



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



2025-3298

Officer Involved Critical Incident - 4134 Rush Blvd.,
Youngstown, OH 44512, Mahoning County

Investigative Activity: Howland Police Department Policies Received
Involves: Howland Police Department (O), Nicholas Roberts (O)
Activity Date: 10/30/2025
Activity Location: Howland Police Department - 169 Niles Cortland Road
Northeast, Warren, OH 44484
Authoring Agent: SA Joseph Lamping #184

Narrative:

On Thursday, October 30, 2025, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joe Lamping received the Use of Force and Officer Involved Shooting policies utilized by the Howland Police Department at the time of this incident. The documents received are attached to this investigative report for further review.

References:

None

Attachments:

1. Howland Police Department Use of Force Policy
2. Howland Police Department Officer Involved Shooting Policy

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Howland Police Department

General Order #104

Section 104: Use of Force

Active date: 01/02/2017

Supersedes date: 04/20/2009

Chief Nick L. Roberts

Approved

General Order

SUBJECT: USE OF FORCE

This Order consists of the following sections:

- 104.1 Progressive Use of Force
- 104.2 Use of Deadly Force in Defense of Human Life
- 104.3 Restrictions on the Use of Firearms
- 104.4 Non-lethal Weapons
- 104.5 Medical Treatment After Use of Force
- 104.6 Use of Force Reports
- 104.7 Administrative Review of Use of Force
- 104.8 Relief From field Duty
- 104.9 Authorized Weapons and Ammunition
- 104.10 Special Weapons
- 104.11 Firearms Qualification

The Howland Police Department adheres to applicable Federal, State and local laws.

104.1 Progressive Use of Force

I. Definitions

- A. Force -- conduct on the part of a police employee that is designed to assist the employee in controlling a situation or the actions or behavior of a person or persons.
- B. Progressive force -- the escalation of force used by an employee in order to control a situation or the actions of persons, from minimal to maximum (i.e., verbal force, physical force, intermediate force, firearm).
- C. Less lethal weapon -- any weapon, other than a firearm, used to control persons or to defend an employee from harm. Examples of less lethal weapons are baton, OC spray and Taser. Handcuffs are not considered a weapon but rather a restraining device. Flashlights and knives are tools for officers to use as needed and are not considered weapons.

II. General Policy

- A. This policy is for departmental use only and does not apply in any criminal or civil proceeding. This policy should not be considered as establishment of a higher legal standard of conduct for employees in case of third-party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

Rev. 1/17

- B. Only employees specifically trained and certified by the Howland Police Department and authorized by law to affect an arrest, (i.e. officers), are authorized to use lethal or less lethal weapons.
- C. Police Department employees will use only the force necessary to accomplish lawful objectives, (i.e. reasonable to control a situation, affect an arrest, overcome resistance to arrest, or defend themselves from harm).
- D. When the use of force is necessary, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the immediate threat the person poses to the employee or others.
- E. The use of force by employees of the department will, whenever possible, be progressive in nature. This force may be in the form of advice, warnings, persuasion, verbal encounters, physical contact, use of baton or other less lethal weapons, or the use of deadly force.
- F. Employees must weigh the circumstances of each individual case and employ only that amount of force that is necessary and reasonable to control the situation or persons. No employee will use unreasonable or excessive force toward any person.

III. Use of Verbal Force

- A. In dealing with people, each employee must attempt to inspire, respect, and generate cooperation and approval of the public. Employees will be courteous and civil in their relationships with the public.
- B. The manner in which an employee speaks can be an effective means of exerting verbal force in order to control a situation.
 - 1. Verbal force may be in the form of warnings, advice, or persuasion. Volume and tone control may in and of itself be progressive in nature depending upon circumstances.
 - 2. By using reasonable and necessary verbal force, employees may not have to resort to the use of other forms of force.

IV. Use of Physical Force

- A. Physical force involves actual physical bodily contact with a person and forcibly subduing that individual until resistance is overcome. Physical force excludes the use of weapons or objects that could be used as weapons such as a flashlight, etc.
- B. In no instance will employees use physical force in excess of that which is reasonable and necessary to lawfully and properly neutralize an unlawful assault or overcome resistance by a person being taken into custody.

V. Intermediate Force

- A. Intermediate force involves the use of less lethal weapons against a person and forcibly subduing that individual with the assistance of these weapons until resistance is overcome.
- B. The baton, OC and the Taser are less lethal weapons that are available to employees of the department and these weapons will be used in accordance with current established departmental training standards.
- C. Any other less lethal object that an employee uses to assist in subduing an individual will for the purpose of this policy be considered intermediate force (i.e., flashlight or portable radio).
- D. The use of intermediate force will be restricted to quelling physical confrontations where lesser verbal or physical force would be or have been ineffective or inappropriate.

VI. Deadly Force

Deadly force may be invoked as outlined in Section 104.2.

104.2 Use of Deadly Force in Defense of Human Life

Deadly force may be used by employees when they reasonably believe that the action is in defense of human life, including the employee's own life, or in defense of any person in imminent danger of serious physical harm.

- A. Reasonable belief exists when a prudent man with the employee's training, expertise, knowledge, and experience would arrive at the same conclusion.
- B. Serious physical harm to persons means any physical harm that carries a substantial risk of death.
- C. Prohibition of choke holds – A choke hold is a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. Choke holds are prohibited except in those situations where the use of deadly force is allowed by law.

104.3 Restrictions on the Use of Firearms

I. Restrictions

- A. Warning -- when officers are about to invoke deadly force, they will, when possible or practicable, issue a verbal warning to the suspect. In this warning, officers will identify themselves as police officers and instruct the suspect to cease or stop whatever action the suspect is doing that has caused the officer to consider the use of deadly force.
- B. Shoot to stop -- officers will fire their weapons not to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act as described in

this order. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass."

- C. At or from moving vehicles - officers will not discharge a firearm at or from a moving vehicle except when all other reasonable means have been exhausted and it is necessary for the defense of the officers life or the life of another person, or the officer has reasonable cause to believe that the suspect poses a significant threat of death or serious physical harm to the officer or others.
- D. Risk to innocent bystanders -- when officers are about to discharge their firearms, they will be cognizant of their field of fire and will not unnecessarily create a substantial risk of harm to innocent persons.
- E. Warning shots -- officers may not discharge their firearm for the purpose of a warning shot.
- F. While under the influence of alcohol or drugs -- officers may not use or carry any firearm or dangerous ordnance while under the influence of alcohol or drugs.
- G. To destroy animals
 - 1. The killing of an animal is justified for (1) self defense, (2) to prevent substantial harm to the officer or others, (3) when the animal is so sick or badly injured that humanity requires its relief from further suffering.
 - 2. A seriously wounded, sick or injured animal may be destroyed only upon direction of a shift supervisor or OIC.

II. Safe Handling of Firearms

- A. Except for general maintenance, storage or authorized training, officers will not draw or exhibit their firearm unless circumstances create a strong suspicion to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- B. Officers will not point or direct their firearm at a person unless circumstances create a strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- C. Officers will not surrender their weapons to any person who is not a police officer for any reason except for maintenance at the police building or other designated place.
- D. Officers will secure and store weapons both on and off duty in such a way as to ensure no unauthorized person will have access to or gain control over the weapon.

III. Training Exercises

- A. Officers may discharge their firearm for the purpose of practice on the police department or other established shooting range.

- B. Officers will exercise all normal safety precautions and obey all appropriate rules or directives while practicing on the department range or any other established range.

104.4 Less Lethal Weapons

I. Less Lethal Weapons

- A. Officers will be issued and trained in the use of the Phase IV Pepper Spray and the ASP expandable straight baton.
- B. These less lethal weapons may be carried by officers at their discretion and may only be used in accordance with the provisions of this General Order and current established department training standards.
- C. Taser Electronic Control Device (ECD)

1. The Taser ECD is authorized to be used by officers certified in its operation. Use of this device is strictly limited to sworn officers who have received and passed the training and yearly re-certification. Such training will be conducted by certified instructors and the records maintained by the departments certified Taser Instructor under the direction of the Chief of Police. Each officer assigned a Taser will be responsible for the care and maintenance of these weapons. Any problems with a Taser should be immediately reported to the Assistant Chief or his designee. Tasers will be issued to all officers assigned to uniform duty and must be carried on the gun belt in the approved manner. The Assistant Chief of Police, (or his/her designee), will monitor the use of the Taser Cartridges and document which ones are in the field by their serial numbers being recorded on the Howland Police Department Taser Cartridges Placed in the Field form, located in the Howland Police Department Taser file in his/her office. While on duty, carrying the Taser ECD will be Mandatory for all road patrol officers that are certified & qualified to carry them.
2. The Taser will be used in accordance with the progressive use of force. The Taser is classified as less lethal Electronic Control Device that is designed to disrupt the sensory and motor nervous systems utilizing Electro-Muscular Disruption technology. It is not a means to punish or injure people but a tool to control and reduce the possibility of injury to all involved. It is also used to facilitate gaining control of resistive or combative subjects.
3. The Taser should only be used against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others. It may be used in circumstances to control subjects and prevent an escalation of violence. Use of the device is an alternative to other types of force such as baton or swarming techniques and may prevent the need to use deadly force. The Taser ECD is not a substitute for deadly force when such force is necessary and justified. A detailed Howland Police Department Incident Report and Howland Police Department Action-

Response Report will be completed any time the Taser is utilized against a person. All spent cartridges will be retained and logged as evidence. This does not apply to cartridges used for training purposes. Any time there is an accidental discharge of the Taser ECD, a memo shall be forwarded to the Chief of Police through the chain of command by the employee responsible for the accidental discharge.

4. Approved uses of this device are:
 - a. To disable and control subjects who are exhibiting active aggression or are actively resisting, when verbal commands have failed and the officer feels that the subject presents a risk of harm to himself or others if not restrained.
 - o Fleeing should not be the sole justification for using the Taser against a subject. Officers should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use the Taser on a fleeing subject.
 - b. To extract non cooperative prisoners from department holding cells in a barricade situation or where the prisoner exhibits violent tendencies.
 - c. To disarm and control subjects in a situation that may escalate to deadly force. This could include but is not limited to persons holding themselves hostage with knives or other sharp instruments, blunt weapons, or martial arts practitioners. It is not advisable to use against persons armed with firearms or threatening others with edged weapons.
 - d. Other circumstances where the use of the weapon is likely to assist officers in gaining control of resistive or combative subjects.
5. Not approved uses:
 - a. Against young children, pregnant women (known pregnancy), and elderly.
 - b. Against persons who are contaminated with flammable liquids.
 - c. Against anyone as a means of punishment.
 - d. Against any person who is on or near the edge of an area of height such as a roof top, balcony or bridge, (where a fall would result in serious injury).
 - e. In horseplay of any kind.

Subsections a & b may not apply if the use of the weapon can be justified as a means to reduce the chance of a higher level of force.

C. Prohibited Weapons

1. Brass knuckles, slappers, saps -- no member of the police department will carry or use at any time any weapon of the type commonly referred to as brass knuckles, slappers, saps or sap gloves.
2. Karate sticks -- no member of the police department will carry, have in their possession, or use any device known as a "Nanchaku," also called "Nunchuks" and karate sticks, while on duty or while working any special duty assignment.
3. Any other weapon, which could be considered as a defensive weapon unless approved by the Chief of Police.

II. Less Lethal Force Philosophy

A. Definitions

1. Less Lethal Force Philosophy--A concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury than conventional methods.
2. Safety Priorities--The Howland Township Police Department's safety priorities at the scene of a critical incident shall be as follows:
 1. Hostages
 2. Innocent civilians
 3. Police officers
 4. Subjects (either criminal or otherwise who are the focus of the police operation)

104.5 Medical Treatment After Use of Force

- A. Officers will make medical treatment available to all persons who exhibit evidence of injury following any use of force.
- B. If a prisoner is ambulatory and/or still resisting, the prisoner will be transported to the hospital emergency room by at least two officers.
- C. If a prisoner is unconscious, seriously injured, or claims serious injury or incapacitation, EMS will be called to the scene. If the prisoner is removed to the hospital by paramedics, at least one officer will accompany them. If possible, at least one officer will ride in the medic unit.
- D. Prisoners being transported to the hospital for treatment will be secured with handcuffs and other restraints to the extent that their injury permits.
- E. An on-duty supervisor will be called to the scene any time a use of force results

in the need for medical treatment.

- F. If a Taser ECD is utilized and the probes are still imbedded, they will be removed by paramedics at the scene or by medical personnel at the hospital and then retained and logged as evidence by the police. Photos will be taken of the area(s) of the body in which the probes impacted and any injuries sustained as the result of the use of the Taser. Any time the probes are imbedded in the face, neck, groin or breast, (females), the subject will be transported to the hospital for treatment.
- G. EMS will be called to the scene to evaluate the subject, and a supervisor shall be notified, when any of the following occurs:
 - 1. Repeated and multiple Taser ECD applications
 - 2. Cycling time that exceeds 15 seconds in duration, whether the time is consecutive or cumulative
 - 3. Simultaneous applications by more than one Taser ECD

No medical treatment shall be required unless the subject exhibits symptoms deemed to require medical attention.

104.6 Use of Force Reporting

- A. Officers will include a detailed description of any use of physical force in the Howland Police Department Incident Report and the Howland Police Department Action-Response Report concerning the arrest of the prisoner who was forcibly subdued.
- B. Officers will complete a detailed Howland Police Department Incident Report and a Howland Police Department Action-Response Report any time they take action that results in or is alleged to have resulted in injury or death to another person.
- C. Officers will complete a detailed Howland Police Department Incident Report and a Howland Police Department Action-Response Report any time they utilize a less lethal weapon (including a K-9) against another person, whether or not injury results from such use. These reports are to be submitted prior to the end of shift.
- D. Officers discharging their firearms shall complete both a detailed Howland Police Department Incident Report and a Howland Police Department Action-Response Report regardless of whether it misses or caused death or injury to another person.
- E. Whenever an officer uses OC on a subject, the officer will be required to read the Howland Police Department OC Administrative Warning form to the subject with a witness present, (when available), complete the heading portion and question portion of the form and sign it, including the witnesses signature.
- F. Discharging Firearms Reports

1. Officers are required to report any deliberate or accidental discharge of firearms.
 - a. The officer will report the incident orally to their shift supervisor or OIC as soon as is practical after the incident in which the weapon was fired.
 - b. A detailed written report will be submitted by the officer involved prior to the end of the shift during which the firearm was discharged.
 - c. If the officer involved is injured or unable to make the report, the officer's shift supervisor or OIC will submit a written report prior to the end of the shift.
 - d. This report will be submitted to the Chief of Police and will include a Howland Police Department Action-Response Report, (if appropriate), as well as a detailed account of the incident in the Howland Police Department Incident Report. This rule does not apply to rounds fired at the range during regular practice unless an injury results from such discharge.
 2. A detailed Howland Police Department Incident report will be completed by the officer whenever he/she has cause to discharge a firearm to destroy a sick or injured animal. This Incident Report will be completed and approved by a shift supervisor prior to the end of the officer's watch.
- G. Whenever there is an accidental discharge of the M-26 or X-26 Taser where no one is hit by the barbs or shocked by the electric current, the officer responsible for the discharge will submit a memo to the Chief of Police through his/her chain of command outlining what occurred. This memo will then be placed in the officer's personnel file. If there is an accidental discharge and someone is hit by the barbs or shocked by the electric current, then a detailed Howland Police Department Incident Report is required.

104.7 Administrative Review of the Use of Force

- A. A Use of Force Review will be conducted in any incident that involves the use of force by an officer(s). The Use of Force Review will consist of a copy of the original incident report along with copies of required forms pertaining to specific types of force and any back-up information. The Use of Force Review, (above listed documents), will be submitted up the chain of command. Each level of command will review the use of force and make a recommendation as to compliance with policy. After review by the Chief of Police, the Use of Force Review will be filed in the Assistant Chief's Office.
- B. A complete investigation will be conducted into any accidental discharge of a firearm or any time an officer deliberately discharges a firearm in the line of duty, except when firing on the police range, unless an injury results from such discharge at the range. This includes both on duty and off duty incidents. Such

investigation will consist of:

1. On scene investigation by the officer's immediate supervisor.
 2. Investigation by Howland Police Department Professional Standards Investigator(s), when appropriate.
 3. On scene investigation by evidence technicians when appropriate.
 4. On scene investigation by detectives when appropriate.
- C. Scene commander - investigation commander: Officer-involved shooting scenes and investigations where there is an injury to another person or there is reason to believe a crime has been committed will be under the command of the Patrol and Detective Bureau supervisors. Should the Chief of Police or his designee deem it necessary, he may have an outside agency conduct, review or assume an investigation.
1. The Patrol supervisor will be in charge of the initial investigation and shooting scene until such time as the scene and investigation are formally turned over to the Detective Bureau.
 2. Once the scene is turned over to the Detective Bureau, responsibility for the Scene and investigation will rest with the Detective Bureau supervisor.
- D. Professional Standards investigator(s) will immediately be called to the scene of an all officer-involved shootings, except range training, unless an injury results from such discharge at the range, or to destroy an animal.
1. The Professional Standards investigator(s) will conduct an independent investigation into all circumstances surrounding the shooting incident. It will not, however, inhibit any criminal investigation which may be under way.
 2. The scene commander and all personnel at the scene of the shooting will cooperate fully with the Professional Standards investigator(s).
 3. The purpose of the Professional Standards investigation is to determine if the conduct of the officer(s) involved in the shooting incident conformed to the rules and order of the department concerning the use of firearms. Due to the possible serious consequences of discharging a firearm, a complete and thorough investigation is imperative.
- E. The Patrol Division and the Detective Bureau will continue to discharge their responsibilities as it relates to any criminal investigation at hand.
1. They will secure and process the scene, collect evidence, conduct interviews with witnesses, and generally fulfill their obligations as they would in any shooting investigation.

2. The Detective Bureau Investigators will be responsible to pursue prosecution of suspects involved in the shooting incident.
 3. If department personnel are to be charged with a crime as a result of a shooting incident, the detective bureau supervisor, under the direction of the Chief of Police and the Assistant Chief of Police, will pursue such prosecution.
 4. Copies of all investigative reports, sketches, pictures, etc., from the Patrol section and the Detective Bureau Investigators investigating officer-involved shootings will be forwarded up the chain of command and in turn to the Chief of Police as soon as possible.
 5. All officers and department personnel involved in the investigation of an officer-involved shooting will cooperate fully and completely with Professional Standards Investigators, sharing all information obtained during the course of their investigations.
- F. Completion of criminal investigation - after the criminal portion of the shooting investigation is completed by the Detective Bureau, the Chief of Police will confer with the Law Director, the Township Administrator, and the County Prosecutor. If appropriate, the findings of the investigation will be turned over to the County Grand Jury.
- G. Administrative Review of Shooting Incidents - Upon conclusion of the administrative investigation by an administrative investigator, the Chief of Police will convene the Shooting Review Board. The Shooting Review Board will consist of the police command staff. This Board will review the facts and circumstances surrounding the incident. The administrative investigator(s) will present the facts of the case to the Board. Upon review of the facts, the Board will make a recommendation to the Chief of Police as to whether the shooting incident was in compliance with department policy regarding the use of deadly force and firearms. The Board will also make recommendations for disciplinary action when appropriate.
- H. Chief of Police Review of Incident
- The Shooting Review Board will make recommendations to the Chief of Police regarding all shooting incidents. The Chief of Police will review the facts of the incident and the findings and recommendations of the Shooting Review Board. If it is determined by the Chief of Police that a shooting incident is not within policy and disciplinary action is warranted, the Chief of Police will pursue disciplinary action.

104.8 Removal from Line of Duty Assignment

- A. An officer whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from a line of duty assignment, pending an administrative review. This review includes a full investigation into

the incident by the police department.

- B. During the period of time an investigation into the incident is being conducted, the Chief of Police may, at his option, assign the officer involved to duty inside the building. Such relief from duty will not be considered a suspension or disciplinary action taken against the officer. This is an administrative course of action for the purpose of relieving the officer from further performance of field duties while undergoing the extreme emotional stress of having used deadly force, and permitting the police department time to conduct an objective investigation into the matter.
- C. The period of time spent on administrative leave or inside duty will be determined by the Chief of Police.

104.9 Authorized Weapons and Ammunition

Only weapons and ammunition authorized by the Howland Township Police Department shall be used by personnel in law enforcement responsibilities both on and off duty.

- A. The types and specifications of all tools and lethal and less lethal weapons approved for use are as follows:

- 1. Lethal Weapons

Patrol/Detectives, (Based on completion of approved training)

Glock model G45 - .9mm
Mosberg 500 12 gauge pump action shotgun
Remington 870 12 gauge pump action shotgun
Bushmaster M4 .223 caliber rifle
Griffin Armament MK2 .223/556 caliber rifle

- 2. Less Lethal Weapons

Patrol/Detectives Assigned to Uniform Duty, (Based on completion

Phase IV Pepper spray
ASP expandable straight baton
Taser ECD to be worn as part of the standard uniform

- 3. Tools

Patrol/Detectives

Flashlight
Small utility knife, approved by the Shift Supervisor

4. Secondary Weapons

With the permission of the Chief of Police, officers may carry a second defensive firearm in addition to the standard duty weapon while on duty. The weapon must be registered with and inspected by the Firearms Officer(s) and the officer must have successfully fired a qualification course as established by the Firearms Training Officer(s). Upon completion of inspection and qualification, the Firearms Officer(s) will make a recommendation to the Chief of Police regarding approval. This defensive firearm must be carried in a concealed manner and used only when the primary weapon, (duty weapon), is inaccessible. Only departmentally approved and issued ammunition will be carried in these weapons.

- B. Officers of the Howland Township Police Department will be issued a Glock, model 22, .40 caliber semi-automatic pistol. These weapons will be the standard uniformed duty weapons for all full-time officers of the department. Officers in plain clothes assignments will be issued the Glock, model 27, .40 caliber semi-automatic pistol. Plain clothes officers may also elect to carry an approved off-duty weapon. Part-time Officers will be responsible for purchasing and maintaining a semi-automatic pistol for duty use. The weapon must be registered with and inspected by the Firearms Officer(s) and the officer must have successfully fired a qualification course as established by the Firearms Training Officer(s). Upon completion of inspection and qualification, the Firearms Officer(s) will make a recommendation to the Chief of Police regarding approval. This weapon must be approved by the Chief of Police for use on duty.
- C. Township issued ammunition will be determined by the Chief of Police after receiving recommendations from the Firearms Instructor. Uniformed officers will be required to carry two fully loaded magazines for semi-automatics. Any changes in the type or caliber of ammunition issued will be announced in the form of a "Special Order."
- D. The Firearms Instructor will be responsible for the issuance of township firearms to individual officers. All maintenance requests and problems with township weapons should be directed to a Firearms Instructor.
- E. All officers who are issued township weapons are responsible to keep the weapon in good working order.
 - 1. Should the weapon be lost, stolen, damaged, or in any way rendered inoperative, it should be reported to the Chief of Police as soon as possible.
 - 2. Spare duty weapons will be kept in a locked locker in the armory. Such weapons shall be issued by the Firearms Instructor. When an officer is issued a replacement weapon, the officer shall fire a qualification course with the replacement weapon and obtain a passing score before being permitted to carry it. This will ensure the officer is familiar with that particular weapon, and that the weapon is in proper working order. This

course shall be fired under the direction of a Firearms Instructor.

3. No one is to work on or permit anyone to work on a township weapon without permission of the Chief of Police. All services on all township weapons will be conducted through the Firearms Instructor with the consent of the Office of the Chief of Police.
 4. Departmentally issued firearms may not be altered, modified or worked on without prior authorization from the Chief of Police or his designee. Any approved modifications will be documented and performed by a qualified gunsmith or armorer.
- F. Off-Duty Firearms - under normal circumstances an officer will be encouraged, when in a public place, to carry an off-duty firearm, badge of authority, and official police identification card. With permission of the Chief, officers may carry personal weapons and ammunition while off duty. Such firearms must be registered with and inspected by the Firearms Instructor and the officer must have successfully fired a qualification course as established by the Firearms Instructor. Officers consuming alcohol and/or dangerous drugs while off duty and carrying their firearms shall exercise good judgment in doing so. Officers will be held accountable for their actions and at no time shall they permit their judgment or physical dexterity to become impaired by the consumption of alcohol and/or dangerous drugs.
- G. Officers are permitted to carry a small utility knife on their belt as long as it is concealed in a black leather case or completely concealed from view. This knife must be approved by the shift supervisor.

104.10 Special Weapons

Only officers demonstrating a proficiency in the use of agency authorized firearms are permitted to carry or use such weapons. Proficiency will be demonstrated by successfully completing a qualification course that will be determined by the Firearms Instructor in this Order. All qualification courses must be submitted to the Ohio Peace Officer Training Council for certification as meeting state minimum training standards.

I. Shotguns

- A. Shotguns for the Howland Township Police Department will be 12 gauge and the ammunition will be determined by the Chief of Police.
- B. Extra shotguns and ammunition will be secured in the armory.
 1. Shotguns will be permitted to be left in unmarked vehicle trunks provided the vehicle is secured.
 2. Shotguns will be carried in marked patrol vehicles while the vehicle is in use.
 3. All full-time officers will be issued a department shotgun and ammunition by the Firearms Instructor.

4. Officers are responsible to inspect their weapon at the beginning of each shift to ensure that it is operating properly.
- C. Shotguns in use are to be secured in the shotgun rack in the police vehicle with the chamber empty, a fully loaded magazine tube, un-cocked, with the safety off. It is important that these shotguns be secured in the vehicle in a uniform manner so every officer knows exactly what condition the weapon is in when it is removed from the rack.
- D. Shotguns may be used by officers when necessary at their own discretion, in accordance with the provisions outlined in this Order on the use of deadly force.
- E. Shotguns are to be removed from the police take home vehicle when the vehicle is being sent out for any maintenance or secured while the officer is on leave for any extended period of time.
- F. Shotgun proficiency training will be conducted by the Firearms Instructor at least once a year. Course content and qualification requirements will be established by the Firearms Instructor.

II. Rifles

- A. Patrol rifles for the Howland Township Police Department will be Bushmaster M4 type rifles and the ammunition will be determined by the Chief of Police. Magazine capacity will be 20 or 30 round magazines.
- B. When not assigned to an officer, the rifles will be secured in a cabinet in the armory unloaded. Only properly qualified and trained personnel are authorized to access and deploy these weapons.
 1. Rifles will be permitted to be left in unmarked vehicle trunks provided the vehicle is secured.
 2. Rifles deployed in a marked cruiser will be carried in the interior trunk mounted rifle rack in the car. The rifle will be carried in the interior trunk mounted rifle rack with a magazine seated in the rifle and the chamber empty.
 3. Officers are responsible to inspect their weapon at the beginning of each shift to ensure that it is operating properly.
 4. Each officer will be issued three magazines and sufficient ammunition that they are responsible for.
- C. Rifles may be used by officers when necessary at their own discretion, in accordance with the provisions outlined in this Order on the use of deadly force.
- D. Rifles are to be removed from the police take home vehicle when the vehicle is sent out for any maintenance or secured while the officer is on leave for any extended period of time.

- E. Rifle proficiency training will be conducted by the Firearms Instructor at least once a year. Course content and qualification requirements will be established by the Firearms Instructor.

III. Arms Room Equipment

- A. The watch commander or Officer in Charge (OIC) is given authority to enter the arms room and use whatever equipment is deemed necessary to control a given situation. The Operations Captain will be contacted as soon as possible and advised of the situation and of the equipment used from the arms room.
- B. Any time the watch commander or OIC enters the arms room and uses equipment to control a situation, a special report will be written as soon as possible to the Chief of Police detailing the situation encountered and the equipment utilized. This report will be sent through the normal chain of command.

IV. Specialized Weapons

- A. The police department has in its possession certain specialized weapons, such as long-range sniper rifles and tear gas.
- B. Only properly authorized and trained personnel are permitted to possess or use these weapons. The Firearms Instructor with the approval of the Chief of Police shall determine training content and qualification requirements. The Firearms Instructor shall designate who is qualified on specialized weapons.
- C. These weapons will be used only in accordance with established policy and procedure for special operations incidents.

104.11 Weapons Qualification

A. Weapons Qualifications

1. Officers are required to pass all qualification and range courses with firearm(s) they are authorized to carry or use. This includes specialized weapons, shotguns, off duty weapons and secondary weapons. Passing scores will be 80% unless otherwise indicated. All range qualifications will be monitored by the Firearms Instructor, who is under the direction of the Chief of Police.
2. Officers of the police department will be required to fire their duty side arm for qualification a minimum of twice per year. Each officer must obtain a passing score of 80% during handgun qualification programs on at least two occasions per year.

Officers must obtain a score of 100% during shotgun qualification programs.
3. The exact nature of the qualification course will be determined by the Firearms Instructor. All qualification courses must be approved by the Chief of Police. Final approval of all firearms qualification courses must

be obtained from the Ohio Peace Officer Training Council.

4. If officers are unable to attain a qualifying score on any range program, they will receive additional training within 7 calendar days by the Firearms Instructor. If, after additional training, officers are still unable to consistently fire a qualifying score, they will be referred to the Chief of Police for disciplinary action or dismissal.
 5. Any officer who is injured or has other mitigating circumstances which prohibit the officer from qualifying may request, in writing, to waive or delay the qualification. An officer who has obtained a waiver, may not use or carry a firearm until the waiver is lifted. This waiver may be granted only by the Chief of Police but cannot circumvent the State of Ohio requirement for firearms certification. Prior to returning to duty, the officer must meet the qualification standards as dictated by the Firearms Instructor for the current qualification year.
- B. Officers will have annual training in use of the expandable baton and use of handcuffs.
 - C. Officers will receive annual training in defensive tactics.
 - D. An OPOTA Certified Training Instructor will conduct annual training for all officers on the use of force policy.

104.12 Policy Training

All sworn personnel shall be issued a copy of General Order 104, Use of Force, and receive classroom instruction on its contents prior to being authorized to carry a firearm, less-lethal and non-lethal weapons. All sworn personnel will be certified in the use of the firearm, less-lethal and non-lethal weapons. Documentation of this training will be recorded by the Howland Police Department Firearms Instructor and/or the Howland Police Department Training Officer and will also be noted in each officers training file.

END



Howland Police Department General Order #206

Section 206: Officer Involved Shooting
Active date: 01/02/2017
Supersedes date: 11/13/2013
Chief Nick L. Roberts

Approved
General Order

Subject: Officer Involved Shooting Policy

This Order consists of the following sections:

- 206.1 General Policy
- 206.2 Use of Deadly Force in Defense of Human Life
- 206.3 On Scene Procedures
- 206.4 Medical Treatment after Use of Force
- 206.5 Secure the Crime Scene
- 206.6 Officer Involved Protocol
- 206.7 Injured Officer
- 206.8 Investigative Process
- 206.9 Removal from Line of Duty Assignment
- 206.10 Critical Incident Response Service

206.1 It is the Policy of the Howland Police Department to investigate officer-involved shooting incidents with the utmost thoroughness, professionalism and impartiality to determine if an officer's actions conform with the law and this agency's policy on Use of Force.

206.2 Use of Deadly Force in Defense of Human Life

Deadly force may be used by officers when they reasonably believe that the action is in defense of human life, including the officer's own life, or in defense of any person(s) in imminent danger of serious physical harm.

A. Reasonable belief exists when a prudent man with the officer's training, expertise, knowledge and experience would arrive at the same conclusion.

B. Serious physical harm to persons means any physical harm that carries a substantial risk of death.

206.3 On Scene Procedures

For officers involved in a hostile-shooting situation, there are four general areas of concern that should be addressed after the initial confrontation has been quelled.

1. The welfare of the officer(s) and others at the scene.
2. Apprehension of the suspect(s).
3. Preservation of Evidence.
4. The identification of witnesses.

The safety and well-being of the officer(s) and any innocent bystanders is the first priority. Initially, the officer(s) should ensure that the suspect(s) can no longer take action against officers or any innocent bystanders. This includes but is not limited to handcuffing or otherwise securing the suspect(s). Should firearms or other weapons be available to, or in the vicinity of the suspect, they should be collected as evidence and secured. All suspects should be handcuffed unless emergency lifesaving activities being deployed at the time would be hindered by such action. If not handcuffed or otherwise secured during the application of emergency first aid, an unencumbered armed officer must be present at all times to oversee security of the suspect(s) and safety of emergency service providers. One should never assume that because a suspect has been shot or otherwise incapacitated that he or she is unable to take aggressive action.

206.4 Medical Treatment after Use of Force

- A. Officers will make medical treatment available to all persons who exhibit evidence of injury following any use of force.
- B. An on-duty Supervisor or OIC (Officer in Charge) will be called to the scene any time a use of force results in the need for medical treatment.

206.5 Secure the Crime Scene

- A. The on-duty Supervisor or OIC will be in charge of the initial investigation and shooting scene until such time as the scene and investigation are formally turned over to the Detective Bureau. The on-duty Supervisor or OIC may call for additional personnel to assist in securing the crime scene. The crime scene shall be secured as follows:
 1. Ensure that the threats to officer safety and the safety of others are over.
 2. Secure and separate suspects.
 3. Relay information on fleeing suspects to the dispatch center and other field units and work with them to establish a perimeter.

4. Contact the Chief of Police or his designee, additional back-up, Mutual Aid, emergency medical services and any other assistance required immediately.
5. If injured, administer emergency first aid to oneself first if possible. Administer basic first aid to the suspect and others, as necessary, pending arrival of emergency medical assistance.
6. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, or remove shell casings or in any other manner tamper with involved firearms.
7. Should the suspect(s) still have a weapon on their person, the weapon will be removed and secured as evidence. Should the suspect(s) become separated from their weapon, the weapon will be considered part of the crime scene (assuming a tactically stable situation exists).
8. Take note of time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.
9. As time and capabilities permit, before supervisory and other assistance arrives:
 - a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Make the crime scene as large as possible to ensure that Investigators will be able to collect and photograph all items of evidentiary value. Keep a detailed crime scene log.
 - b. Protect evidence from loss, destruction or damage that is likely to occur before back-up can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects of evidence.
 - c. Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they never saw the incident.

206.6 Officer Involved Protocol

The Supervisor or OIC in charge of the initial investigation and Crime Scene will make sure the Officer involved follows the following Protocol:

- A. The Officer involved in a shooting will secure his/her weapon in the duty holster.
- B. The Officer involved will not open, reload, or remove shell casings or in any other manner tamper with involved firearms.
- C. Should the Officer involved become separated from his/her weapon during the shooting, the weapon is part of the crime scene and should not be moved. (Assuming a tactically stable situation exists)
- D. The officer involved should secure any shouldered weapon (e.g., Shotgun or rifle) in the trunk or gunlock of the officer's vehicle.
- E. A Supervisor or OIC may ask the officer involved what happened in order to locate suspects, witnesses, victims and evidence. The questions will generally focus on public safety and crime scene management.
- F. The on scene officer(s) involved, witness officer(s) and civilian witnesses will not talk with each other about the incident.
- G. Once the crime scene is stable, the Supervisor or OIC will remove the Officer involved from the immediate crime scene to a designated location free from the distractions of the investigative process.
- H. Investigators will photograph the officer involved in his/her police attire, as well as any injuries or anything else of evidentiary value. The involved officer's uniform or clothing may be taken, depending upon its evidentiary value.
- I. A Gunshot Residue Test (GSR) will be conducted as soon as practical, if not completed at the scene. This test will be completed on the officer involved if there is a question as to whether or not he/she fired a weapon.
- J. The involved officer's entire gun belt with gun in holster will be retrieved by investigators and a replacement gun belt and gun will be issued to the officer at the police department.

- K. An opportunity to provide toxicology samples (blood/breath/urine) will be provided to the officer involved in accordance with Howland Township Drug Free Workplace Article 41, Section "J".
- L. Peer support personnel who are not involved in the incident or its investigation will be made available to the officer involved.
- M. The officer involved may contact family members and within reason have them with the officer.
- N. The officer involved will be given the opportunity to contact any legal representation that the officer desires.
- O. A command officer will personally contact the officer involved to express concern and support during this stressful time. The command officer will not question the officer about the incident.
- P. The officer involved should expect a lengthy delay prior to being interviewed. If the officer involved wishes, he/she should use this time to make notes about the incident. Every attempt will be made to provide an estimate as to when the interview will take place.

206.7 Injured Officer

- A. If an officer has been injured, the Supervisor or OIC should ensure that another officer accompanies the injured officer to the hospital and remains with the officer until relieved.
 - 1. The accompanying officer will be responsible for ensuring that the clothing and other personal effects of the injured officer are not discarded, but are preserved and turned over to the police department as evidence.
 - 2. The Supervisor or OIC shall ensure that the injured officer's family is notified on a priority basis and in person when possible, and ensure that the family is provided transportation to the hospital or other location where they are needed as soon as possible.
 - 3. Do not release the injured officer's name to the media or unauthorized parties prior to his/her family being notified. All notifications to the media will be made by the Chief of Police or his designee.
 - 4. The Supervisor or OIC shall assign an officer to the injured officer's family for security, support, control of

the press and visitors, establishment of communications and related matters.

206.8 Investigative Process

Investigators will immediately be called to the scene of an officer involved shooting. A complete Use of Force investigation will be conducted by the Howland Police Department Professional Standards Investigator(s) when appropriate. The Howland Police Department Professional Investigator(s) will contact an outside agency (e.g., The Bureau of Criminal Investigation and Identification (BCI&I)) in order to conduct an independent investigation.

1. The Howland Professional Standards investigator(s) will conduct an independent investigation into all circumstances surrounding the shooting incident. It will not, however, inhibit any criminal investigation which may be under way.
2. The scene supervisor/OIC and all personnel at the scene of the shooting will cooperate fully with the Professional Standards Investigator(s).
3. The purpose of the Professional Standards investigation is to determine if the conduct of the officer(s) involved in the shooting incident conformed to the rules and order of the Police Department concerning the use of firearms. A complete and thorough investigation is imperative.

206.9 Removal from Line of Duty Assignment

- A. An officer whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from a line of duty assignment, pending an administrative review. This includes a full investigation into the incident by the Police Department.
- B. During the period of time an investigation into the incident is being conducted, the Chief of Police may assign the officer involved to duty assignments inside the building. Such relief from duty will not be considered a suspension or disciplinary action taken against the officer. This is an administrative course of action for the purpose of relieving the officer from further performance of field duties while undergoing the extreme emotional stress of having used deadly force, and

permitting the Police Department time to conduct an objective investigation into the matter.

- C. A Return to Duty Protocol will be established by offering the involved officer professional and peer support. The involved officer will be reintroduced to his regular duties after being evaluated and deemed capable by professionals (e.g., psychologist and the Chief of Police.)

206.10 Critical Incident Response Service

The Fraternal Order of Police offers Critical Incident Response Service (CIRS) to law enforcement officers should they be involved in a critical incident. CIRS is comprised of law enforcement personnel who are specifically trained to respond to law enforcement officers following a critical incident. CIRS is not an investigative unit and will not aid in the investigative process. CIRS is a peer support group that will offer guidance and peer support to the officer(s) involved in a critical incident.

Incidents that will require an "Automatic Call Out" for CIRS:

1. Line of duty death
2. Serious line of duty injury
3. Suicide of a co-worker
4. Multi-casualty incident
5. Police shooting that ends with injury or death

Incidents that should require contact with CIRS for recommendations for the appropriate intervention plan:

1. Death or violence to a child
2. A prolonged event with negative results
3. Incident with extensive media attention
4. Knowing the victim of the event
5. Incident charged with profound emotion

CIRS information will be posted in the Squad Room with contact information. CIRS can be called out 24/7, Toll Free and will respond immediately to the first set of five listed "Automatic Call Out" incidents.

END