second cycle of the taser.

II. Policy Statements

A. General

1. **Sworn personnel *shall attempt to*** de-escalate a situation by using trained techniques, such as building rapport, communication skills, ***maintaining a safe distance, utilizing a barrier***, etc., ***when it is safe to do so.***
2. It is well established that police officers may use force to effect an arrest, to defend themselves, or to defend others. An officer should not desist from any official duty merely because resistance is offered.
3. ***Sworn personnel shall not use more force than is reasonable in an incident.*** Factors to be considered when determining the reasonableness of a use of force ***include:***
 - a. The severity of the crime at issue.
 - b. Whether the subject poses an immediate threat to the safety of the officer or others.
 - c. Whether the subject is actively resisting arrest.
 - d. Whether the subject is attempting to evade arrest by flight.
4. Sworn personnel shall not use any force for a retaliatory or punitive purpose.
5. ***Sworn personnel who witness another officer utilize force which is unlawful, excessive, or violates Division policy shall intervene to stop the officer's actions.***
6. Force may be used during a medical emergency if:
 - a. The person experiencing a medical emergency is incapable of making a rational decision under the circumstances and poses an immediate threat of serious harm to him ***or*** herself or others.
 - b. Some degree of force is reasonably necessary to minimize the immediate threat.
 - c. The force being used is reasonably necessary under the circumstances.
7. Sworn personnel should take into consideration an unarmed person's known mental health status prior to using force.

8. Officers shall use their training **and tactics** to guide them through a use of force incident.
- a. The preferred response to resistance and aggression is a trained technique reasonable for the circumstances. However, during a situation involving the infliction or threatened infliction of serious physical harm, the use of an untrained response, may be reasonable to end the threat and survive the encounter. The proper exertion of physical force used to control the subject shall be consistent with Division policy.
 - b. ***Chokeholds and neck restraints are prohibited. These untrained techniques are considered a deadly use of force and shall only be used in a life threatening situation and deadly force is justified.***
 - c. ***When attempting to control a grounded suspect, any pressure used shall be placed on the shoulder or the middle of the back, not intentionally on the neck. If at anytime during the struggle pressure is unintentionally placed on the neck, officers shall readjust their positioning. Once the suspect is handcuffed and compliant, officers shall place the individual in an upright position as soon as it is safe to do so.***
9. All uses of force shall be reported consistent with Division policies. Involved personnel shall notify an available on-duty Division supervisor in the following descending order:
- a. Their immediate supervisor;
 - b. Another sworn supervisor within their chain of command; or
 - c. Any other sworn Division supervisor who may personally conduct the investigation or notify a supervisor in the involved officer's chain of command to conduct the investigation.
10. The Internal Affairs Bureau (IAB) shall forward a monthly report to the Training Bureau that summarizes all Level 2 through Level 8 Use of Force Reports, form U-10.128, received.
11. The Training Bureau shall review the monthly summary of Use of Force Reports received from IAB along with the original Levels 0 and 1 Use of Force Reports to monitor techniques for their effectiveness and to make approved changes in trained techniques and lesson plans.
12. All sworn Division personnel shall receive annual in-service training in the Division's use of force policy.
13. Division supervisors conducting use of force investigations shall photograph involved persons as detailed in the Supervisor's Manual.
14. Restrictions on Supervisors Conducting Investigations
- a. Division supervisors who actively participate in or order a use of force shall not conduct any subsequent investigation. This restriction does not apply to tactical situations, **such as** those involving SWAT, In-Tac, or field forces.

- b. When a Division supervisor is prohibited from conducting the investigation, the involved supervisor's immediate supervisor or, if unavailable, another Division supervisor of a higher rank than the involved supervisor shall be contacted. The contacted supervisor may conduct the investigation or may assign it to an alternate supervisor.

15. If requested, IAB shall conduct an administrative investigation.

Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature. Information compelled from the focus employee in an administrative investigation shall not be shared with, or in any manner released to, any unit conducting a criminal investigation, except as pursuant to the Ohio Public Records Act.

B. Deadly Force

1. Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm.
2. Sworn personnel may use deadly force upon a human being to prevent escape when there is probable cause to believe that the subject poses an immediate threat of serious physical harm to others.
3. Sworn personnel not in a vehicle should avoid **intentionally** positioning themselves in **a direct** path of a moving vehicle.
 - a. Sworn personnel vulnerable to being struck by a moving vehicle should take evasive action.
 - b. Sworn personnel may fire a weapon at the driver or occupant of a moving vehicle **or from a moving vehicle only** when there is an articulable, reasonable belief that the subject poses an immediate threat of death or serious physical harm to him **or** herself or others.
 - c. Sworn personnel should not extend their displayed firearm inside the passenger compartment of an occupied vehicle.
 - d. Sworn personnel should **attempt to immobilize a vehicle prior to attempting a trained vehicle extraction technique. Sworn personnel should** avoid reaching **inside the passenger compartment of an occupied vehicle.**

Note: Reaching into an occupied vehicle can place an officer in grave danger.

4. If reasonable, sworn personnel should give a verbal warning of the intention to use deadly force.
5. While sworn personnel have an affirmative duty to use that degree of force reasonable to protect human life, the use of deadly force is not reasonable merely to protect property interests. Only under circumstances where it is reasonable to believe an infliction or threatened infliction of serious physical harm to human life exists is the use of deadly force justified.

6. The use of deadly force by sworn personnel should not create a danger to the public that outweighs the benefits of its use.
7. Sworn personnel shall not fire a warning shot unless there is justification to use deadly force and should ensure **that**:
 - a. There are no bystanders in the line of fire or **who** could move into the line of fire; and
 - b. The backstop is reasonably likely to contain or stop the discharged bullet.
8. Facts unknown to sworn personnel at the time deadly force is used cannot be considered in determining whether the involved personnel acted in conformity with this policy.
9. Investigations of uses of force resulting in death shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor will determine if the case will be presented to a grand jury.

III. Procedures

A. Level of Control 0 (Sparking a Taser for Compliance) or Level of Control 1 with No Injury

1. Involved Personnel

Complete a Use of Force Report and forward it to your immediate supervisor by the end of your shift or by the beginning of your next shift if the incident occurred outside of assigned duty hours. If your immediate supervisor is unavailable, forward the report to any on-duty supervisor within your chain of command.

2. Investigating Supervisor

- a. Review and sign the Use of Force Report.
- b. Forward a copy of the report to the immediate supervisor of the involved personnel.**
- c. Forward the investigative packet to the:**
 - (1) Human Resources Bureau if discipline was issued, or**
 - (2) IAB for filing if no discipline was issued.**

3. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.**
- b. Forward the remaining investigative packet to IAB.**

4. Internal Affairs Bureau

Forward the original Use of Force Report to the Training Bureau.

B. Level of Control 0 or 1 with a Complaint of an Injury, ***Minor Injury, or Serious Injury*** Caused by the Response

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty Division supervisor.
- c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

- a. Review and sign the Use of Force Report.
- b. Minor Injury
 - (1) Complete a Data Processing Worksheet, form U-10.164, and attach the Use of Force Report; a copy of the Arrest Information, form U-10.100; and any photographs taken.
 - (2) Forward a copy of the report to the immediate supervisor of the involved personnel.

(3) Forward the investigative packet to:

- (a) Human Resources Bureau if discipline was issued, or***
- (b) IAB for filing if no discipline was issued.***

c. Serious Injury

- (1) Complete an Injury to Prisoner administrative investigation and a Data Processing Worksheet. Attach the Use of Force Report and a copy of the Arrest Information form.
- (2) Forward the packet through the chain of command to ***the commander.***

(a) Commander

- i) Make a final determination for Level 0-1 with serious injury unless deviation from progressive discipline and/or departmental charges are recommended.***
- a) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.***
- ii) Forward the investigative packet to:***
 - a) Human Resources Bureau if discipline was issued, or***
 - b) IAB for filing if no discipline was issued.***

3. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.***
- b. Forward the remaining investigative packet to IAB.***

4. Internal Affairs Bureau

- a. If applicable, record the incident in the involved personnel's IAB database record.

- b. Maintain a file copy of the Use of Force Report.
- c. Forward the original Use of Force Report to the Training Bureau.

C. Level of Control 2

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

- a. Review and sign the Use of Force Report.
- b. Forward a copy of the report to the immediate supervisor of the involved personnel.
- c. If the subject is being arrested or issued a summons:
 - (1) Ensure that the arresting personnel include the facts necessitating the use of chemical spray and details of the decontamination/treatment rendered in the narrative section of the Arrest Information form.
 - (2) Include a brief statement indicating justification for the use of chemical spray, the effectiveness of the chemical spray, and details of the decontamination process and treatment rendered on the Use of Force Report.
 - (3) Ensure that an "X" is placed in both the "Chemical Spray" box on the top left corner and the "Use of Force" box on the top right corner on the front of the Arrest Information form.
 - (4) Complete a Data Processing Worksheet, attach the Use of Force Report and a copy of the Arrest Information form, and forward the packet through the involved personnel's chain of command.
- d. If no arrest is made, add comments to the back of the Use of Force Report, and forward it along with a Data Processing Worksheet through the involved personnel's chain of command.
- e. If circumstances indicate that the use of chemical spray was not within Division policy, complete an investigation as indicated on the Use of Force Report, and forward it along with a Data Processing Worksheet through the involved personnel's chain of command.
- f. For a Level of Control 2 against a handcuffed subject:
 - (1) Identify and interview the following:
 - (a) Involved Division personnel
 - (b) All available witnesses
 - (c) The subject upon whom chemical spray was used
 - (2) Review and sign the Use of Force Report.
 - (3) Complete an administrative investigation.

- (4) Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command.

3. Immediate Supervisor

- a. Make a final determination for Level of Control 2 (not against a handcuffed subject) unless deviation from progressive discipline and/or departmental charges are recommended.**

- (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.**

- b. Forward the investigative packet to:**

- (1) Human Resources Bureau if discipline was issued, or**
- (2) IAB for filing if no discipline was issued.**

4. Commander

- a. Make a final determination for Level of Control 2 against a handcuffed subject unless deviation from progressive discipline and/or departmental charges are recommended.

- (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.**

- b. Forward the investigative packet to:

- (1) Human Resources Bureau if discipline was issued, or**
- (2) IAB for filing if no discipline was issued.**

- c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

5. Deputy Chief

- a. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.**

6. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.**
- b. Forward the remaining investigative packet to IAB.**

7. Internal Affairs Bureau

- a. Record the incident in the involved personnel's IAB database record.
- b. Maintain the original Use of Force Report.

D. Level of Control 3

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and a Use of Taser Report, form U-10.128T, and give them to the investigating supervisor.

2. Investigating Supervisor

- a. Identify and interview the following:
 - (1) Involved Division personnel
 - (2) All available witnesses
 - (3) The subject upon whom the taser was used
- b. Review and sign the Use of Force Report and the Use of Taser Report.
- c. Complete the Data Processing Worksheet; attach the Use of Force Report, Use of Taser Report, any photographs taken, and a copy of the Arrest Information form; and forward the packet through the involved personnel's chain of command.
- d. For a Level of Control 3 against a handcuffed subject, when three or more cycles of the taser are applied to one subject, when one taser is applied to multiple subjects during the same incident, or when multiple tasers are applied to the same subject:
 - (1) Complete an administrative investigation.
 - (2) Attach the administrative investigation to the Data Processing Worksheet, Use of Force Report, Use of Taser Report, any photographs taken, and a copy of the Arrest Information form, and forward the packet through the involved personnel's chain of command.

3. **Commander**

- a. Make a final determination for Level of Control 3 (***no serious injury***) unless deviation from progressive discipline and/or departmental charges are recommended.
 - (1) ***If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.***
- b. Forward the investigative packet to:
 - (1) ***Human Resources Bureau if discipline was issued, or***
 - (2) ***IAB for filing if no discipline was issued.***
- c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. Deputy Chief

- a. Make a final determination for Level of Control 3 (serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.**
- b. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.**
- c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.**
- d. Forward the investigative packet to:**
 - (1) Human Resources Bureau if discipline was issued, or**
 - (2) IAB for filing if no discipline was issued.**

5. Human Resources Bureau

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.**
- b. Forward the remaining investigative packet to IAB.**

6. Internal Affairs Bureau

- a. Record the incident in the involved personnel's IAB database record.
- b. Maintain the original Use of Force Report.

E. Level of Control 4 *and* 5

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

- a. Identify and interview the following:
 - (1) Involved Division personnel
 - (2) All available witnesses
 - (3) The subject upon whom the use of force was used
- b. Review the Use of Force Report.
- c. Complete an administrative investigation.
- d. Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command.

3. **Commander**

a. ***Make a final determination for Levels of Control 4 and 5 (no serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.***

(1) ***If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.***

b. Forward the investigative packet to ***the:***

(1) ***Human Resources Bureau if discipline was issued, or***

(2) ***IAB for filing if no discipline was issued.***

c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. **Deputy Chief**

a. Make a final determination for Levels of Control 4 ***and 5 (serious injury)*** unless deviation from progressive discipline and/or departmental charges are recommended.

b. ***If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.***

c. Forward the investigative packet to:

(1) ***Human Resources Bureau if discipline was issued, or***

(2) ***IAB for filing if no discipline was issued.***

d. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

5. **Human Resources Bureau**

a. ***Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.***

b. ***Forward the remaining investigative packet to IAB.***

6. **Internal Affairs Bureau**

a. Record the incident in the involved personnel's IAB database record.

b. Maintain the original Use of Force Report.

F. **Level of Control 6 and 7**

1. **Involved Personnel**

a. ***Cause any needed medical aid to be rendered.***

- b. Immediately notify, or cause notification of, an on-duty supervisor.*
- c. Complete a Use of Force Report and give it to the investigating supervisor.*
- 2. Investigating Supervisor**
 - a. Identify and interview the following:*
 - (1) Involved Division personnel*
 - (2) All available witnesses*
 - (3) The subject upon whom the use of force was used*
 - b. Review the Use of Force Report.*
 - c. Complete an administrative investigation.*
 - d. Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command to IAB.*
- 3. Deputy Chief**
 - a. Make a final determination for Levels of Control 6 and 7 unless deviation from progressive discipline and/or departmental charges are recommended.*
 - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.*
 - b. Forward the investigative packet to:*
 - (1) Human Resources Bureau if discipline was issued, or*
 - (2) IAB for filing if no discipline was issued.*
 - c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.*
- 4. Human Resources Bureau**
 - a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.*
 - b. Forward the remaining investigative packet to IAB.*
- 5. Internal Affairs Bureau**
 - a. Record the incident in the involved personnel's IAB database record.*
 - b. Maintain the original Use of Force Report.*

G. Use of Force Resulting in *Death or* Serious Physical Harm *Likely to Cause Death*

1. Involved Personnel
 - a. Cause any needed medical aid to be rendered.
 - b. Immediately cause Communications Bureau personnel to be notified.
 - c. Secure the scene.
2. Communications Bureau
 - a. Dispatch personnel to render assistance or to secure the scene.
 - b. Notify the Columbus Division of Fire and those listed on the Emergency Notification Guide.

Note: The Investigative Duty Desk will contact ***an on-duty Assault/Homicide Section supervisor.***

3. Assault/Homicide Section Supervisor

- a. Notify the independent agency.***
- b. Function as the Division liaison to the independent agency, as outlined in the Assault/Homicide Section SOP.***
- c. Complete the required administrative paperwork, for example, Use of Force Report and Data Processing Worksheet and forward as outlined in the Assault/Homicide Section SOP.***

4. Officer Support Team

Provide the involved personnel with any assistance, information, or other support they may desire.

Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Therefore, Officer Support Team members are cautioned not to discuss the incident.

5. Firearms/Police-Involved Death Review Board

- a. Review all information concerning the incident.
- b. Determine whether the police action was within Division policy.
- c. Prepare and forward a summary of the findings, together with the original investigative packet, the Use of Force Report, and the Data Processing Worksheet, through the involved personnel's chain of command to the deputy chief.

Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and route it through the involved personnel's chain of command to the Chief of Police.

6. Immediate Supervisor

- a. Review the investigative packet and make recommendations.
- b. Forward the investigative packet through the chain of command.

7. Chain of Command

Review the investigative packet and make recommendations.

8. Deputy Chief

- a. Review the investigative packet.
- b. Make a final determination concerning the incident unless deviation from progressive discipline and/or departmental charges are recommended.

Note: If the recommendation of the deputy chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Chief of Police.

(1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

- c. Forward the investigative packet to:

(1) Human Resources Bureau if discipline was issued, or

(2) IAB for filing if no discipline was issued.

- d. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

9. Chief of Police

- a. Make the final determination when a recommendation to bypass progressive discipline is made.
- b. Make a final determination if there are dissenting opinions between the Firearms/Police-Involved Death Review Board and the involved personnel's deputy chief.
- c. Cause the involved personnel to be notified of the determination.

10. Human Resources Bureau

- a. ***Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.***
- b. ***Forward the remaining investigative packet to IAB.***

11. Internal Affairs Bureau

- a. Record the disposition of the incident in the involved personnel's IAB database.
- b. Maintain the original Use of Force Report.

Rule of Conduct 1.08 (attached) was most recently revised 11/6/20 (bold/italicized was the new language) and states:

1.08 Requirement to Take Action

A. Sworn personnel, regardless of duty status, shall take prompt, effective action regarding anything which comes to their attention requiring a police response within the City of Columbus.

1. Sworn personnel are not relieved of the responsibility for taking proper action when they are detailed to special duties.
2. Sworn personnel assigned to undercover operations are exempted when taking action would seriously impair the success of the undercover assignment.
3. Sworn personnel shall not enforce violations of traffic laws while in off-duty status unless in uniform and in a marked vehicle.
4. Sworn personnel should not enforce violations of non-violent misdemeanors while in off-duty status.
5. No exceptions apply in life-threatening situations.

6. Personnel shall render appropriate aid and/or summon emergency medical services for individuals injured, unconscious, or in medical distress as soon as it is reasonable and safe to do so.

In DD 2.01 Use of Force (attached):

The procedures for each level of Use of Force instruct Involved Personnel to **"Cause any needed medical aid to be rendered."**

In DD 2.02 Discharged Firearms (attached):

In the Procedures it states:

D. Discharged Firearm Resulting in Human Injury/Death

1. Involved Personnel

a. **Immediately cause any needed medical aid to be rendered.**

Columbus Police Division Directive	EFFECTIVE Dec. 30, 2016	NUMBER 11.07
	REVISED Dec. 01, 2020	TOTAL PAGES 7
Body-Worn Camera (BWC)		



Cross Reference: 5.01, 5.02, 5.03, 11.02

Supervisor's Manual: 6.00, 6.06

I. Introduction

The principal purpose of a BWC system is to collect evidence that may be used to prosecute traffic and criminal offenses, assist with investigations, or help evaluate and train personnel. It can also provide documentation of whether the situation was handled lawfully and professionally. Police interactions with individuals during enforcement activity may rapidly evolve, and recording these interactions is an excellent way to provide transparency to the community.

II. Definitions

A. Classification

The category assigned to each video recording, chosen from the following ***four*** selections, after the camera has been deactivated.

Note: If personnel are unsure of which classification to choose, the video should be classified as evidence.

1. Evidence

A recording which may be used as evidence to document an incident as it pertains to an enforcement action/adversarial encounter.

Examples of evidence: misdemeanor and felony investigations, arrests, use of force incidents, forced entries, and traffic and pedestrian stops. This is not an all-inclusive list.

2. Non-evidence

A recording, whether accidental or intentional, which has no evidentiary or administrative value.

Examples of non-evidence: accidental/incidental recording, equipment checks, and training. This is not an all-inclusive list.

3. Permanent

A recording to be kept indefinitely.

Examples of permanent: Any incident that select Division personnel (for example, a supervisor ***or*** detective) believe should be classified in a category that does not expire.

4. Civil Unrest

A recording which may be used as evidence to document an incident as it pertains to an enforcement action/adversarial encounter during a period of civil unrest.

Examples of civil unrest: demonstrations, protests, and riots. In most instances, personnel will be directed to use this classification by a Division supervisor (for example, an Incident Commander or a Field Force Lieutenant). This is not an all-inclusive list.

III. Policy Statements

- A. Sworn personnel who are assigned an individual BWC shall, at the beginning of their shift, ensure the BWC is fully charged, operable, and all previous video recordings have been uploaded.
 - B. Sworn personnel shall use only Division-issued BWCs.
 - C. All recorded images and audio recordings made on the BWC are the property of the Division of Police. Division personnel shall not disseminate or duplicate these recordings outside of the Division unless approved by the Chief of Police, pursuant to the Ohio Public Records Act, or in accordance with a legally binding subpoena.
 - D. BWCs shall be worn in the location and manner required by the assignment.
 - E. BWCs are not required for special duty work, and the City will not compensate personnel for travel time or uploading/charging the BWC.
 - 1. BWCs may be used for City overtime if personnel have a charged BWC and its use on City overtime does not interfere with the BWC being uploaded or charged for their regularly assigned tour of duty or as ordered by a supervisor.
 - F. BWC use shall be documented on all appropriate paperwork and in the electronic reporting system.
 - G. Activation
 - 1. ***Sworn personnel should activate the BWC when dispatched or upon a self-initiated response to a Priority 1 or 2 call for service.***
 - 2. Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of:
 - a. Calls for service and self-initiated activity
- Note: Activate the BWC when responding with Emergency Vehicle Operations (EVO).***
- b. All investigatory stops
 - c. Traffic and pedestrian stops
- Note: Activate the BWC at the start of a pursuit.***

- d. Suspected OVI stops
- e. Uses of force
- f. Arrests
- g. Forced entries
- 3. Sworn personnel shall activate the BWC when an encounter becomes adversarial, or its use would be appropriate and/or valuable to document an incident unless otherwise prohibited.
- 4. ***All sworn personnel involved in the execution of any search warrant served during a tactical operation on an occupied structure shall be equipped with an operating BWC and shall activate their BWC prior to entry of the occupied structure or associated curtilage.***
 - a. ***Other than a no-knock warrant, the knock on an entry door, the announcement of law enforcement having a search warrant, and the required statutory time delay prior to entry shall be recorded.***

Note: This section applies to personnel working in regular and/or overtime status.

- 5. ***Headquarters Operations*** Section, Special Weapons and Tactics (SWAT) Section, ***and In/Tac Unit*** personnel shall comply with their respective Standard Operating Procedures (SOP) ***for requirements specific to their assignments.***
- 6. ***Task force personnel shall comply with their respective SOP and the Memorandum of Understanding (MOU) with the sponsoring agency for the use of the BWC and the retention and release of BWC video.***
- H. Sworn personnel wearing a BWC should announce when they are recording as close to the start of the encounter as possible unless it is unsafe, impractical, or unnecessary.
 - 1. Sworn personnel are not required to cease recording at the request of any person unless ordered by a sworn Division supervisor.
- I. Sworn personnel shall continue recording until the enforcement activity or encounter has ended, or they are ordered/permitted to stop recording by a sworn supervisor.
 - 1. ***Tactical personnel shall continue recording until the execution of a search warrant served during a tactical operation on an occupied structure and associated curtilage has ended. The execution has ended after initial entry is made, suspects are detained or taken into custody, and the scene has been secured.***
 - a. ***Sworn supervisors may direct tactical personnel to start, continue, or stop recording after the execution of the warrant has ended based on the circumstances.***

Note: When reviewing BWC footage from an incident, sworn personnel must stop recording to view and/or upload the video.

- J. BWC recordings may be used to provide evidence, record an incident to document the actions and statements of suspects during interviews or while being placed into custody, or as a means to verify an action taken.
- K. The BWC shall not be used to record non-work-related personal activities where personnel have a reasonable expectation of privacy, such as inside locker rooms, dressing rooms, or restrooms, unless a criminal offense has occurred.
- L. The BWC shall not be intentionally activated to record privileged communication or conversations of fellow Division personnel during routine, non-enforcement-related activities, with or without their knowledge.
- M. The BWC shall not be used:
 - 1. To gather intelligence information solely based on First Amendment protected speech, associations, or religion;
 - 2. During a strip search or body cavity search; or
 - 3. During a Lethality Assessment Screen.

Note: If the BWC was previously activated during an incident, sworn personnel do not need a supervisor's approval to deactivate the BWC for any of the above-listed reasons.
- N. The BWC shall not be used if ordered by a sworn supervisor.
 - 1. To preserve privacy and dignity, a sworn supervisor may grant approval to not record or to deactivate the BWC for certain people or places.
 - 2. Explicit approval shall be given verbally over the radio or in an operations plan.
- O. Sworn personnel may deactivate the BWC:
 - 1. When gathering information from a confidential informant or source.
 - 2. Without explicit supervisor approval when not in the presence of suspects or citizens and speaking with the Division's legal advisor, covert/investigative personnel, a supervisor, or other sworn personnel.
 - 3. While engaged in guard duty inside a hospital; however, if an encounter becomes adversarial and/or enforcement action becomes necessary, the BWC shall be activated as soon as practical.
 - 4. Sworn personnel shall deactivate the BWC after securing weapons and entering the door into the prisoner processing area of the Franklin County Sheriff's Office Corrections Centers.
 - a. The preferred course of action is to allow sheriff's office personnel to handle any problem associated with a prisoner. If Division personnel are forced to take enforcement action, they shall activate the BWC as soon as practical.
- P. If sworn personnel do not activate the BWC, the battery is exhausted/depleted, or the recorder malfunctions, they shall document the reason(s) on the appropriate paperwork, in the CAD, and/or in the electronic reporting system.

- Q. If sworn personnel do not record the entire contact, justification shall be expressed verbally on the BWC before turning it off when it is safe and practical to do so.
- R. Sworn personnel should re-activate the BWC if they re-engage suspects/ citizens.
- S. Sworn personnel may be ordered by a sworn supervisor to relinquish their BWC.
- T. All digital data shall be uploaded as directed and shall be classified and stored in a secure database that allows limited access. Sworn personnel shall upload video footage prior to going on leave, except when permission is granted by the chain of command designating an alternate time for uploading. If sworn personnel become incapable of uploading the video, the chain of command will make arrangements for uploading all video footage.
- U. Personnel shall not tamper with, erase, alter, or destroy any original recorded section of video or audio.
 - 1. The appropriate authority designated by the Chief of Police will determine proper action for recordings captured by inadvertent BWC activation when it is otherwise prohibited.
- V. Personnel shall classify all recordings consistent with Division training and policy. Personnel shall not knowingly classify a video inappropriately or take other inappropriate actions to prevent a recording from being viewed or uploaded or to alter retention periods.
- W. BWC recordings shall be securely stored and maintained pursuant to the City of Columbus Division of Police Records Retention Schedule. All stored recordings are subject to release in accordance with Ohio's public records laws.
 - 1. Supervisors investigating/managing an incident or sworn personnel wanting to view video in the mobile environment should follow the procedures outlined on the Division's intranet.
- X. Sworn personnel may review video footage of an incident in which they were involved prior to completing a report or making a statement to help ensure accuracy. Sworn personnel should not use the fact that a recording was made as a reason to give a less detailed description of an incident.
- Y. A supervisor may view BWC video footage for the purpose of investigations, training, reviews, inquiries, civil claims, or litigation. This may include random reviews or recordings brought to the supervisor's attention that may lead to positive corrective action or discipline as outlined in the applicable collective bargaining agreement (CBA).
- Z. Supervisory and investigative review of BWC recordings
 - 1. BWC recordings are subject to review at any time once the recording is uploaded to the server.

2. Supervisors and the involved chain of command wishing to review a BWC recording shall conduct the review on a Division computer.
 - a. Supervisors shall log in to the secured server with their Division-issued password.
 - b. After being uploaded to the secured server, Division supervisors will have access to BWC recordings unless access has been restricted due to an investigative purpose.
3. Supervisors and investigative personnel wishing to request a copy of a BWC recording shall complete and forward an Internal Video/Audio Request, form S-35.104.
4. Supervisors shall document the review of BWC recordings related to incidents under investigation on the Incident Video Review, form U-10.197. Supervisors shall address the relevant portion(s) of the recording within the administrative investigation to be reviewed by the chain of command as necessary.
5. Supervisors should conduct random reviews of BWC recordings to ensure videos are classified appropriately and to use the observations for open discussion and training.
6. Supervisors using BWC recordings for an investigative purpose shall review or reclassify BWC recordings as appropriate and in accordance with established law, Division policy, and the applicable CBA.
- AA. Sworn personnel who have been issued a BWC and who transfer to an assignment that is not assigned a BWC shall return all issued equipment, including any assignment-specific take home chargers, to PoliceNET personnel.
- BB. Division personnel who are assigned to use or otherwise be involved with BWC equipment must complete mandatory training. This training includes proper operation and care, policies and procedures, and limitations of BWC footage. Additional training shall be provided periodically to ensure the continued effective use of the system and equipment and to incorporate changes, updates, and other revisions in policies or equipment.
 1. Sworn personnel transferring into a unit where BWCs have been deployed shall contact Advanced Training Unit and PoliceNET personnel for training and issuance of a BWC as soon as practical.

IV. Procedures

A. Sworn Personnel

1. Classify the recordings as appropriate.
2. Notify your supervisor of any known malfunctioning or lost/damaged equipment.
3. Mark 10-23T for technology repair.
4. Replace or turn in the BWC for repairs to the PoliceNET Unit as soon as possible.

- a. Obtain a replacement BWC from the PoliceNET Unit. If the PoliceNET Unit is closed, obtain a replacement from the **Headquarters Operations Section** Sergeant. The replacement BWC becomes the sworn employee's Division-issued BWC.
- B. Investigating Supervisor

Determine if the malfunctioning or lost/damaged equipment was the result of normal wear and tear or negligence, and follow the procedures outlined in the "Lost, Damaged, or Malfunctioning Property" directive.
- C. PoliceNET Personnel/ **Headquarters Operations Section** Sergeant

Collect malfunctioning or damaged equipment and replace it immediately.
- D. Chief of Police

Appoint specific Division personnel to meet annually to review policy and collect data concerning BWC usage, including when video footage is used in criminal prosecutions, internal affairs matters, civilian complaints, injuries and assaults on sworn personnel, use of force incidents, and any associated costs.
- E. Supervisors Conducting Random Reviews
 1. Review randomly selected BWC recordings on a regular basis. The incidents should be no more than 30 days old.
 2. Forward the completed Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review, form U-10.193, to the bureau commander when there are areas of concern, for example, user error(s) or observations of misconduct, etc.
- F. Bureau Commander
 1. Forward the Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review form with user error(s) through the chain of command to the immediate supervisor of the officer(s) who made the recording.
 2. If potential misconduct is discovered within the recording, determine the appropriate course of action.
- G. Immediate Supervisor
 1. Ensure sworn personnel who created the BWC recording correct the error.
 2. If directed by the chain of command, complete an administrative investigation and send a copy of the Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review form to the **Headquarters Operations** Section.
- H. **Headquarters Operations** Section
 1. File completed Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review forms.
 2. Track results annually to determine compliance/training needs.

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Discharged Firearms		



Cross Reference: 2.01, 2.03, 2.06, 4.02, 4.08, 7.04, 8.06

Rule of Conduct: 1.19, 1.20, 1.21, 1.46

I. Introduction

This directive establishes procedures for all sworn personnel involved in incidents of discharged firearms while on or off duty.

II. Policy Statements

- A. Sworn personnel shall report all incidents of discharged firearms, whether on or off duty, other than those done in the course of training, testing, or legal recreational purposes.

B. Scene Security

Sworn personnel shall protect the scene as any other serious crime scene in accordance with the "Serious Crime Scenes, Threatened Officer Protection, and Guard Duty" directive. Only personnel assigned to investigate a police-involved shooting shall be permitted within the protected area of the shooting scene. The exception will be the Chairperson or the responding member of the Firearms/Police-Involved Death Review Board or his or her designee, who shall be shown the scene at the first reasonable opportunity.

C. ***The Chief of Police will request an independent agency to conduct a criminal investigation of*** the following incidents:

1. The discharge of a firearm by sworn personnel or Columbus Division of Fire (CFD) ***personnel duly authorized to carry a firearm*** that results in human injury or death, excluding the unintentional discharge by sworn personnel in which non-life threatening injury is caused to said personnel.
2. Any use of force resulting in ***the*** death of a human ***or injuries likely to cause the death of a human***.
3. The death of ***or life-threatening injury to*** a person while being taken into custody, while in custody, or while being detained by sworn personnel ***or an authorized Division of Fire investigator***.
4. The use or attempted use of a stopping tactic, or a police-involved vehicular pursuit, which results in a fatality or injuries likely to cause death.

D. Critical Incident Response Team (CIRT) should investigate the following incidents:

1. The intended discharge of a firearm by sworn personnel or CFD Fire Investigator(s) **that does not strike any person** when the discharge:
 - a. Was intentionally directed at a person, or
 - b. While not intentionally directed at a person, could be reasonably construed as such.
 2. The unintentional discharge of a firearm by sworn personnel or CFD Fire Investigator(s) **that does not strike any person** when the discharge occurred during a confrontation with a suspect and could be reasonably construed as being directed at the suspect.
 3. Any incident in which sworn personnel sustain serious physical harm or death at the hands of another.
 4. The use of a firearm within the City limits by a law enforcement officer from a foreign agency.
 5. The use or attempted use of a stopping tactic or a police-involved vehicular pursuit **by a foreign agency** which results in a fatality or injuries likely to cause death, **provided no Division personnel were actively engaged in the stopping tactic or pursuit.**
 6. Any other incidents as ordered by the Major Crimes Bureau Commander, the Criminal Investigations Subdivision Deputy Chief, or the Chief of Police.
- E.** A member of the Firearms/Police-Involved Death Review Board shall respond to any police action resulting in death, when CIRT has been activated, **or an independent agency has been requested.**
- F.** For incidents involving serious physical harm or death outside the City of Columbus, the law enforcement agency in whose jurisdiction the incident occurred shall conduct the criminal investigation and their individual policies shall dictate any subsequent review, unless other arrangements are made between the other jurisdiction **and an independent agency** at the time of the incident.
- G. If CIRT conducts a criminal investigation involving a fatality or if criminal charges will be filed, the investigative packet shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor shall determine if the case will be presented to a Grand Jury.**
- H.** When CIRT is conducting a criminal investigation concerning personnel involved in a use of firearms incident, and evidence exists that personnel are under the influence of alcohol or drugs, the CIRT supervisor shall request consent to retrieve body fluids for laboratory analysis or shall obtain a search warrant if probable cause exists.

- I. When reasonable suspicion is present that personnel involved in a non-criminal use of firearms incident may be under the influence of alcohol or drugs, the investigating supervisor shall contact the Human Resources Manager or his or her designee to proceed with reasonable suspicion testing as outlined in the applicable collective bargaining agreement.
- J. The Internal Affairs Bureau may be directed to open a concurrent administrative investigation of incidents involving the discharge of a firearm resulting in the injury or death of a human. Any statements or evidence obtained as a result of an order to comply with questioning during an administrative investigation shall not be shared with or used in any criminal investigation or proceeding involving the personnel ordered to answer questions.
- K. When a firearm is unintentionally discharged on a Division of Police firing range and there are no resulting injuries, Ordnance Unit personnel shall determine the appropriate course of action.

L. Use of Firearm Against Dangerous Animals

- 1. ***Sworn personnel being threatened or attacked by a dangerous animal should attempt to use trained techniques and/or intermediate weapons before using a firearm to protect themselves or another person. If these attempts fail to halt the animal's attack, and when left with no alternative other than to use a firearm, sworn personnel should determine whether the backstop is able to control and contain any projectiles that may not find their intended mark or that may ricochet. Consider the presence of individuals and their actions relative to the proximity of the dangerous animal. Grassy and/or dirt areas are the preferred location for a backstop.***
- 2. ***Sworn personnel shall not fire or deploy a weapon at a dangerous animal unless the animal poses an imminent threat to personnel or others, use of the weapon is reasonable, and the risk to human life is minimized.***
- 3. ***Sworn personnel shall not use a firearm to prevent or disrupt an animal attacking another animal.***

Note: Pets are deemed to be property, and a firearm is not to be used to protect property.

III. Procedures

A. Discharged Firearm Resulting in No Injury/Death

1. Involved Personnel

Immediately cause Communications Bureau personnel to be notified.

2. Communications Bureau Personnel

- a. Dispatch personnel to render assistance and/or to secure the scene as necessary.

- b. Make notification as required by the Emergency Notification Guide.
- B. Discharged Firearm for the Humane Destruction of a Seriously Injured Animal
 - 1. Patrol Sergeant
 - a. Complete the Discharged Firearm Report, form S-70.100.
 - Note: For firearm discharges by supervisors, another patrol supervisor shall review and sign.
 - (1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This shall serve as notification of the incident.
 - (2) Route a copy through the chain of command to the involved personnel's commander.
 - b. Forward the investigation through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.
- 2. Commander
 - Forward the Discharged Firearm Report to the ***Firearms Review Board Chairperson.***
- C. Discharged Firearm Against a Dangerous Animal, Unintentional Discharge by Sworn Personnel Resulting in a Non-life Threatening Injury to Themselves, or Unintentional Discharges Not Investigated by CIRT
 - 1. Investigating Lieutenant
 - Note: The lieutenant in the chain of command of the involved personnel shall investigate the firearm discharge. If the chain of command lieutenant is not on duty, a lieutenant from the involved bureau or a patrol zone lieutenant shall conduct the investigation.
 - a. Complete an administrative investigation.
 - b. Complete the Discharged Firearm Report.
 - (1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This shall serve as notification of the incident.
 - (2) Include a copy in each investigative packet.
 - c. Forward the original investigative packet and three copies through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.
 - Note: The purpose of routing the investigative packet through the involved personnel's chain of command is to review the investigation for completeness. No recommendations should be made by the investigating supervisor or the chain of command until the incident has been reviewed by the Firearms/Police-Involved Death Review Board.
- D. Discharged Firearm Resulting in Human Injury/Death
 - 1. Involved Personnel
 - a. Immediately cause any needed medical aid to be rendered.
 - b. Immediately cause Communications Bureau personnel to be notified.

2. Communications Bureau Personnel

- a. Dispatch personnel to render assistance and/or to secure the scene as necessary.
- b. Make notification as required by the Emergency Notification Guide.

3. Officer Support Team

- a. Provide the involved personnel with any assistance, information, or other support as needed or requested.

Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Officer Support Team members are cautioned not to discuss the incident.

4. Critical Incident Response Team

- a. Conduct a criminal investigation **when assigned**.

Note: The involved personnel may invoke their constitutional rights at any time during the criminal investigation.

b. Complete a Discharged Firearm Report.

- (1) Email the form to DischargedFirearms@columbuspolice.org.
- (2) Include a copy in each investigative packet.

c. Forward the completed investigative packet as follows:

- (1) The original to the Homicide Unit
- (2) Three copies to the Firearms/Police-Involved Death Review Board Chairperson
- (3) One copy to the county prosecutor

Note: If the suspect in a non-fatal case is not charged criminally, no copy will be sent; however, the case will be reviewed with the Legal Advisor and/or Prosecutor's Office.

5. Internal Affairs Bureau

- a. Conduct a concurrent administrative investigation when directed.

Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature.

- b. Forward a copy of the completed investigation to the involved personnel's deputy chief.

E. Post Investigation Review

1. Firearms/Police-Involved Death Review Board

- a. Review all information concerning the incident.
- b. Determine whether the discharge of the firearm was within Division policy. Render a finding in accordance with the Firearms/Police-Involved Death Review Board SOP.

- c. Prepare and forward a summary of the findings together with the original investigative packet to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the commander or deputy chief.

Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and the majority finding and route it to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the Chief of Police.

2. Chain of Command

- a. Review the investigative packet.
- b. Render a finding of one of the following:
 - (1) Intentional and in violation of policy
 - (2) Intentional and not in violation of policy
 - (3) Unintentional and in violation of policy
 - (4) Unintentional and not in violation of policy
- c. When appropriate, make recommendations regarding necessary corrective action.

3. Commander or Deputy Chief of Involved Personnel

- a. Review the investigative packet and render a finding in accordance with III,E,2,b.
 - (1) Commanders: Investigations involving discharged firearm against a dangerous animal
 - (2) Deputy Chiefs: Investigations involving intentional discharge of a firearm, unintentional discharge by sworn personnel resulting in a non-life threatening injury to themselves, and unintentional discharge not investigated by CIRT

Note: If the recommendation of the commander or deputy chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Deputy Chief or Chief of Police as applicable.

- b. If the discharge of the firearm was intentional and not in violation of policy, or unintentional and not in violation of policy:
 - (1) Cause the involved personnel to be notified of the final determination.
 - (2) Forward the packet through the Firearms/Police-Involved Death Review Board Chairperson to the Internal Affairs Bureau to be filed.

- c. If the discharge of the firearm was intentional and in violation of policy, or unintentional and in violation of policy, determine if progressive discipline should be followed or if a deviation from progressive discipline is appropriate.
 - (1) If recommending deviation from progressive discipline, forward the packet to the Discipline/Grievance Section for review, then to the Chief of Police.
 - (2) If the discipline does not warrant deviation from progressive discipline, forward the packet through the involved personnel's chain of command for the issuance of discipline, then through the Firearms/Police-Involved Death Review Board Chairperson to the Human Resources Bureau for entry into the Discipline Tracking System and to the Internal Affairs Bureau for storage.
- 4. Deputy Chief or Chief of Police
 - a. Make a final determination if there is a dissenting opinion.
 - b. Make a final determination on any request to deviate from progressive discipline.
 - c. Cause the involved personnel to be notified of the final determination.