



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



2025-0559
Officer Involved Critical Incident – [REDACTED] Miami
Township, Ohio (Montgomery Co.) (L)

Investigative Activity: Records Received, Review of Records
Involves: Jayden Cole Stephenson (S)
Date of Activity: 03/05/2025
Activity Location: Miami Twp. (Miamisburg) Police Department – Business – 2660
Lyons Road, Miamisburg, OH 45342
Author: SA Steven Seitzman

Narrative:

On Wednesday, March 5, 2025, Ohio Bureau of Criminal Investigation Special Agent Steven Seitzman received the Miami Township Police Department Use of Force policy that was in effect during the officer-involved critical incident on February 19, 2025. The document is attached to this investigative report for further review.

Attachments:

Attachment # 01: Miami Township Police Department Use of Force Policy

Exhibit 1



<i>Miami Township Police Department</i>					General Order	
Policy No:	4	Effective Date:	February 23, 2016		REVISED: 12/04/20	
Title:	Use of Reasonable Force		Review Date		April	
CALEA No:	4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4		Approved By:		Chief of Police	

REVISION: December 26, 2024 4.1.4-Taser 7 added

REVISION: January 10, 2023 4.1.4-Supervisor approval for patrol officers to check out or use bean bag shotgun.

REVISION: July 6, 2022 4.3.1-Removed when patrol rifles should be deployed page 22
4.3.1-Added patrol rifles can be secured in vehicle's gun rack page 22
4.3.3-Removed "ASP" page 28

REVISION: January 7, 2022 Removed name brands from descriptions of acceptable weapons and ammunition.

REVISION: December 4, 2020 1.2.10 – Duty to Intervene – Page 6 & 7
4.1.1 – Clarification on reasonable force Page 3
4.1.2 – Clarification on deadly force page 7
4.1.5 – Clarification concerning rendering medical aid
4.1.6 – Prohibition on Vascular Neck Restrictions (marked as new standard prohibition already in place) Page 8
4.1.7 – Prohibition on choke holds (new CALEA standard – prohibition already in place) Page 8

REVISION: October 31, 2019 4.1.4 – changes from wearing equipment on belt to load bearing vest. Page 7 & 8.

REVISION: April 17, 2019 4.1.4 & 4.2.1 added requirement of Officer Report: Discharge of Weapons

REVISION: January 25, 2018 Progressed to CALEA 6th edition standards

REVISION: March 17, 2017 1.3.9 (current 4.3.1) – Review, inspection, approval and documentation of weapons – Page 18

REVISION: February 23, 2016 1.3.9 – (current 4.3.1) Authorized ammunition – Page 24

REVISION: September 3, 2015 1.3.1 – (current 4.1.1) Second paragraph in italics. – Page 3
1.3.2 – (current 4.1.2) Bullet A – Deadly Force – Page 6

DEFINITIONS:

Active Aggression - means that the subject takes physical action toward any person, by any means.

Aggravated Active Aggression - means that the subjects' actions may cause serious physical harm to anyone or the subject is using deadly force against any person.

Deadly Force - means any force that carries a substantial risk that it will proximately result in the death of any person. [ORC 2901.01A]

Defensive Resistance - means that the subject's actions or verbalization offer active resistance to the officer, by attempting to escape the officer's control by any means.

Force - means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing. [ORC 2901.01A]

Immediate – means near to or related to present time.

Less Lethal Force - means any force that is intended to incapacitate or stop a person without causing death.

Passive Resistance - means that the subject's actions offer no active opposition or resistance to the officer's control.

Psychological Intimidation - means that the size of, appearance of, gestures or any actions exhibited by a subject may be perceived by the officer as a threat.

Serious Physical Injury – means any physical harm which carries a substantial risk of death, permanent incapacity, permanent disfigurement, or acute pain of such duration as to result in substantial suffering. [ORC 2901.01A]

Physical Harm to Property - means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. Physical harm to property does not include wear and tear occasioned by normal use. [ORC 2901.01A]

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

Reasonable Cause as applied to a peace officer, is a duty to use all facts accessible, which may result in accountability if the officer fails to perceive or avoid a risk due to a substantive lapse of due care required under the circumstances. (State v Bundy, 485 NE (2d) 1039(1985)).

Risk - means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist. [ORC 2901.01A]

Secondary Firearm - means a personally owned firearm that an officer may carry as a back-up firearm while on-duty or as an off-duty firearm; subject to the provisions of this directive.

Serious Physical Harm to Persons - means any of the following:

- Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
- Any physical harm that carries a substantial risk of death;
- Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
- Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;
- Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain. [ORC 2901.01A]

Serious Physical Harm to Property - means any physical harm to property that does either of the following:

- Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;
- Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time. [ORC 2901.01A]

Substantial Risk - means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist. [ORC 2901.01A]

Verbal Non-Compliance - means that the subject has verbalized the intent not to comply with the officer's directions

Verbal Direction - means the verbalization by an officer directing a person to perform in some manner.

POLICY AND PROCEDURE:

4.1.1 Use of Force Necessary & Reasonable to Accomplish Lawful Objectives (Ohio Standard 8.2015.1, Bullet A)

It is the policy of the Miami Township Police Department that its officers shall use all means reasonably available to them to prevent or halt the commission of a criminal offense or to apprehend a criminal offender, when it is within the officers power and authority to do so, either alone or with readily available assistance, within the limitations contained in the official directives, policies and procedures of the department.

Officers shall only use that force which is reasonably necessary to affect lawful objectives including: Affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm. Officers must recognize the value of the preservation of life in the performance of all duties and responsibilities and apply de-escalation techniques whenever possible.

When responding to resistance the response must be based on the actions and behavior of the offender and be reasonable for the situation. The level of response must be balanced against the likelihood of injury to the offender, to innocent bystanders, and to law enforcement officers, including themselves. The importance of reasonableness in the application of force must be stressed with significant consideration for options allowing the accomplishment of the same objective in a manner most safe for personnel, the public and the violator.

Use of Force Guidelines

Officers may display less lethal weapons whenever the officer has reasonable belief that such display may diminish aggressive behavior by another or assist in gaining compliance of a subject.

Officers may display a firearm whenever the officer has a reasonable belief that there may exist immediate danger of serious physical harm to any person or whenever the officer has

a reasonable suspicion that a person may be armed with a deadly weapon or under any circumstance where an officer is authorized to use deadly force.

In most cases, the pointing of a firearm at someone or something is documented in an incident report, and not necessarily in a Use of Force report. If there is an incident necessitating the pointing of a firearm at someone, and no incident report is generated, contact your supervisor for direction/instructions for documentation. The totality of the circumstances should be considered when deciding how to document the incident. Consider such factors as: age of people involved, invalid NCIC/LEADS entry (false hits), length of detention, innocent party, high profile individual or newsworthy incident, and potential for litigation. If in doubt, document the incident with an informational report. In all cases when a firearm is pointed at someone, a supervisor is to be immediately notified.

Disengagement from confrontation shall be an option, and an officer is authorized to disengage from a confrontational situation, and retreat to a position of safety when in the officer's opinion such disengagement may diminish the threat of immediate harm to the offender, the officer or any other person.

The following use of force guidelines are to provide direction for officers in their response to resistance or force which is encountered while in the performance of their sworn duties and effecting lawful objectives.

An officer shall not be required to progress through lower levels of response action in responding to resistance or force.

- A. **C.A.R.A. MODEL FOR RESPONSE TO RESISTANCE** - The C.A.R.A. Model for Response to Resistance is designed to assist the officer in constant evaluation of a force situation. It is designed to be a systematic way to evaluate the incident. The officer is encouraged to constantly assess the situation and make decisions accordingly.
CONDITION – Verbal/Non-Verbal commands given by the officer to comply with an order/command.

ACTION – Offender's response to the officer's condition.

RESPONSE – Officer's required response to the offender's actions.

ASSESS – Did officer's response gain compliance or control?

- Officer constantly reassesses need to recycle C.A.R.A. or to modify it to gain compliance or control.
- C.A.R.A. is always dependent upon the offender's actions. The level of response is determined by the officer.
- C.A.R.A. can, and often does, occur very rapidly and does not require a verbal condition, when to a reasonable person it is implied.

B. **ACTION – RESPONSE CONTINUUM** – The Action – Response continuum is a general guideline used for offender control and officer defense. Because confrontation is dynamic, and often unpredictable, an officer may be forced to escalate, de-escalate, or go from minimum to maximum response without utilizing each intermediate step. Effective and proper use of the Action – Response Continuum is dependent on the offender's actions against the officer, special circumstances, and officer/offender comparative factors, such as:

1. Actions Against Officers

- Verbal or physical danger cues.
- Not responding to commands, refusing to move – dead weight.
- Pulling away from officer
- Pushing Officer
- Wrestling with officer
- Striking or kicking officer
- Life-threatening weaponless assaults
- Attempting to disarm officer
- Weapons attempted / used against officer

2. Special Circumstances

- Closeness of a weapon
- Injury or exhaustion
- Being on the ground
- Distance from the offender
- Special Knowledge
- Availability of other options

3. Officer / Offender Comparative Factors

- Age
- Sex
- Size
- Skill level
- Multiple persons/officers
- Relative Strength
- Environment

4. Body Space Parameters: Portions of the Action – Response Continuum are driven by body space parameters.

- **Zone 3** – Reactionary gap six feet to eight feet or more from offender
- **Zone 2** – Within the offender's striking distance
- **Zone 1** – Close quarters contact with offender

5. **Levels in the Action – Response Continuum** – The five levels of the Departments Action - Response Continuum are designated to aid and assist officers in the decision-making process.

Level 1 – Officer’s Presence

- Appearance
- Posturing
- Body Space Parameters

Level 2 – Issuance of Verbal Commands

- To direct and inform person or group of people
- To deescalate a person / situation
- The principles of verbal commands are A.S.K., Advise, Order
 - Ask for compliance
 - Advise need for compliance
 - Order offender to comply

Level 3 – Non-Compliant / Non - Combative Resistance

- Any of the following techniques and weapons is a reasonable response when involved in a Level 3 encounter:
 - Escorts / controlled Movements
 - Joint Manipulations
 - Takedowns
 - Pressure Point Control Tactics (PPCT)
 - OC Spray
 - Conducted Energy Weapon (CEW) (Taser)

Level 4 – Assaultive / Combative Resistance / Threat to Officer or Others

- Any of the following techniques and / or weapons is a reasonable response when involved in a Level 4 encounter:
 - Striking Techniques (Hands / Elbows / Knees)
 - Kicking Techniques
 - Defensive Impact Weapon Strikes (Baton / Handcuffs / Other)
 - Extended Range Impact Weapons (Bean Bags)
 - Canine deployment for the purpose of suspect apprehension

Level 5 – Lethal / Deadly Force

- Any of the following techniques and / or weapons is a reasonable response when involved in a Level 5 encounter:
 - Applied Force to the Throat and/or Head
 - Lethal Weapons
 - Offensive Impact Weapon Strikes

- C. **Duty to Intervene (CALEA 1.2.10)** - It is the policy of the Miami Township that employees are required to intervene and notify appropriate supervisory authority if they observe another Miami Township Police Department employee or a public safety

associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state/provincial or federal law or ordinance.

1. Trust placed in the Miami township Police Department by the community can be damaged or completely lost if the agency has employees that do not take action when encountering inappropriate conduct by other employees or associates. Therefore, it is paramount for personnel to understand through policy and training that immediate action and intervention is a requirement of their employment and a component of their oath of office and code of ethics.
 - a. All personnel have the right and duty to file complaints of corruption, misconduct or other conditions that negatively impact the Miami Township Police Department by any employee of the department.
 - b. Reprisals against any member of the Miami Township Police Department who reports corruption, misconduct, or other conditions that negatively impact the department are strictly prohibited. All instances of suspected reprisals will be immediately investigated by the Assistant Chief of Police, and those found committing such reprisals will be subjected to disciplinary action up to and including dismissal. In cases regarding criminal allegations, criminal charges may ensue for such reprisals.
 - c. Any employee filing complaints of corruption, misconduct, or other wrongdoing which they know not to be true is subject to disciplinary action.

4.1.2 Use of Deadly Force

- A. Deadly Force** – *Deadly force may only be used when an officer reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury. In accordance with U.S. and Ohio Supreme Court decisions, specifically, Tennessee v. Garner, 471 U.S. 1 (1983) and Graham v. Connor, 490 U.S. 386 (1989). (Ohio Standard 8.2015.1, Bullet A)*

Deadly force may not be used to prevent the escape of an unarmed offender either felony or a misdemeanor offense whenever such subject poses no imminent danger to any person. If feasible, the officer should give a verbal warning when reasonable, appropriate, and not prevented by the physical environment, distance or other situational circumstances to the suspect before resorting to the use of a firearm.

Deadly force shall only be used as a last resort.

Emergency Situations/“Last Resort” Situations - If an officer is confronted with an emergency situation in which the use of deadly force is justified, the officer may use anything at his disposal to avoid death or serious physical harm. Situations may occur wherein certain immediate and drastic measures must be undertaken by an officer

in order to protect themselves or another utilizing techniques or weapons not covered in this policy. Force used in these situations will be judged by reasonable and necessary use of force standards.

B. Definitions: (Definitions shall be reviewed during annual in-service training.)

1. **Deadly Force** Deadly Force - is defined as any force which carries a substantial risk that it will likely result in the death of any person. (Ohio Revised Code 2901.01).
2. **Physical Harm to a person** is defined as any injury, illness, or other physiological impairment, regardless of its gravity or duration. (ORC 2901.01A).
3. **Serious Physical Injury** is defined as any physical harm which carries a substantial risk of death, permanent incapacity, permanent disfigurement, or acute pain of such duration as to result in substantial suffering.
4. **Risk** is defined as a significant possibility, as contrasted with a remote possibility that a certain result may occur or certain circumstances may exist.
5. **Substantial Risk** means a strong possibility, as contrasted with a remote or significant possibility that a certain result may occur or that certain circumstances may exist.
6. **Reasonable Belief** means the facts or circumstances the officer knows, or should know, is such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
7. **Reasonable Cause** as applied to a peace officer, is a duty to use all facts accessible, which may result in accountability if the officer fails to perceive or avoid a risk due to a substantive lapse of due care required under the circumstances. (State v Bundy, 485 NE (2d) 1039(1985)).

C. Moving Vehicles: Firearms shall not be discharged at or from a moving vehicle except as the ultimate measure of self-defense or the defense of another, when the suspect is using deadly force by any means including the suspect's vehicle.

D. Animals: Officers shall be permitted to use their firearms against animals for the purpose of:

1. Self-defense or defense of another;
2. Destruction of animals that are severely injured and/or suffering or when a risk of injury to the public is present due to the behavior of such animal due to disease or aggressiveness.

- E. Lateral Vascular Neck Prohibition (CALEA 4.1.6) - Use of the Lateral Vascular Neck Restraint (LVNR) or other types of vascular neck restraints is prohibited.**
- F. Prohibition of the use of Choke Holds (CALEA 4.1.7)** The Miami Township Police Department prohibits the use of any technique restricting the intake of oxygen for the purpose of gaining control of a subject unless deadly force would be considered reasonable.

4.1.3 Prohibition of Warning Shots

Warning Shots: Officers are prohibited from discharging their firearms for the purpose of “warning shots.”

4.1.4 Authorized Less Lethal Weapons

- A.** Officers may only use less lethal weapons within the scope of their employment and authority to use such weapons, and then only with the degree of force necessary to effect the officers' lawful objective.
 - 1. Officers may only carry or use an approved less lethal weapon after documented proficiency training. [Reference 4.3.2]
 - 2. Officers are prohibited from carrying, or using, any less lethal weapon other than those approved by the Chief of Police.
- B. Expandable/ Straight Baton** – The current approved batons are: the expandable baton, a wooden “night stick” style baton, no more than 26 inches in length, and a wooden “riot” style baton, which will be 36 inches in length. The department will issue each officer an expandable baton and a 36 inch wooden “riot” style baton. Uniformed officers working road patrol will carry either the issued expandable baton in the issued baton holder, the alternate wooden “Night Stick” style baton in a ring style holder or O.C. on their person. Undercover and plainclothes officers may use either baton in their assignment if they so choose. The 36 inch wooden straight baton is to be readily available as a part of each officer's riot gear bag.
 - 1. The use of expandable or straight baton strikes is limited to those situations in which the subject is actively resisting or violently assaulting an officer.
 - 2. Strikes to the body of a resistant person will be limited to the muscle areas of the arms, legs, and torso. Bony areas should be avoided as much as possible.
 - 3. Strikes to the head, neck, and spinal areas are restricted to those situations where the use of deadly force is authorized.
 - 4. Use of expandable or baton strikes against a person who is not resisting is specifically forbidden.
- C. Chemical Agent** - The department will issue each officer Oleoresin Capsicum (OC) spray for use. Uniformed officers working road patrol may carry on their person the issued chemical agent container within the department issued chemical

agent holder, with the exception that the chemical agent is not required to be worn on their person when an officer working road patrol is equipped with a TASER in a holster on their person. Oleoresin Capsicum Spray, or OC Spray, is a non-lethal force alternative that can help to reduce the instances of officer and suspect injury when properly used in a confrontational situation. OC spray is 100% organic, non-toxic, biodegradable, non-mutagenic, non-carcinogenic and non-flammable. The spray is packaged in canisters and can be sprayed in a narrow stream or a mist. OC spray is a derivative of the cayenne pepper and creates a burning sensation when sprayed directly into the eyes or onto the skin. The severe symptoms of OC spray are expected to disappear in 45 minutes or less with only minor side effects, i.e.: red skin, mild burning sensations around exposed areas. Officers working road patrol and not carrying OC spray on their person in compliance to policy will be responsible to store OC spray in a secure location and readily available.

1. Larger quantities of chemical agents may be stored in each patrol supervisor's vehicle for use in large disturbances.
2. The primary OC application targets include face, eyes, nose, and mouth. After the subject has been subdued, he/she should be decontaminated as soon as possible. After the situation has become stable, a medic should be contacted to decontaminate the person who was sprayed with OC spray. If the person continues to be combative, transport directly to the jail. The jail personnel will then be responsible for decontamination.
3. As with any type of force, a Use of Force report should be completed and given to the shift supervisor before the end of the shift.

D. **Taser** - Taser is a name brand Conducted Electrical Weapon (CEW) manufactured by Taser International. The Miami Township Police Department authorizes the carry and use of the Taser® X26, X26P or Taser 7 only. Other CEW may be authorized with permission of the Chief of Police. The department issues approved Tasers for use in the field. Only properly functioning Tasers are to be carried. Uniformed officers working road patrol will carry a Taser if one is available. Only Taser International may modify, reprogram or alter the Taser in any way. Officers are expressly forbidden to make alterations to any Taser CEW device. This includes but is not limited to and Taser, cartridge, battery (DPM, PPM) charging device, camera or any future attachment. Officers may change the battery and select which laser/light sight system mode they prefer. Any damage to a Taser device is to be brought to the attention of a certified Taser Instructor or Technician.

1. **Use of the Taser – MTPD Policy** - Employees may use Tasers to take into custody, and control, dangerous or violent persons. The Taser is designed to propel probes with wires to a target, conducting energy that disrupts the sensory and motor nervous system to achieve Neuro Muscular Incapacitation (NMI) and or pain for compliance. The purpose of the Taser is solely for controlling persons

who officers reasonably believe to pose a serious and immediate safety risk to the public, law enforcement officers, or themselves.

- a. Show of Force Mode – Allowing the weapon to display a spark or arc without firing the probes.
 - b. Contact Mode – deploying the TASER and utilizing a drive stun technique with or without deploying the probes.
 - c. Standoff Mode – deploying the TASER and firing the darts into the body, cycling the weapon. Each cycle of the Taser represents a separate application of force and should be justified individually.
2. A Taser is an intermediate weapon and should only be used when that level of force would be appropriate. The Taser is **not** a substitute for the use of lethal force. The officer must weigh the foreseeable risks of harm posed by his use of force against his reasonable perceptions of the subject's actions or behaviors the officer is attempting to stop or control.
 3. The Miami Township Police Department requires officers to receive special training and certification before carrying or using the Taser. Officers must successfully complete an annual certification course that is monitored by a certified Taser training instructor. Officers must adhere strictly to procedures taught by certified Taser training instructors.
 4. Prior to going on duty, officers carrying a Taser must test the operational capacity of the unit (with no cartridge in unit, conduct a "spark test" for a full five (5) second cycle) in a safe and controlled environment so as to minimize possible injuries to both self and fellow employees.
 5. Officers must not intentionally aim the Taser at a person's head, neck, groin or upper chest in the front. Officers must carefully consider and use caution when a targeted person is likely to experience a fall from an elevated or other precarious position. This policy prohibits employees from using the Taser as a means of punishment or maliciously inflicting pain.
 6. After each 5 second cycle Officers will pause to assess the effectiveness of the Taser, and allow the subject to collect themselves, and comply with Officers' instructions before another cycle under power. Only apply the number of 5-second cycles reasonably necessary to capture, control or restrain the subject. Each trigger pull and/or 5-second cycle or discharge must be legally justified

7. Officers will make every attempt to take the subject under control while they are under power when possible
8. Officers are will carefully consider using the Taser in the following situations:
 - a. Against persons who may have come into contact with flammable liquids or in environments where flammable liquids or fumes are likely present, including methamphetamine labs.
 - b. Against any person in control of a bicycle, watercraft, aircraft or motor vehicle. Control shall be defined as actively riding and/or operating the above; the intent is not to confuse the definition of operating and /or physical control per the ORC.
 - c. NMI frequently causes subject to fall. Falls are often uncontrolled, and subject is often unable to protect or catch himself. Falls, even from ground level, can cause serious injuries or death. Consider the environment (including the ground surface) and the likelihood of a fall related injury. Consider intermittent connections/effects, such as intermittent clothing disconnects
 - d. While engaging in horseplay of any kind is prohibited.
 - e. CEW in dart mode constitutes an “intermediate, significant level” just as pepper spray or baton blows.
 - f. CEW against a non-violent individual who appeared to pose no immediate threat and who was given no warning is forbidden.
9. Officers are prohibited from using the Taser in situations where the officer has reasonable belief that said incident involves pre-teen children, known pregnant women and elderly persons or others who might be susceptible to injuries resulting from a fall.
10. The offensive or defensive deployment or drive stun of the Taser is a use of force, and requires the filing of proper reports. Officers will indicate the use of the Taser on the *Use of Force Report* and the supervisor will complete the Supervisory Taser Use Report
11. When an officer deploys a Taser device, and a probe embeds in or penetrates the skin (except for the face, neck, head, groin, or female breast) the officer may remove the probe by adhering to procedures taught by certified Taser instructors. The employee must first utilize protective gloves prior to attempting to remove

probes. In all cases where a probe embeds and/or penetrates the skin, the employee must ensure that the individual receives medical evaluation by EMS (Emergency Medical Services) personnel, as quickly as practical. In cases where the probes embeds and/or penetrates the face, neck, head, groin, or female breast evaluation by hospital personnel is warranted. In cases where the Taser probe has not broken the skin, no further medical treatment should be necessary.

12. All reasonable efforts shall be taken to photograph areas of the body that the Taser probes impact and any injuries sustained as the result of using the Taser. This policy prohibits employees from photographing invasive areas, such as genital areas, buttocks, and female breasts.
13. The officer using the Taser must collect, or ensure they are collected, and inspect all spent cartridges, probes, and AFID (Anti-Felon Identification – as many as possible) tags and preserve them as evidence. Officers must place all evidence into the Property Room after properly packaging, marking, sealing, and tagging it. If the spent cartridges, probes and AFID tags have no further evidentiary value, the property room manager should mark them for destruction after a two-year hold pursuant to civil liability claim. This does not apply to cartridges used for training purposes.
14. Any accidental discharge of the Taser requires an officer to notify an on-duty supervisor immediately and complete a written Officer Report: Discharge of Weapons form. The supervisor is responsible for investigating the accidental discharge, and forwarding both his investigative report, and the employee's report through the chain-of-command to the Chief of Police.
15. The officer must submit the Taser used in the incident to his supervisor for data collection. The officer's supervisor will download all pertinent information regarding the deployment of the Taser. The supervisor must sign and date the printout and attach the printout to the *Use of Force* report.
16. No officer shall store the X26, X26P, Taser 7 unit without having the XDPM/DPM/ PPM (Battery) continuously installed in the Taser unit. Only a certified Taser instructor/Supervisor may remove the DPM, XDPM, PPM (Battery) from the Taser unit for long term storage per the likely corruption of Taser software if not strictly enforced. Any questionable messages displayed on the CID (Display) window shall be reported immediately to a certified Taser instructor pursuant to training lesson plan.

- E. Less Lethal Bean Bag Shotgun - MTPD Policy** - Only less-lethal shotguns and ammunition purchased by the Police Department are approved for implementation. The Miami Township Police Department authorizes only properly trained police supervisors and properly trained and authorized officers to use the less-lethal shotguns and ammunition. These employees must receive special training and certification before carrying and using the shotgun and ammunition. These employees must successfully complete an annual re-certification course to maintain their eligibility to carry and use the

less-lethal shotgun and ammunition. The on-duty supervisor may designate a properly trained officer to deploy the bean bag shotgun. Officers are not to check out a bean bag shotgun from the armory without supervisor approval.

1. The Miami Township Police Department has dedicated less-lethal 12-gauge shotguns, distinctively marked with bright orange stocks.
2. Approved personnel must visually and physically inspect the less-lethal shotgun to ensure the total absence of any ammunition every time the less-lethal shotgun is out of their direct control. The less-lethal shotguns must be kept in the cases provided when not in use. Less-lethal shotguns must be kept in a secured vehicle.
3. The less-lethal shotguns and ammunition are used to encourage compliance, overcome resistance, and reduce the potential for serious injury or death. Authorized employees may use the less-lethal shotguns, as appropriate, including, but not limited to, the following existing situations:
 - a. To de-escalate a dangerous or potentially deadly situation.
 - b. To control, detain, or arrest a violent individual.
 - c. To protect officers or other persons from harm, including individuals from self-inflicted injuries.
4. Employees must be aware that although less-lethal shotguns and ammunition are designed as a less-lethal option, it is possible that serious injury or death may result from their use. Officers deploying the bean bag shotgun need to be aware of other officers' locations prior to making the decision to shoot. Officers also must be aware of the surrounding environment and not take a shot if there is potential the round may hit an uninvolved person.
5. The Miami Township Police Department strongly recommends that employees using less-lethal weapons and ammunition have "lethal cover" available and be prepared to use lethal force, if necessary. Employees must have "lethal cover" when encountering situations involving firearms.
6. The less-lethal shotgun is a firearm as defined in ORC 2923.11. The Miami Township Police Department will investigate Use of Force incidents involving the less-lethal shotgun. The offensive or defensive use of the less-lethal shotgun is a Use of Force and requires the filing of proper reports.
7. The less-lethal shotguns will be carried along with six rounds of the less-lethal ammunition in the ammunition carrier. All less-lethal shotguns are to be utilized in a manner consistent with prescribed training techniques. All less-lethal shotguns are to be properly maintained and subject to the same cleaning and maintenance requirements for other shotguns used by our department.

4.1.5 Rendering Medical Aid Following Police Actions

- A. The Miami Township Police Department requires that appropriate medical aid is rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained. This includes contacting emergency medical aid when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious.
- B. Anytime an officer uses lethal or less lethal force against a subject, the officer shall check the subject for claimed, obvious, or other injuries. The officer shall check for injuries which may have occurred during apprehension. If necessary, Emergency Medical Services will be summoned for treatment and/or transportation to a medical facility.
- C. Officers shall conduct a visual assessment of the subject for obvious injuries and monitor the subject for changes in his/her condition. If conditions appear to be worsening, officers shall notify EMS of the change as soon as practical.
- D. Officers are permitted to handcuff a subject following any use of force, if safe to do so. If the subject remains handcuffed during treatment/transport by EMS, an officer shall be present to remove the handcuffs when necessary.
- E. Officers involved in lethal force encounters shall summon EMS as soon as practical.
 - 1. When safe to do so, officers shall secure the subject prior to EMS contact.
 - 2. If the subject is handcuffed, one officer will remain with EMS if removal of the handcuffs is necessary.
 - 3. At least one (1) officer shall accompany the subject to the hospital and remain with him/her until relieved.
- F. Treatment for most injuries will occur on scene, however, officers are permitted to have EMS respond to the Police Department's Holding Facility for treatment/evaluation when no life threatening injuries exist.

4.2.1 – Written Report Required for All Force Incidents (Ohio Standard 8.2015.1, Bullet B)

- A. Officers will complete Use of Force Report anytime they use a weapon, less lethal weapon, physical, or bodily force, against another person, whether or not injury results from such use. It is unnecessary to complete a Use of Force report when using a weapon for training or recreational purposes. Bodily force is defined as any amount of physical

force used to overcome resistance of another. A Use of Force report is necessary if an officer uses physical force against another. These reports are to be submitted prior to the end of the officers' tour of duty.

1. Officers will immediately notify the on-duty supervisor of any incident in which:
 - a. They are assaulted and/or they apply any use of force against another person, whether or not injury or death results from such use of force;
 - b. They take action that results in or is alleged to have resulted in injury or death to another person.
 2. The officer(s) involved will complete a Use of Force report immediately following the incident unless directed to do otherwise by their supervisor.
 3. The on-duty supervisor will respond to the scene whenever possible to conduct an investigation into the use of force. The investigation will include observation of the subject of the force, interviews with the officers involved, photographs and interviews with other witnesses if necessary.
- B. Officers are required to report any deliberate or accidental discharge of firearms occurring on or off-duty. Use of Force Reports will be submitted up the chain-of-command, and be reviewed by the Chief of Police.
1. This rule does not apply to rounds fired at the range during regular practice, unless an injury results from such discharge.
 2. An officer discharging his/her firearm will complete a **Use of Force Report** regardless of whether the discharge misses or causes death or injury to another person. Additionally, the officer will complete the Officers' Report: Discharge of Weapons form and forward it up the chain-of-command.
 3. The officer will report the incident to the shift supervisor as soon as practical after the incident in which the weapon was fired.
 4. A **Use of Force Report** will be submitted by the officer involved, prior to the end of the shift during which the firearm was discharged, or immediately upon return to duty, if the discharge occurred while off-duty.
 5. If the officer involved is injured, or unable to make the report, the shift supervisor will submit a written report prior to the end of the shift.
 6. The report will include a detailed account of the incident, as well as a **Use of Force Report**.

7. If a weapon is discharged to eliminate a suffering animal, a **Use of Force Report** is not necessary. However, an Officers Report: Discharge of Weapons must be completed and forwarded up the chain-of-command. If a weapon is used in defense against an aggressive animal, the officer must complete both a Use of Force Report and the Officers Report: Discharge of Weapons.
 8. Off duty weapon discharges will be reported to an on-duty supervisor without delay.
- C. Officers will complete a **Use of Force Report** and Incident Report anytime action involving the use of force (lethal or less lethal force) occurs and which allegedly results in injury or death to another person.
1. When any officer of the Miami Township Police Department is involved in a shooting where a person is wounded or killed, the following will be the procedure followed:
 - a. Determine the physical condition of any individual that has been injured, and render any necessary first aid. Notify EMS.
 - b. Secure the incident scene and request the presence of a supervisor.
 - c. Officer(s) involved in the shooting will not discuss the incident until a supervisor is on the scene.
 - d. The Chief of Police or his designee shall be contacted and shall respond to the scene, and oversee the scene.
 - e. The Detective Section Supervisor shall be notified, and shall respond to the scene to assist in the investigation.
 - f. The detective on-call, or an on duty detective shall be notified, and shall respond to the scene to assist in the investigation.
 - g. The Chief of Police, or designee, shall be the officer in charge of the investigation.
 - h. Officers involved in the incident shall be transported back to the Police Department when practical.
 - i. Officers will be allowed to call an attorney and/or other representative before any statement(s) is made or he is interviewed by an Investigator.
 - j. Prior to officers giving a statement:

1. Officers that discharged their weapon shall have their weapons and magazines secured by a Supervisor and a replacement issued.
 2. The officer(s) shall be given Miranda and Garrity Rights.
 - k. The only person authorized to talk to the officer(s) will be officer's assigned to the investigation and/or an attorney.
 1. Officer(s) involved will only discuss the facts and/or circumstances of the incident with Investigators and his/her Attorney.
- D. Completed Incident Reports shall be forwarded to the investigating supervisor.
1. Supervisors shall make all reasonable attempts to ensure the incident report is completed prior to the end of the officer's tour of duty and submit a narrative of the incident. This report will then be forwarded to the Chief of Police via the Chain -of -Command.
 2. The Chief of Police, or designee, shall complete an Administrative Review as the final review process of each Incident Report.

4.2.2 Written Use of Force Reports and Administrative Review (Ohio Standard 8.2015.1, Bullet C)

- A. The department will investigate all incidents where an officer uses force or is alleged to have used force against any person. The investigation will conclude with a review by the Chief of Police of the incident to determine if the action by department personnel were within guidelines set forth in the policies of the department.
- B. The shift supervisor will, as required, make the appropriate notifications and then conduct an investigation into the incident. The shift supervisor will complete the appropriate section of the Use of Force report, and forward the report to the Chief of Police via chain-of- command before the end of the shift unless an extension has been approved by the Chief of Police or his designee.
- C. The final report will be submitted to the Chief of Police for review and disposition of the investigation. Disposition of the case will conclude with a finding of: Proper Procedure or Complaint Investigation Report Generated.
- D. At the end of each calendar year, the Chief of Police, or designee, will conduct a review and analysis of all Use of Force Reports occurring during the preceding year to determine whether or not any policies need revision, any patterns of abuse or excessive force exist, or whether supplemental training is required.

4.2.3 Operational Assignment

- A. When death and/or serious physical injury has resulted from the use of force or any other action by an employee (auto accident or other means), the employee as soon as practical, will be removed from operational assignment, and be placed on administrative leave until completion of an administrative review of the incident. This review will be completed as soon as practical following the incident.
- B. Administrative leave shall be without loss of pay and benefits and such leave shall not be interpreted to imply that the employee acted improperly. This administrative leave will continue until terminated by the Chief of Police.
- C. When an employee has or has been alleged to have been involved in an incident that has resulted in the death of a person, the employee may be required to undergo a debriefing with a psychologist. The department will afford the services of a professional psychologist and/or psychiatrist to an employee who has or has been alleged to have used force or any other action that resulted in the death of a person. When an employee elects to use this service, it shall be protected by the physician-patient relationship.
- D. The Chief of Police may also grant relief from duty when an employee has been involved in a critical incident. Such incident is defined as an occurrence that brings an overwhelming emotional response from the employee witnessing it, and the emotional effect goes beyond the employees coping abilities. The Chief of Police is empowered to change administrative leave to administrative duty.
- E. **Police Chaplain Counseling:** As a result of any critical incident, involved employees will have available the services of a chaplain of the Miami Township Police Department and any other stress debriefing team(s) as authorized by the Chief of Police.

4.2.4 Annual Analysis of Use of Force Reports

The Chief of Police or designee shall complete an annual analysis of all Use of Force reports generated through the requirements of General Order 4.2.2. The Chief of Police or designee will conduct a documented annual analysis of those reports required in General Order 4.2.2. The analysis shall be used to identify patterns or trends that may indicate training needs, equipment upgrades, and/or policy modifications. Information in the analysis shall include:

- A. Date and time of incidents.
- B. Types of encounters resulting in use of force
- C. Trends or patterns related to race, age and gender of subjects involved
- D. Trends or patterns resulting in injury to any person including employees
- E. Impact of findings on policies, practices, equipment and training.

4.3.1 Authorized Weapons & Ammunition

Only those weapons and ammunition that meet the police department's authorized specifications as approved by the Chief of Police or designee will be used by officers in law enforcement responsibilities. This includes authorized weapons and ammunition in accordance with any special assignment or task force as approved by the Chief of Police or his designee. All weapons, (lethal, less than lethal) in the officer's possession, assigned to the officer or used by the officer in the course of their duties will not be left unattended. All authorized weapons including department issued, all less lethal weapons, and secondary/off duty firearms must be reviewed, inspected, approved and documented by the Range Officer, or Certified Instructor, prior to being carried by MTPD personnel.

Authorized Weapons

- A. All officers shall be armed with a department issued or approved firearms.
- B. A department issued handgun (on-duty) and related equipment intended for official use by any officer must meet the following requirements:
 - 1. The firearm must be loaded only with ammunition approved by this department and shall not be modified in any manner, unless by written approval of the Chief of Police or his designee.
 - 2. The firearm must be inspected, and certified safe, by a Department Range Officer. This inspection must be completed annually and any other time needed. The inspection must be noted by the Department Range Officer in his training manual.
 - 3. The firearm must be registered with the Department Range Officer by make, model, and serial number.
 - 4. All modifications must be specifically approved by the Chief of Police or his designee, and certified safe by the Department Range Officer.
 - 5. Only holsters issued or authorized by the Chief of Police, or his designee shall be permitted for on duty use.
 - 6. Every uniformed patrol officer will be furnished a dual magazine holder and two extra magazines which must be carried on the duty belt when uniformed officers are working patrol. Each magazine will be fully loaded with department approved and issued ammunition.
 - 7. Every officer assigned to plain clothes duty will be furnished a single or double magazine holder and one or two extra magazines and must be carried when assigned to plain clothes duties unless otherwise approved by the Chief of Police or his designee. The magazine will be fully loaded with department approved ammunition.

- C. Members assigned to the Detective Section or other assignments which their duties may require carrying a firearm other than those issued, must receive prior approval from the Chief of Police or his designee to carry the alternate firearm.
- D. Less lethal weapons approved for departmental use are outlined in MTPD policy 4.1.4. This is outlined on page 7 of this document.
- E. The department furnishes 12 gauge shotguns and ammunition. These shotguns will be secured in the prescribed location of each marked patrol car. The shotgun will be fully loaded, chamber empty, with the action in the fired position, safety in the "off" position. Officers are responsible for inspecting the weapon in their assigned vehicle at the beginning of each shift to ensure that it is operating properly, and it is in the correct condition.
 - 1. Department approved shotguns are 12 Gauge, and the standard ammunition will be #00 buck and rifled slugs. The magazine will be fully loaded with #00 buck and each shotgun will be equipped with a side saddle containing four (4) slugs. Shotguns deployed in marked cruisers must be secured in the mounting system inside of the vehicle.
 - 2. If an officer removes the #00 buck ammunition from the shotgun and loads the shotgun with rifle slugs, the officer is responsible for removing the slugs from the shotgun, and reloading the shotgun with the #00 buck ammunition. The officer will return the slug ammunition to the side saddle and ensure the chamber is empty.
 - 3. Each department unmarked vehicle assigned to a police officer which is assigned a shotgun shall be secured in the trunk of the vehicle in a protective carrying case.
 - 4. Extra shotguns and ammunition will be secured in the armory. The extra shotguns will be secured in an unloaded condition.
 - 5. Shotguns are to be removed from the police vehicle and placed in the armory when the vehicle is out of service for maintenance.
 - 6. Shotgun training will be conducted annually. Course content and qualification requirements will be established by the Range Officer under OPOTC guidelines.
- F. It is each officer's responsibility to keep weapons clean and in good working order. It is the responsibility of the department's Range Officer for the care and maintenance of the

departmental shotguns. The Range Officer will also be responsible for the assignment of the shotguns and annual inspection of each of the shotguns.

- G. The Tactical Patrol Rifle is an approved weapon. The department will utilize the Colt M4 patrol rifle as department-owned weapons. The use of possible variants to this rifle type must be recommended by the Range Officer and approved by the Chief of Police or his designee. The magazine capacity, other than for training, for the patrol rifle, will be 20 or 30 rounds of ammunition.

The Miami Township Police Department maintains an inventory of the Colt M4 patrol rifle. Some of the patrol rifles will be assigned to specific personnel. Patrol rifles will also be secured in the Armory, and available for patrol officers to check out for their tour of duty. Officers also have the option of requesting permission to carry their own personal patrol rifle as outlined in this policy.

1. The use of the patrol rifle will always be governed by the Department's Deadly Force policy (MTPD policy 4.1.2). Only personnel that have successfully passed an approved course of instruction in the proper usage of the patrol rifle and demonstrated their proficiency with the weapon will be approved to carry a patrol rifle. It is not mandatory that an officer become certified to carry the patrol rifle.
2. Training and qualifications with the patrol rifle will occur once per year.
3. During each yearly training and qualification session an officer will have two opportunities to qualify with the patrol rifle. If an officer is not able to qualify after two attempts, they will be disqualified from carrying the patrol rifle. If a rifle is equipped with two different sighting systems, qualifications with both sighting systems is mandatory.
4. Patrol rifles that are deployed in unmarked vehicles must be kept in the trunk of the vehicle in a carrying case, and that vehicle must be kept secured. Patrol rifles that are deployed in unmarked vehicles without a trunk, must be kept in a lock box.
5. Patrol rifles that are deployed in a marked police vehicle must be carried in a case inside a secured vehicle or locked in the vehicle's gun rack.
6. Patrol rifles will not be used for the humane destruction of animals, unless the animal is situated or located in an area inaccessible to the officer and at a distance that prohibits the safe and humane destruction of the animal by any other means.

7. The condition of the patrol rifle while in any police vehicle or readily available will be with the magazine seated in the rifle, the chamber empty, and the action closed (bolt forward). The rifle safety must be in the safe position. This is to ensure that there are no rounds unintentionally chambered in the rifle.
8. Officers will inspect the operating conditions of any weapon accessory, such as electronic sight or tactical sling. Officers will determine that these accessories are in proper working order and/or fit correctly.
9. If an officer elects to carry a department patrol rifle (each one is numbered) during their tour of duty, it must be signed out of the armory and signed back into armory at the end of the officer's tour of duty. Each officer signing out a patrol rifle, shall check the electronic sighting system for operability, the sling for fit and determine they have the appropriate number of magazines prior to leaving the police department. The Range Officer is responsible for inspecting all patrol rifles and sighting systems annually.
10. The Chief of Police or his designee, at his discretion, may approve sworn personnel to carry patrol rifles they personally own with the following stipulations:
 - a. An officer desiring to carry a personally owned patrol rifle on-duty must submit a written request to the Chief of Police, through the chain-of-command, for approval. The written request must include the make, model, and serial number of the patrol rifle.
 - b. Before an officer may carry his personal patrol rifle, the Range Officer must inspect and approve the weapon and ensure the officer has met all qualification standards with the patrol rifle.
 - c. The Range Officer must approve all accessories and/or modifications to any personally owned patrol rifle that will be carried on-duty. If any repair is made to any rifle it must be inspected and test fired by the Range Officer before on duty use.
 - d. Personally owned patrol rifles must have a sling. Personal rifles that are deployed in a marked police vehicle must be carried in a case inside a secured vehicle. The officer must remove his personal patrol rifle from the assigned marked vehicle at the end of his tour of duty.

H. Secondary/Back-up Weapons

1. An officer may carry a secondary or back-up firearm only with the approval of the Chief of Police or his designee. The firearm may be carried only after the following criteria are met:
 - a. The firearm must be hidden from view at all times unless circumstances require that the officer draw the firearm in anticipation of its imminent use.
 - ~~b.~~ The weapon must be approved by the Chief of Police or his designee prior to carrying it in any capacity. Any firearm must be no larger than a .45 caliber and no smaller than a .380 caliber.
2. All secondary/back-up firearms must be registered, reviewed, inspected and approved by the Range Officer, and the officer must have passed a qualification course as established by the Range Officer prior to being carried.
3. Officers are permitted to carry a concealed folding blade knife, or concealed utility tool, with a maximum blade length of four (4) inches. Concealed in the pocket or concealed in a pouch is permissible.

I. Off-Duty Firearms

1. Officers are encouraged, but not mandated, to carry a handgun when off-duty. An officer who elects not to carry a handgun while off-duty shall not be subject to receive disciplinary action if an occasion should arise in which he could have taken police action if he were armed. The only exception applies to off-duty officers while operating a marked department vehicle; they shall be armed with an approved handgun.
 - a. Off-duty weapons shall be approved by the Chief of Police, or his designee. Off-duty weapons must be registered, reviewed, inspected, approved and documented with the Range Officer by make, model and serial number. Off-duty weapons must be no larger than a .45 caliber and no smaller than a .380 caliber and be hidden from view of the public.
 - b. Prior to carrying the off-duty weapon, the officer must have passed a qualification course as established by the Range Officer. 9mm ammunition will be issued for the off-duty firearm and only that ammunition will be carried in the off-duty weapon. All practice and carry rounds not 9 mm must be approved by the Range Officer and purchased by the officer.

- c. Officers shall not carry or use any firearm or dangerous ordnance while impaired by alcohol and/or drugs.
- J. Any firearm determined to be unsafe will be taken out of service by the Range Officer. If the firearm is an issued duty firearm, the firearm will be replaced with another issued firearm. If the firearm is one that the officer owns, the Range officer will advise the officer how to properly dispose of the firearm. Any weapon, including less lethal weapons, determined to be unsafe, or not functional, will be immediately taken out of service. The officer must notify the shift sergeant immediately for replacement equipment. Authorized weapons including department issued, all less lethal weapons, and secondary/off-duty firearms must be reviewed, inspected, approved and documented by authorized personnel prior to being returned to service.
- K. Issued Weapons and Ammunition
 - 1. Glock 9mm, Model 17 with night sights-flashlight able to be attached.
 - 2. Colt M4-with electronic optic
 - 3. Remington 870 Shotgun, 12 Gauge
 - 4. Remington 870 Shotgun, Scattergun Technologies Less Than Lethal Shotgun 12 Gauge
 - 5. TASER X-26, X26P, X2 Electronic Incapacitation Devices
 - 6. Chemical agent selected and issued by the department.
 - 7. Metal Baton-Expandable Type, Wooden "night sticks "Wooden 36 inch straight baton
 - 8. Any firearm recommended by the Department Range Officer and approved by the Chief of Police or his designee.
- L. The following ammunition is authorized and distributed by the Miami Township Police Department:
 - 1. Federal 9 mm HST 147 grain Hollow Point-for primary weapon
 - 2. 12 Gauge, Federal or equivalent issue, Tactical 00 Buck
 - 3. 12 Gauge, Less Lethal, CTS, Inc. or equivalent issue, Model 2581, 40 gram Super Sock Bean Bag Cartridge
 - 4. 12 Gauge Federal Premium Truball Low Recoil Rifled Slug. Or equivalent
 - 5. 223 Gold Dot 55 GR Soft point
 - 6. Any other ammunition recommended by the Range Officer and approved by the Chief of Police.
 - 7. All practice and qualification ammunition will be of similar bullet weight and power load as duty ammunition.
 - 8. Ammunition for off duty and back up weapons will be supplied by the officer and must be approved by the Range Officer if not 9 mm.
- M. Any time an officer feels that an assigned duty weapon is not functioning properly or is damaged the officer will and without delay:
 - 1. Complete an Equipment Repair Request Form

2. Attach an "Out of Service Tag" to the weapon
3. Have the weapon placed in the Armory
4. If any of the issued weapons appear not to be functioning properly, the officer shall immediately contact a supervisor and request a replacement weapon. The Range Officer will make any recommendations he believes are needed for changing authorized ammunition to the Chief of Police prior to the annual purchase of ammunition. Officers will only use department issued ammunition as outlined in this General Order.

N. Secured Weapon Storage

1. All police department owned weapons not issued will be stored in the locked Armory.
2. M4 Patrol Rifles will be stored in the Armory in the police department's gun cases until checked out and secured in the police cruiser. Patrol Rifles assigned to an individual will be either kept locked in the assigned vehicle or in a lock box.
3. The Remington 870 shotgun will be stored in the shotgun rack of all marked cruisers, in a case in the trunk of all unmarked vehicles, and in a locked box secured to the vehicle in all vehicles without a trunk. Spare shotguns will be stored in the weapons locker in the Armory.
4. All spare handguns, not issued, will be stored in the in the Armory.
5. All Taser units, not assigned, will be kept in a secure location.
6. All spare Batons and Oleoresin Capsicum will be kept in a secure location.

O. The department maintains records on each department-owned weapon. Records concerning secondary/off duty weapons are documented on the annual qualifications form. All authorized weapons, including secondary/off-duty firearms, must be reviewed, inspected, approved and documented by the Range Office prior to being carried by MTPD personnel.

P. Employees must not carry any firearm that the Firearms Instructor/Armorer determines to be unsafe weapon. When an agency weapon is declared unsafe, it will be removed from

service and repaired or replaced. The weapon must be test fired before being placed back into service.

- Q. On-duty employees must carry duty firearms in a department issued holster. The holster must have a retention system that will retain the employee's weapon during strenuous activity. Road patrol officers will be issued a duty holster which will be worn while in uniform. Uniformed administrative officers, restricted duty officers, and plain clothes officers will carry issued holsters or one approved by the Chief of Police or his designee while on duty.
- R. Employees must store agency-authorized firearms so that they are not accessible to untrained or unauthorized persons, whether at home or work.

4.3.2 - Demonstrating Weapons Proficiency

- A. Each officer will display understanding and proficiency through annual qualification and testing (firearms, and Taser,) under the department use of force directive to be authorized to carry or use any firearm or less lethal weapon. Only those employees who have demonstrated proficiency in the use of an agency approved weapon are authorized to carry such weapons. Demonstrating proficiency may include: achieving qualifying scores on a prescribed course, demonstrating knowledge of laws concerning the use of authorized weapons and of Division written directives on the Use of Force, and being familiar with safe-handling procedures for the use of weapons.
- B. In addition to any other qualification for proficiency, each officer must pass a written test that covers the police department's directives on the use of force. This written exam will be administered no less than once each year in conjunction with Use of Force training and proficiency qualification.
- C. All sworn personnel, upon hiring and during the orientation phase of the Field Training Program will display understanding and proficiency through qualification and testing under the department use of force directive to be authorized to carry or use any firearm or less lethal weapon.
- D. All sworn personnel, upon hiring and during Phase One of the Field Training Program will display understanding and proficiency through qualification and testing under the department use of force directive to be authorized to carry or use any firearm or less lethal weapon.

4.3.3 – Annual/Biennial Proficiency Training

- A. Each officer will qualify annually with all department-issued firearms, approved secondary firearms and Taser. Qualifications will also include annual training on the department's use of force policy. Biennially, each officer will receive training and techniques in the use of less lethal weapons: metal baton and wooden baton and chemical agent. This qualification includes testing in weaponless control techniques.
- B. A certified weapons or tactics instructor shall monitor firearm, less lethal weapons and weaponless control techniques testing and proficiency
- C. The results of all firearms, less lethal weapons and weaponless control techniques proficiency and testing shall be in writing, and the results shall be filed with the Chief of Police or his designee.
- D. Officers who fail any of the following shall not be authorized to carry such weapon until they have successfully completed a course of remedial training under the instruction of a certified weapons or tactics instructor.

1. Firearms:

- a. Failure to obtain a qualifying score with all issued and secondary firearms;
- b. Failure to pass the written test as provided in this directive;
- c. Failure to display proficiency in the handling and care of firearms;
- d. Failure to attend an annual and or biennial qualification and testing.
- e. While participating in annual training and qualifications, an officer will have three opportunities to qualify, or demonstrate proficiency with the department-issued handgun and shotgun in accordance with Ohio Peace Officer Training Academy (OPOTA) standards. Any officer failing to demonstrate proficiency with either the handgun or shotgun will immediately surrender the department-issued weapon to the Range Officer. The Chief of Police or his designee will be notified immediately. The officer will immediately be assigned to paid administrative duty until successfully completing remedial training and demonstrating proficiency. Failure to demonstrate proficiency after remedial training has been completed will result further disciplinary action.

2. Less Lethal Weapons

- a. Failure to obtain a passing score with less lethal weapon proficiency testing;
- b. Failure to pass the written test as provided in this directive;

- c. Failure to attend the annual qualification and testing.
- E. Officers after receiving a course of remedial instruction in the areas where they failed to meet the department's required qualification guidelines and who after receiving such instruction continue to fail qualification and/or proficiency testing with their issued weapons or the written test, will be immediately referred by the certified instructor to the Chief of Police or designee with a recommendation for medical evaluation, additional training, recession of privilege to carry the weapon or disciplinary action. The Chief of Police or designee shall within forty-eight hours of being notified of such deficiency, review each officer's individual circumstances and make a written report as to the most appropriate course of action to be taken. The Chief of Police or designee shall guide his action and decision toward bringing the deficient officer into compliance with the department's weapon directive requirements.

4.3.4 Prerequisite to Carrying Lethal/Less Lethal Weapons (Ohio Standard 8.2015.1, Bullet D)

- A. Each officer will receive instructions in lethal, less lethal weapons and use of force directives and display understanding and proficiency through qualification and or testing during the orientation phase of the field training program and thereafter, annually or biennially under the department use of force directive to be authorized to carry or use any firearm or less lethal weapon.
- B. Each officer, will electronically access, electronically review and acknowledge (sign off) to document receiving the Department's Use of Force Policy.
 - 1. Upon initial employment;
 - 2. Upon initial issuance of this directive;
 - 3. Upon any revised issuance of this directive.
- C. Policy receipt and course curriculum will be documented through Power DMS.