



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



2025-1227

Officer Involved Critical Incident – 4411 Montgomery Road,
Norwood, Ohio (Hamilton County) (L)

Investigative Activity: Document Review

Involves: Norwood Police Department (O)

Date of Activity: 04/18/2025

Activity Location: Norwood Police Department – Business – 4701 Montgomery Road,
Cincinnati, OH 45212

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Narrative:

On April 18, 2025, Ohio Bureau of Criminal Investigation (BCI) Special Agent Doug Eveslage received the Norwood 1.3.1 Use of Reasonable Force Policy version 1.3 publish date: July 17, 2023 and 41.3.8 Body Worn Camera Policy version 1.2 publish date: July 17, 2023, from Lieutenant Carl Fair. The document received is attached to review for further details.

References:

No references.

Attachments:

Attachment # 01: Use of Reasonable Force Policy
Attachment # 02: Body Worn Camera Policy

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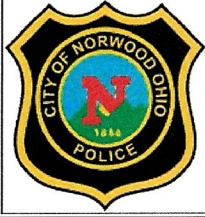
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1.3.1 USE OF REASONABLE FORCE

Version: 1.3

Publish Date: July 17, 2023 12:55pm

General Order	
Norwood Police Department	
Policy #: 1.3.1	Title: Use of Reasonable Force
Revision Date: 07/17/2023	Effective Date: 9/8/15
Approved By: Chief James D. Sumner	



1.3.1 USE OF REASONABLE FORCE

For further information refer to the following related General Orders:

- 1.1.2 Code of Ethics
- 1.2.1 Legal Authority Defined
- 1.2.3 Compliance with Constitutional Requirements
- 1.2.4 Search and Seizure
- 1.2.5 Arrest with/without Warrant
- 1.3.9 Authorized Weapons, Ammunition and Training
- 26.1.4 Disciplinary System
- 33.1.4 Training Division Procedures
- 41.1.4 Police Canine Operations
- 41.2.1 Emergency Vehicle Operations
- 41.2.4 Emergency Notification Procedures
- 41.2.7 Mental Illness
- 41.3.9 In Car and Body Worn Cameras
- 52.1.1 Internal Affairs
- 71.1.1 Processing and Temporary Detention

PURPOSE

This General Order will provide sworn and auxiliary officers of the Norwood Police Department with guidelines to follow in applications of force while performing official duties. All officers must act as other reasonable officers would have acted in a like or similar situation.

DEFINITIONS

FORCE - Any violence, compulsion or constraint physically exerted by any means upon or against a person or thing. (O.R.C. 2901.01(A) (1)).

IMPROPER USE OF FORCE - The improper use of force can be divided into two categories:

Unnecessary- the unnecessary use of force would be the application of force where there is no justification for its use.

Excessive- an excessive use of force would be the application of more force than required where use of force is necessary.

RESIST - Force used by offenders to oppose, defeat and avoid arrest, control or detention.

CONTROL - Force used by officers to seize, arrest, or stop an offender, and to avoid injury or death to themselves or others.

NON DEADLY FORCE - Any force that will not reasonably cause serious physical harm or death.

DEADLY FORCE - Any force that carries a substantial risk that it will proximately result in the death of any person (O.R.C. 2901.01(A) (2)). As used in this order, "Deadly Force" is defined as that force which creates some degree of risk that a reasonable and prudent officer would consider likely to cause death or serious physical harm.

PHYSICAL HARM TO PERSONS - Any injury, illness or other physiological impairment, regardless of its gravity or duration. (O.R.C. 2901.01(A) (3)).

SERIOUS PHYSICAL HARM - As used in this policy, is defined as any physical harm which 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.(O.R.C. 2901.01(A)(5))

JEOPARDY - Hazard, danger, or peril.

IMMINENT JEOPARDY - Immediate hazard, danger, or peril.

PRECLUSION - To make impossible by necessary consequence, rule out in advance, exclude.

REASONABLE BELIEF - Facts or circumstances that an officer knows, or should know, that would cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

A. POLICY

Physical force by an officer is a response to some action demonstrated by an individual the officer is attempting to control and/or arrest. Officers will respond to resistance or aggression in accordance with the objective reasonableness standard as outlined in the Supreme Court case of *Graham v. Connor* 490 U.S. 386, 109 S. Ct. 1865.

It is the policy of the Norwood Police Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that police officers are often forced to make split-second decisions, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

B. PROCEDURE

1. USE OF REASONABLE FORCE

- a. Officers may only use the 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.
- b. Officers will respond in accordance with the objective reasonableness standard as outlined in *Graham v. Connor* (490 U.S. 386, 109 S. Ct. 1865).

2. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

- a. In determining the appropriate level of force, officers should apply the levels of force in accordance with department training received, along with the following four factor test:
 - (1) How serious is the offense the officer suspected at the time the particular force was used?
 - (2) Is there probable cause to make an arrest?
 - (3) What was the physical threat to the officer or others?
 - (4) Was the subject actively resisting or attempting to evade arrest by flight?
- b. In applying techniques to gain legal compliance from subjects, officers will be held accountable to articulate the need to respond based on the elements of jeopardy, which include ability, opportunity, intent and preclusion.
 - (1) Ability
 - (a) Non-Deadly Response Standard: Does the subject possess the ability to resist the Officer or to cause physical harm to the Officer or a third party?
 - (b) Deadly Response Standard: Does the subject possess the ability or the apparent ability to kill the Officer or a third party or cause the Officer or a third party serious physical harm?
 - (2) Opportunity
 - (a) Non-Deadly Response Standard: Does the subject have the opportunity to resist the Officer or to cause the Officer or a third party physical harm?
 - (b) Deadly Response Standard: Does the subject have the opportunity to kill the Officer or a third party or to cause the Officer or a third party serious physical harm?
 - (3) Intent
 - (a) Non-Deadly Response Standard: Has the subject demonstrated the intent to resist the Officer or to cause the Officer or a third party physical harm?
 - (b) Deadly Response Standard: Has the subject demonstrated the intent to kill the Officer or a third party or to cause the Officer or a third party serious physical harm?
 - (4) Preclusion
 - (a) Non-Deadly and Deadly Response Standard: Have all reasonable options at that time and at that place and under those circumstances been reasonably exhausted?

3. USE OF AUTHORIZED LESS LETHAL TACTICS, TECHNIQUES AND WEAPONS

- a. Force used by the officer should be appropriate to the force used against the officer. The following levels of less lethal force represent available authorized options for Norwood Police Officers when faced with a use of force situation:
 - (1) Professional Presence-Verbal Commands: The officer assumes control of the situation through announced and/or uniformed appearance and professional bearing.
 - (a) If presence alone fails, the officer begins verbal direction, dialog, and concise warning commands using a voice tone that reflects professionalism and control.
 - (2) Soft Hands: The officer places hands on the suspect and advises the suspect that he/she is under arrest.
 - (a) Any aggression or resistance to lawful authority beyond this point is unlawful and must be countered by the officer.
 - (3) Hard Hands: The use of open hands to pressure points, joint locks, or the use of other "come along" techniques, and closed/open hand strikes or kicks to the body.
 - (a) Once the suspect is under control, the pain application must be released and/or strikes discontinued. Some techniques apply counter joint pressure using leverage that may be applied using handcuffs or Department approved impact weapon.
 - (4) OC Spray: Oleoresin Capsicum Spray is used to temporarily disable or disorient a suspect who is actively or aggressively resisting an officer attempting to gain control of the suspect.
 - (a) The OC spray is to be directed at the suspect's forehead/brow area, and not intentionally deployed directly into the suspect's eyes, ears, nose or mouth.
 - (b) Only OC spray issued to the officer by the department is authorized for use by Norwood Police Department officers.
 - (c) Officers are required to provide relief to the suspect from the effects of the OC spray as soon as it is safe to do so.
 - (5) Impact: Impact weapons are used only when other control methods are ineffective or inappropriate.
 - (a) Authorized impact weapons such as the ASP baton, the straight baton or the PR24 type baton, can be a professional and positive visual deterrent, causing a suspect to reconsider using force against an officer, and reducing the need for any further use of force by the officer.
 - (b) The impact weapon or baton is designed to cause a motor dysfunction to the affected area, by impacting major muscle groups, joints, or weapons and isolating arms, hands, legs, feet, when those limbs are used, or have the potential to be used as weapons against the officer. Blows are directed toward non-lethal areas of the body.
 - (c) In general, the preferred method is to deliver strikes, while constantly evaluating the situation for compliance, and immediately stopping the strikes once compliance is gained.
 - (d) Impact weapons can also be used as a defensive weapon by the officer, to block strikes thrown by a suspect with hands, arms, legs and feet or other weapons.
 - (e) An officer is not restricted to only a firearm when faced with an imminent threat of death or serious physical injury and is authorized to use any means available to defend himself/herself or a third party from such threat. For example, striking lethal areas of the body with the impact weapon and the use of environmental weapons.
 - (f) The same deadly force criteria must be met when utilizing the impact weapon to deliver strikes capable of causing death or serious physical harm to an aggressor, which includes, but is not limited to:
 - (I) Confronting an armed suspect
 - (II) The suspect is in close proximity to you
 - (III) The suspect's actions indicate the intent to cause serious physical harm or death
 - (IV) The officer is nearing the point of total exhaustion

4. REASONABLE USE OF HANDCUFFS AND OTHER RESTRAINING DEVICES

- a. Handcuffs and other restraining devices only limit, but can never totally diminish, an offender's capacity to resist, escape, attack or injure an officer, themselves, or others.
- b. Courts have articulated a clearly established right to be free from specific types of non-deadly excessive force, such as handcuffing an individual improperly or too tightly.
- c. Handcuffs must be double locked and checked for fit when it is safe to do so. Additionally, if the handcuffed subject complains of excessive discomfort, and it is safe to do so, officers must check the handcuffs to ensure they have not been applied improperly or too tightly.
- d. Discretion should be used when handcuffing vulnerable groups, such as the elderly, those with disabilities, and those who indicate they have a pre-existing injury. Frontal handcuffing and using more than one pair of handcuffs are acceptable options to be used at the officer's discretion. Disregarding a subject's advisement of a pre-existing injury can be viewed as unnecessary or excessive force being used.
- e. In general, subjects under arrest will be secured with handcuffs, however, minor misdemeanor offenders will not be physically arrested and handcuffed unless one of the following applies:
 - (1) The offender requires medical care or is unable to provide for their own safety.
 - (2) The offender cannot or will not offer satisfactory evidence of their identity.
 - (3) The offender refuses to sign the citation.
 - (4) The offender has previously been issued a citation for the commission of that misdemeanor and has failed to appear at the time and place stated in the citation, or paid the citation out. (ORC 2935.26)

5. USE OF REASONABLE FORCE IN DEFENSE OF HUMAN LIFE

- a. An officer may employ a deadly response when the officer has a reasonable belief that he or she, or another, is in imminent danger of death or serious physical harm, based on the totality of the circumstances known to the officer at the time. This use of deadly force is required to defend the officer or a third party from such threat.
- b. Officers will respond in accordance with U.S. and Ohio Supreme Court decisions, specifically *Tennessee v. Garner*, and the objective reasonableness standard outlined in *Graham v. Connor*.
- c. An officer is reasonable in using a deadly response when the officer:
 - (1) Confronts an armed subject
 - (2) in close proximity

(3) Whose actions indicate an intent to kill the Officer or a third party or to cause the Officer or a third party serious physical harm

"In these circumstances the courts cannot ask an officer to hold fire in order to ascertain whether the subject will, in fact, injure or murder the officer." (See *Martinez v. County of Los Angeles*, 47 Cal.App.4th 334 (1996)).

d. Because contact with a resisting subject's neck and throat can cause severe injury or death, Norwood Police Officers are advised that contact with the neck or throat, to include restraining maneuvers, strikes and choke-holds, are to be avoided except for use a deadly force response to resistance option when the officer's life or the life of another person is in danger.

6. USE OF A DEADLY RESPONSE TO APPREHEND A FLEEING FELON

a. An officer may employ a deadly response to stop a fleeing suspect if the officer has probable cause to believe all of the following:

(1) The suspect committed a felony.

(2) The suspect poses a significant threat of death or serious physical harm to the Officer or others should arrest be delayed.

(3) The deadly response is necessary to prevent the escape of the suspect. A warning to stop should be given, if feasible. (See *Tennessee v. Garner*, 471 U.S. 1 (1985))

7. USE OF REASONABLE FORCE WHEN DEALING WITH THE MENTALLY ILL

a. Emotionally Disturbed Persons and the mentally ill can pose a significant challenge to police officers. Persons in these conditions can behave in an erratic and unpredictable manner and can often pose a serious officer safety hazard. (General Order # 41.2.7 MENTAL ILLNESS provides specific guidelines for recognizing and dealing with persons suffering from mental illness.)

b. The Norwood Police Department will strive to deal with these types of persons in a compassionate yet safe manner to protect the individual, the public, family members and officers. When dealing with mentally ill persons officers should:

(1) Maintain officer safety at all times

(2) Protect the public and family members from harm from the person

(3) Protect the person from harm which he/she or others may cause

(4) Attempt to stabilize the situation by calming the person, removing the person from the situation, and/or restraining the person as needed

(5) Provide aid in acquiring proper medical attention for the person

8. PREVENTION OF COMPRESSION ASPHYXIA AND POSITIONAL ASPHYXIA

a. Compression Asphyxia and Positional Asphyxia can be prevented. The following tips should be utilized when possible:

(1) Avoid applying pressure to a subject's upper torso

(2) Do not leave the subject on the ground, on their back or stomach

(3) As soon as possible, get the subject up off the ground

(4) A temporary alternative is to lay them on their side until help arrives to get them off the ground

(5) Do not leave the subject unattended after handcuffing

(6) Hog-tying as a restraint method is strictly prohibited

9. USE OF REASONABLE FORCE TRAINING

a. All newly hired officers, including auxiliary officers, shall be issued a copy of the Use of Reasonable Force Policy and will receive classroom instruction and testing on its contents during the Field Training period, prior to being authorized to carry any weapon. Successful completion of that test is required and constitutes receipt and understanding of this policy. A score of 80% or higher constitutes a passing test score. Receipt of the policy will be documented in Compliance Bridge, the training will be documented in the officer's training file.

b. All officers, including auxiliary officers, will attend at least one (1) hour of update/in-service training annually, addressing the Use of Reasonable Force Policy, and any changes thereto.

10. DUTY TO INTERCEDE

a. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do, intercede to prevent the use of unreasonable force.

b. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

11. DUTY TO RENDER AID AFTER USE OF FORCE

a. Following a Use of Force incident, Norwood Police Officers are required to provide or summon medical attention when it is obvious or should be obvious that a subject is in need of medical attention.

b. A suspect shall be examined by Norwood EMS or another appropriate health care provider when suffering from or complaining of injury or illness after the following types of instances:

(1) Any lethal or less lethal weapon has been used against the individual

(2) The individual is struck on any part of the body with an impact weapon or other hard object

(3) The individual is restrained about the neck or throat

The individual is bitten by a police canine

c. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by Norwood EMS or another appropriate health care provider.

d. Receipt of medical treatment or refusal of medical treatment shall be documented in the officer's accompanying Action-Response Report.

12. USE OF DEADLY RESPONSES PROHIBITED

a. Except as specifically authorized previously in this policy, deadly responses may not be used in the following situations:

(1) To shoot at or from a moving vehicle, unless the guidelines in *Tennessee v. Garner*, 471 U.S. 1 (1985) have been met, and the danger to the officer or others of not shooting is greater than the danger of shooting. There are inherent dangers to bystanders, passengers and other officers when firing at or from a moving vehicle, both from the rounds fired, as well as from an uncontrolled vehicle continuing in motion after the suspect driver has been incapacitated.

(2) Solely because a subject fails to stop for a blockade or roadblock, or fails to obey a command to stop.

(3) For the purposes of a warning shot. (*However, it is understood that in a worst-case scenario, the use of tactical shots, cover or suppressive fire may be necessary to protect the life of officers or others. These tactics should be used when other options are not reasonable and only to stop serious physical harm assaults or prevent the offender(s) from initiating a serious physical harm assault.*)

b. Officers are not permitted to shoot an animal unless:

(1) The animal presents an immediate threat to the officer, or another person's safety.

(2) The animal has been seriously injured, professional assistance is not readily available, and the animal's suffering must be ended.

(3) The officer ensures that the shooting poses no danger to any persons or other property.

(4) If at all possible, the officer should obtain verbal permission from the on-duty supervisor prior to shooting any animal.

13. USE OF FIREARMS REPORTING PROCEDURES

(a) Officers are required to report, verbally and in writing, any accidental or deliberate discharge of a firearm, and any use of deadly responses.

(b) This does not apply to rounds fired at the range during practice, unless an injury results from such discharge, or to the discharge of a weapon to destroy a sick or injured animal. The Officer will report the incident verbally to the immediate supervisor as soon as practical after the incident in which the weapon was fired or a deadly response was used.

(c) The officer will be segregated from other involved parties, witnesses, and media and another officer will notify the police department union attorney to respond.

(d) This policy recognizes the possibility of sensory distortions of vision, hearing, memory and time in the event of a high stress deadly force encounter. The officer(s) who employed the deadly force may stand silent until he/she has the opportunity to confer with an attorney of their choice.

(e) Refer to Section 15 WRITTEN ACTION – RESPONSE REPORT (ARR) PROCEDURES for guidance on the Action-Response reporting procedure.

14. USE OF FIREARMS REPORT INVESTIGATION PROCEDURES

(a) A complete investigation will be conducted into any accidental or deliberate discharge of a firearm or deadly response by a Norwood Police Officer in the line of duty. This policy does not apply to rounds fired at the range during practice unless an injury results from such discharge, or to the discharge of a weapon to destroy a sick or injured animal.

(b) In all other instances, investigations will consist of the following:

- (1) The shift supervisor shall secure the scene, ascertain the facts and circumstances surrounding the incident, and contact the Captain. The supervisor will then make notification to the Chief.
- (2) The supervisor at the scene shall secure the weapon(s) used in the incident and all ammunition, when it becomes practical. The items should be handled as evidence and marked accordingly. Arrangements should be made to issue the officer another weapon.
- (3) In the event that the investigation concludes that the application of force was a result of negligence, the officer will be required to complete remedial and/or re-certification training.

(c) The Criminal Investigation Section (CIS) OIC will immediately be called to the scene of all Officer involved shootings and uses of a deadly response where Norwood officers are directly involved. The CIS OIC will initiate and coordinate any investigation(s) needed, and assign investigators as required. The investigation by Norwood CIS may run concurrent with another agency that has jurisdiction.

- (1) The assigned investigator(s) will conduct an independent internal affairs investigation into all circumstances surrounding the incident. This investigation will not inhibit any criminal investigation, which may be underway.
- (2) The Chief of Police may request the assistance of a county, state or federal agency such as the Hamilton County Sheriff's Office, Ohio State Highway Patrol, the Ohio Bureau of Criminal Investigations or the Federal Bureau of Investigations to conduct an independent criminal investigation into a use of force incident either inside Norwood or involving Norwood officers.
- (3) The purpose of the internal investigation is to determine if the conduct of the officer(s) involved in the incident conformed to the rules and regulations of the Division, or conformed to the laws of the State of Ohio or the City Norwood, concerning actions and responses.
- (4) The Patrol Section and the Criminal Investigation Section will continue to discharge their responsibilities as they relate to any criminal investigation at hand.
- (5) After the criminal portion of an investigation is completed by the Investigation Section, the CIS OIC will confer with the Chief of Police, Law Director, Safety Director, and the Hamilton County Prosecutor. If appropriate, the findings of the investigation will be submitted to the Hamilton County Grand Jury.

15. WRITTEN ACTION – RESPONSE REPORT (ARR) PROCEDURES

- a. Written Action-Response Reports Form NPD-40 will be completed in all instances of use of lethal, less lethal or weaponless physical force by Norwood Police Officers, at levels above the level of balance displacement or escort holds. Officers will advise the on-duty supervisor as soon as reasonably possible following such instances.
- b. An on duty supervisor will conduct an investigation as outlined in Section 16 ACTION-RESPONSE SUPERVISOR RESPONSIBILITIES.
- c. Written Action-Response Reports Form NPD-40 will also be completed in all instances of injury, observation of injury, complaint of injury, complaint of excessive responses, or death of another person.
- d. The officer involved will turn in at least the first page of the Action-Response Report Form NPD-40 with the basic information before they secure for the day. The first page of the ARR will be placed into the Use of Force Reporting binder in the supervisor's office.
- e. The officer's complete initial report will be submitted to their immediate supervisor within 72 hours following the incident (This may be longer depending on our current work schedule, but will be completed as soon as possible), if the officer is physically and/or mentally able to do so. The officer completing the Action-Response Report Form NPD-40 will be permitted to review any available audio or video recordings pertaining to the incident during the 72 hour period following the incident.
- f. If the officer involved is injured or unable to make the report, the officer's supervisor will submit at least the first page of the Action-Response Report NPD-40 before securing for the day. The involved officer's supervisor will complete the Action-Response Report Form NPD-40 and turn the report in to their immediate supervisor within 72 hours of the incident.
- g. The receiving supervisor will utilize the SUPERVISOR INQUIRY OF OFFICER Response to Resistance Form NPD-41 during their review and investigation of the incident. If an internal investigation is on-going, this report will be maintained as part of the Internal Affairs file until the investigation is completed.

16. ACTION-RESPONSE SUPERVISOR RESPONSIBILITIES

- a. A supervisor will immediately respond to the scene of each use of force incident involving a Norwood Police Officer, to investigate the incident. If the involved officer's supervisor is not available to respond, or if the involved officer is a supervisor, another available supervisor will be dispatched.
- b. If the only supervisor on duty is involved in the incident, the senior uninvolved patrol officer on duty is responsible to complete the responding supervisor's duties 1 through 5 (in paragraph d) below. The remaining steps will be completed by the shift OIC upon their return to work, or by the direction of the Chief of Police.
- c. If serious physical harm has occurred to any person involved, and the only supervisor on duty at the time was involved or injured, the Chief will be notified to make a decision to call in another supervisor to complete the Action-Response supervisory responsibilities.
- d. The responding supervisor will accomplish the following investigative steps in conducting the investigation:
 - (1) Attempt to ascertain the facts and circumstances surrounding the incident. Officers will make arrangements to ensure that available audio and videotapes are saved, if applicable. This is to include Body Worn Camera recordings of the incident from all officers involved and/or present during the incident.
 - (2) Interview the suspect, if they are cooperative, to determine their account of the incident. Additionally should the supervisor determine that unreasonable force was used and Chief will be notified.
 - (3) Ensure that a qualified health care provider handles any injuries or other medical condition being experienced by the involved person(s). If they have a serious physical injury as defined by the Ohio Revised Code, the Chief will be immediately notified.
 - (4) Take photographs of the scene, the involved officer(s) and subject(s) depicting any potential injuries or documenting the lack of any injuries to the parties involved. Photographs will be taken in all Response to Resistance incidents.
 - (5) If a crime scene exists; or police equipment exists, which may contain forensic evidence, the supervisor shall ensure that the scene and evidence is processed, photographed and preserved. Clothing from either the suspect(s) or the officer(s) should be photographed and if collected, handled as evidence as soon as reasonably possible.
 - (6) Interview, preferably recorded, all witnesses to the incident and document their description of the event.
 - (7) The supervisor investigating the use of force shall be responsible for the review and approval of the officer's reports of the incident, when practicable. The supervisor shall review any video recording of the incident, if available, prior to the approval of the Action-Response report.
- e. When an officer from another agency uses force during the performance of law enforcement duties inside Norwood, the Norwood supervisor on duty will respond to the scene as quickly as possible and:
 - (1) Ascertain the facts and circumstances surrounding the incident.
 - (2) If any person involved requires medical attention, summon Norwood Fire Department EMS.
 - (3) If there are serious physical injuries or death to any person involved in the incident, the Police Chief will be notified.
 - (4) If the Norwood supervisor determines that unreasonable force was used, the Police Chief will be notified.
 - (5) The Norwood supervisor will contact the involved officer's supervisor and advise them of the situation. The involved officer and their supervisor will follow their department's procedure on use of force incidents and reporting.
 - (6) The Norwood Police Chief, or his/her designee, will determine Norwood Police Department's role beyond the above listed steps, in all cross-jurisdictional situations.

17. ACTION-RESPONSE REPORTING FORMAT

a. The officer writing the narrative of the report will make every effort to document in detail and in chronological order, the following 5 elements:

- (1) Officer Arrival/Initial Assessment
 - (a) Approach to the scene (observed, un-observed, etc.)
 - (b) Observations upon arrival
 - (c) Initial contact with subject(s) (conversations or commands)
 - (d) Information provided by dispatch
 - (e) Radio traffic (review communication recordings)
 - (f) Call type
 - (g) Previous events at this location
 - (h) Previous contact w/ subjects involved
- (2) Surroundings/Environment

- (a) Environmental factors (weather, time of day, lighting conditions)
- (b) Environmental weapons (bricks, rocks, tools, etc.)

(3) Subject Action

- (a) Verbal communication (questions, statements, spontaneous utterances)
- (b) Non-verbal (demeanor and body language)
- (c) Describe suspect(s) (number of suspects, size, and clothing)
- (d) Offender conditions (age, gender, height, weight)
- (e) Evidence of offender's use of alcohol or drugs (beer cans, drug paraphernalia)
- (f) Offender Knowledge, Skills and Experience (KSE)
- (g) Offender Objects (clothing, property, tools, weapons)
- (h) Physical actions (aggression or other type of resistance encountered)

(4) Officer Condition and Response

- (a) Officer Condition (age, gender, height, weight, overall health, pre-existing injuries)
- (b) Officer Knowledge, Skills, Experience (KSE)
- (c) Officer Communication (identifying yourself as a Police Officer, commands/warnings given)
- (d) Control methods used
- (e) Physical contact response (soft hand techniques, baton, OC, deadly force, etc.)
- (f) De-escalation methods used ("Once the resistance stopped, all force stopped.")
- (g) Duration of resistance
- (h) Handcuffing method used (type, number, adjustments, double locking, checking for fit, handcuffed in front/back, loosened when requested by suspect, approx. time of removal)
- (i) Follow-up medical treatment for the officer or the subject(s) involved

(5) Summary

- (a) Any additional medical or follow up treatment required for suspect and/or officer(s)
- (b) Identify and list any witnesses
- (c) Get statements from all witnesses
- (d) Document any damage to Police equipment, property or clothing
- (e) Document suspect intoxication or impairment
- (f) Document any evidence recovered

18. STEPS IN PROCESSING THE ARR REPORT

a. The following steps will be followed for an administrative review of all Action-Response Reports:

- (1) The reporting officer will sign and date the completed ARR and forward it to his/her immediate supervisor to be reviewed within 72 hours of the incident, if physically and mentally able to do so.
- (2) The officer's immediate supervisor, as soon as reasonable after receiving an ARR, will review it in detail for compliance with departmental Action-Response directives. The Supervisor shall utilize the SUPERVISOR INQUIRY OF OFFICER Response to Resistance form and note any necessary corrective measures.
- (3) The supervisor will complete their investigation within seventy-two (72) hours after receiving an ARR and submit to the procedural review officer. Extensions may be granted at the discretion of the Police Chief.
- (4) The procedural review supervisor will review the Action-Response Report and the SUPERVISOR INQUIRY OF OFFICER Response to Resistance form and will, upon completion, sign and forward it to the Police Chief. The procedural review supervisor will attach a document with notations of corrective measures taken or recommended.
- (5) The Chief of Police will review the facts of the incident and the findings and recommendations of the immediate investigating supervisor, the procedural review officer, and the Investigations Section investigation results.
- (6) If it is determined by the Chief of Police that an Officer's response is not within policy, and disciplinary action is warranted, the case will be remanded to the next proper step in the disciplinary chain.

b. Following the review and approval of the Chief of Police, a copy of the finalized report will then be forwarded to the Training Supervisor. A copy of the Action-Response Report will be kept by the Training Supervisor. The Training Supervisor will review all Action-Response Reports for any issues requiring review or topics to be covered during future training sessions.

c. The original completed Action-Response Report will be filed in the Administrative Section. All Action-Response Reports will be maintained and kept indefinitely, in accordance with state and federal laws.

19. ANNUAL USE OF REASONABLE FORCE REPORT TO CHIEF OF POLICE

a. At the end of each calendar year, the Training Supervisor will complete and forward to the Chief of Police a detailed analysis of the reports filed for that year. This report will include:

- (1) Total number of incidents for the year
- (2) Names of department members involved
- (3) Date, time, and location of each incident
- (4) Injuries that were sustained by officers and/or subjects, to include medical treatment obtained and where obtained
- (5) Criminal charges filed, if applicable
- (6) Levels and type of force utilized
- (7) Any patterns or trends identified during the analysis
- (8) Summary of overall program effectiveness
- (9) Training, equipment, and policy revision needs

b. The Chief of Police will review the Annual Use of Reasonable Force Report from the Training Supervisor for any policy or procedural issues or necessary revisions.

20. RELIEF FROM FIELD DUTY

a. Any employee acting in an official capacity, whose actions whether intentional or not, result in serious physical harm or death to another person, will be relieved from field duty by the supervisor on duty, and/or will be placed on paid administrative leave for at least 3 days, pending an administrative review. This is intended primarily to include use of force incidents or serious/fatal auto accidents involving the employee, but may include involvement in other critical or traumatic incidents. Any additional time spent relieved from field duty or on administrative leave be determined by the Chief of Police.

b. The purpose of this section is not to determine fault, liability or blame, and such relief from field duty and placement on administrative leave will not be considered a disciplinary action taken against the employee, but rather an administrative course of action designed to relieve the employee from the stresses of field duty during recovery from the incident. During this leave, the employee will remain reasonably available to the police department, unless approved by the Chief of Police.

c. Any employee relieved from field duty or placed on administrative leave under this section, will be sent to the department's current psychological stress counselor for mandatory sessions, for as long as the counselor deems necessary. The intent is to ensure proper mental health of the employees involved in these situations.

d. The employee's family may also attend sessions if requested and deemed necessary by the counselor.

e. If the involved officer's firearm must be retained for evidence, a replacement firearm may be made available to the officer at the discretion of the Chief of Police.

f. The Chief of Police may assign the involved employee to administrative duties while an investigation into the incident is being conducted.

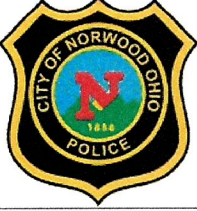
g. When the involved employee returns to duty, other requirements, such as, but not limited to, additional training or restrictions, may be placed on the employee by the Chief of Police.

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41.3.8 Body Worn Cameras

Version: 1.2

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		General Order
	Norwood Police Department	
	Policy #: 41.3.8	Title: Body Worn Cameras
	Revision Date: 07/17/2023	Effective Date: 10/21/2021
	Approved By: Chief James D. Sumner	

41.3.8 Body Worn Cameras

I. Purpose

Establish guidelines regarding the use, management, storage, release and retention of video and audio files captured by the Body Worn Camera (BWC) system.

II. Definitions

Axon Body 3- A Department approved and authorized body worn recording device issued to officers to record audio and video consistent with Department policy and procedure.

Incident- An event requiring some degree of law enforcement action or response.

Evidence.Com- An Axon system used for accessing recording events. Officers have a unique login to enable viewing or uploading recorded events. The website address is <http://norwoodpdoh.evidence.com>.

Axon View- An app that you can download on a mobile device to view and categorize videos.

Axon Device Manager- An app you can download on a mobile device to assign phones.

Axon View XL- A program that can be downloaded on MDC's to view and categorize videos.

III. Policy

The Department will preserve video for at least 90 days after the last recorded event. After the 90-day retention period, recordings not categorized for retention will be deleted consistent with the approved retention schedule. It is the responsibility of the officer or investigator to categorize recordings beyond the 90-day retention period, if necessary.

Officers will keep their BWC powered on during their tour of duty. Officers have the right to use the BWC system (e.g., inside a private home/facility, public/private school) as long as they have a legal right to be there. Officer safety and public safety take precedence over recording events; under extenuating circumstances, utilization of the BWC system may not be possible (e.g. ambush/assault on a police officer, compromising the tactical advantage of police).

III. Procedure

A. Operating and Utilizing BWC systems

1. Equipment is the responsibility of the officer assigned and will be operated according to the manufacturer's recommendations.

a. Officers will wear all supplied components of the BWC systems (officers may purchase and use their own mount if they choose) and ensure the BWC is properly positioned to clearly record police activities regardless of uniform attire.

1) Officers shall inspect their BWC prior to their shift to ensure the BWC is assigned to them and that the BWC is functioning properly during a roll call and/or field test. Officers will not use a BWC assigned to another officers unless approved by a supervisor.

a) In the event a BWC is assigned to another officer, the supervisor will attempt to change through either the Device Manager or Evidence.com. If unable, an email will be sent to the chief.

b) Officers will keep their BWC turned on during their tour of duty and will intermittently inspect their BWC to ensure it is functioning properly.

2) Officers will immediately report a malfunction or use of another officer's BWC to a supervisor.

a) The supervisor will check the BWC by following appropriate troubleshooting steps.

b) If the supervisor is unable to resolve the problem, the BWC will be left for the chief with a description of the problem.

c) In cases of uses of another officer's BWC, the supervisor will attempt to correct the problem and if unable to correct advise the chief.

b. If an officer fails to activate or deactivate their BWC according to policy or fails to upload their BWC in a timely manner, whether intentionally or accidentally, they will report to their supervisor.

1) The supervisor will make a note in the CAD and if a disciplinary issue the supervisor will make appropriate disciplinary recommendations.

2. Officers will use BWC equipment to record all calls for service and self-initiated activities listed below. The BWC must be activated when the officer arrives on-scene or announces he/she is on-scene in the area and must be recorded in its entirety. This includes:

a. While responding to calls for service in emergency mode.

b. Traffic stops, including investigation of vehicles and occupants already stopped or parked.

1) Officers equipped with the BWC will continue to record until the stopped vehicle departs or officers leave the scene.

c. During the entirety of traffic or foot pursuits.

1) Activate the BWC before initiating a traffic or foot pursuit.

2) Deactivate the BWC when a vehicle or subject cannot be located.

d. When assisting other officers on any call for service or self-initiated activity.

1) Officers must ensure they are added to the CAD incident when assisting other officers.

e. All requests for consent to search without a warrant.

f. Requests for searches and deployments of drug-detection canines involving vehicles, when practical.

g. Recordings of all persons physically arrested and transported unless an activated DVR is used.

h. Officers have discretion to activate BWC when they believe an event may have evidentiary value.

i. Officers are not required to initiate or cease recording an event solely at the request of a citizen.

3. Calls for service dispositions:

a. Once the officer has arrived on-scene, any incident must be cleared with a disposition before responding to another call for service. After clearing an incident BWC recording should be stopped (5 second hold of the event button).

4. The BWC may be deactivated after:

a. Clearing the call for service/self-initiated activity.

- 1) Officers are not required to keep the BWC activated while completing paperwork, as long as they are not interacting with the public.
- 2) Recording in-between calls for service/incidents is not required.

b. The DVR is activated and recording a subject being transported in the police vehicle.

5. Officers will not use the BWC to record the following:

- a. Confidential informants or undercover officers.
- b. Department personnel during routine, non-enforcement related activities.
- c. In any place where there is a reasonable expectation of privacy (e.g., Restroom, locker room) except during an active incident.
- d. In any detention facility or hospital facility (when confidential patient information may be recorded) except during an active incident.
- e. During discussions/briefs regarding tactics and/or strategies, including discussing crime theories at a crime scene.

1) Officers will narrate on camera the specific reason for shutting off the BWC prior to deactivation.

2) Officers will immediately reactivate their BWC after the discussion/briefs have been concluded.

3) At a crime scene the ranking detective will make the determination to stop recording.

B. Viewing, Altering and/or Sharing BWC Recordings

1. All access to BWC footage is automatically logged to create an electronic audit trail.
2. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings without prior approval.
 - a. Requests to delete portions of a BWC recording (e.g., in the event of a personal recording) shall be submitted to the chief in an email. All requests and final decisions will be kept on file.
 - b. Police personnel will not personally forward BWC video(s) to prosecutors, even when requested to do so; refer them instead to the PIO.
3. Officers may review BWC footage at the PD utilizing vendor-approved software and equipment or any computer with internet capability. Officers may also use Axon View on their phones or Axon View XL when available on the MDC.
4. Officers may request recordings needed for training or other purposes on Form NPD-10 through the PIO.
5. Officers shall not use non-agency equipment or devices to record or download video from BWCs.
6. It is the responsibility of officers or investigators to categorize recordings beyond the 90-day retention period if necessary.

C. BWC Management

1. Officers will insert BWC systems not in use into its dock by the end of their shift.
 - a. Once connected, BWC footage will be automatically uploaded to Evidence.com. It is the responsibility of each officer to either categorize their videos using Axon View or Evidence.com.
2. At the start of each shift, the shift supervisor will assign an officer a BWC using either Evidence.com or the Device Manager app.

D. Court and Evidentiary Video Files/Redactions

1. When a BWC video file is required for court/evidentiary purposes, the Prosecutor's Officer will contact the PIO to request the video.
 - a. The PIO will make any redactions necessary.
 - b. If no BWC video files exists, the PIO will advise the Prosecutor's office.
2. Recording Auto Accidents Involving Police Equipment
 - a. If a BWC-equipped officer is involved in an auto-accident, they should activate the BWC if physically able.
 - b. If the officer's BWC contains relevant footage, the supervisor will upload the video file and label it for proper retention.

E. Records Requests/Redactions

1. All requests for BWC video files must be made prior to the end of the 90-day retention and availability period. After the 90-day retention period recordings not categorized for retention will be deleted consistent with the approved retention schedule.
 - a. Authorized format copies of video files, e.g. on disc, must be approved by the PIO and/or the chief of police.
2. Requests for copies of video files originating from within the Department must be submitted by completing Form NPD-10 to the PIO.
3. Outside requests for video files must be submitted to the PIO using the Public Records requests. Oral requests will be put in contact with the PIO.
4. Media requests for video files will also be referred and handled by the PIO.
5. Personal Privacy Redaction
 - a. BWC footage containing sensitive and/or private situations (e.g., interview of a victim of sexual assault; individual who is partially or completely unclothed) will be redacted by the PIO.

F. Supervisory Responsibilities

1. All supervisors will:
 - a. Ensure all officers are assigned and wear their BWC.
 - b. Ensure officers follow all BWC procedures, including categorizing their videos.
 - c. Supervisors will review videos from officers who are their direct reports as time permits.
 - d. Review the procedure at roll call at annually.