



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



2024-3649

Officer Involved Critical Incident - 6880 Sunset Strip Ave
NW, Room #220, North Canton, Ohio, 44720

Investigative Activity: Use of Force Policies Received
Involves: Stark County Sheriff's Office (O); Canton Police
Department (O); Perry Township Police Department (O);
Massillon Police Department (O); Carroll County Sheriff's
Office (O)
Activity Date: 11/21/2024
Activity Location: BCI Richfield Office
Authoring Agent: SA Matthew Armstrong

Narrative:

Between Thursday, November 21, 2024, and Tuesday December 17, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Armstrong received the Use of Force Policies utilized by the following 5 involved agencies at the time of this incident:

- Stark County Sheriff's Office
- Perry Township Police Department
- Carroll County Sheriff's Office
- Massillon Police Department
- Canton Police Department

The documents received have been attached to this investigative report for further review.

References:

None

Attachments:

1. 2024-11-21 Use of Force Policy - Stark County Sheriff's Office
2. 2024-11-21 Use of Force Policy - Perry Township Police Department
3. 2024-11-22 Use of Force Policy - Carroll County Sheriff's Office
4. 2024-12-04 Use of Force Policy - Massillon Police Department
5. 2024-12-16 Use of Force Policy - Canton Police Department

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500.1 PURPOSE AND SCOPE

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

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

500.1.1 DEFINITIONS

Definitions related to this policy include:

FORCE:

The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

DEADLY FORCE INCLUDES:

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or serious physical harm.
 - a. "Serious physical harm" means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

LESS THAN LETHAL FORCE:

Force employed which is not likely to or intended to cause death or serious physical injury.

FIREARMS:

Any weapon from which a projectile is forcibly ejected by an explosive.

REASONABLE BELIEF:

When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

SERIOUS BODILY INJURY:

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A physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

EXCESSIVE FORCE:

Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. The U.S. Supreme Court, in *Graham v. Connor*, recently set forth guidelines for determining whether force has been excessively applied: the primary concern is reasonableness in its application, as judged by the on-scene officer. Based on the reasonableness standard, the following contribute to a determination of excessive force:

1. the severity of the crime;
2. the nature and extent of the threat posed by the suspect;
3. the degree to which the suspect resists arrest or detention; and
4. any attempts by the suspect to evade arrest by flight.

In evaluating the reasonable application of force, officers must consider their own age, size, strength, skill level with department weapons, state of health, the number of officers opposing the number of suspects, and/or special circumstances; closeness of a weapon, injury, or exhaustion, being on the ground, distance from the subject, special knowledge, and/or availability to other options.

500.1.2 CERTIFICATION STANDARDS

This policy contains content that pertains to the Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

[See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

500.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Officers are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances at the time they decide to use force. Except for deadly force,

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the application of any degree of force is only justified when the officer reasonably believes that it is necessary

- To prevent the escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime; or
- to defend themselves or another from what the officer believes is the use of force while trying to arrest another, prevent their escape, or otherwise lawfully take the person into custody.

Facts or circumstances unknown to the officer shall not be considered in later determining whether the force was justified. The department expects officers to observe the following two guidelines in all applications of force:

- Employ the reasonable force necessary to accomplish a legal purpose.
- Officers may escalate to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.

500.2.1 DUTY TO INTERCEDE AND REPORT

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

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor.

500.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

500.3 USE OF FORCE

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 accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

500.3.1 USE OF FORCE TO EFFECT AN ARREST

Any officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

500.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.

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- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

500.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

500.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

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- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

500.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Perry Township Police Department (Stark County) for this specific purpose.

500.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

500.3.7 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

500.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer should not use deadly force against a person whose actions are a threat solely to themselves or property.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent

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danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

500.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

500.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

A. Officers shall document any application of force, except for those arising in training or departmental demonstrations.

B. If officers have employed chemical weapons or any higher degree of force, they shall:

1. Immediately notify a supervisor, if the sergeant or supervisor is unavailable, then the officer will continue up the chain of command to report the use of force.

2. Submit a report to the chief of police within 24 hours describing the incident, substantiating the force used, and any medical services rendered. The memorandum shall be in addition to any other reports.

C. Depending on the seriousness of any injury resulting from the application of force, whether to a citizen or officer, the Chief of Police shall notify the township trustees and, in case of death, the Stark Prosecutor and the Stark County Coroner.

500.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

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- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

500.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel, at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

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500.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

500.7.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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500.8 TRAINING

Officers shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

500.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intervene.
- (d) The duty to request and/or render medical aid.
- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of force and use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings, use of force and use of deadly force reporting).
- (g) Use of force and use of deadly force reviews/investigations.

500.8.2 POLICY ACKNOWLEDGEMENT AND TESTING

Annually, applicable department members will read, sign, and be tested on this policy.

500.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Sergeant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

500.10 LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited.

- Firing into crowds.
- Firing a warning shot except when deadly force is justified.
- Firing at or from a moving vehicle, except where the officer reasonably believes that:
 - an occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or

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- a vehicle is operated in a manner deliberately intended to strike an officer or a citizen, and all other reasonable means of defense have been exhausted (or are not present), which includes moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action
- Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door.
- Firing at a suspect when lesser force could be used and the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders. (When in doubt, don't shoot.)
- Application of choke hold or carotid control holds, except when the officer reasonably believes such lateral vertical neck restrains are the only means of protecting themselves or another person from a deadly force encounter.
- Use of Streamlites or Kel-lites or other flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon ONLY to defend himself or another from imminent serious physical injury or death and then ONLY if departmentally sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.
- No officer shall carry or use a disposable weapon.
- The carrying or use of saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles.
- Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- Any use of force not reasonably necessary in the light of the circumstances confronting the officer.
- Any forcible enforcement action when off duty except in circumstances which seriously threaten life, valuable property, or public order.

Attachments

OCLEAC Standards Compliance Checklist 5-19-2020.pdf



STANDARDS COMPLIANCE CHECKLIST

This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.

The agency directive and associated compliance documentation shall:

- 1) Adequately cover each standard and associated bullet;
- 2) Be clearly marked with each standard number and bullet, and;
- 3) Include an explanation in the space provided for any areas where compliance could not be met.

Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.

STANDARD 8.2015.1

USE OF FORCE / DEADLY FORCE

The agency maintains a Use of Force / Deadly Force written directive that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. when a written report shall be conducted;
- ☐ c. investigation / report reviews for policy compliance; and
- ☐ d. annual read and sign and testing over directive content for sworn agency personnel.

GUIDING PRINCIPLES

USE OF FORCE

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting 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.

USE OF DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. to defend themselves from serious physical injury or death; 2. to defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

↓ *For agency completion: Agency compliance feedback for Use of Force / Deadly Force*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 8.2015.2

RECRUITMENT AND HIRING

The agency maintains a Recruitment and Hiring directive that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. establishment of an agency recruitment plan;
- ☐ c. establishment of agency EEO plan;
- ☐ d. identification of sworn officer applicant qualifications;
- ☐ e. identification of sworn officer application and selection process;
- ☐ f. annual review of agency hiring and recruitment process; and
- ☐ g. initial read and sign over agency hiring and recruitment directive, for applicable personnel.

GUIDING PRINCIPLES

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

↓ *For agency completion: Agency compliance feedback for Recruitment and Hiring Standard*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 8.2016.3

COMMUNITY ENGAGEMENT

The agency maintains a written directive on Community Engagement activities that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. identification of agency specific programs;
- ☐ c. methods for sharing and receiving information within the agency's service area; and
- ☐ d. initial read and sign over agency community engagement directive for all agency personnel.

GUIDING PRINCIPLES

Agencies shall utilize proven strategies or develop their own strategies that are focused on community engagement. Examples may include: youth programs, educating the community on police policy and procedures, educating officers about the community they serve, sharing , receiving and providing information to the public, jointly identifying areas of concern, and communicating, when appropriate, significant changes in agency operations or other areas.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, with consideration of the department size and budget, as well as the community it serves.

↓ *For agency completion: Agency Compliance Feedback for Community Engagement*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 12.2016.4

BODY WORN CAMERAS

If applicable, the agency maintains a written directive on Body Worn Cameras that includes:

- ☐ a. the purpose and organizational philosophy regarding use in support of the Ohio Collaborative guiding principles;
- ☐ b. requirements and restrictions for activation and deactivation of the device;
- ☐ c. criminal and administrative use of the camera captured data;
- ☐ d. data storage, retention and disclosure requirements reflective of public records law and privacy concerns;
- ☐ e. requirements for a documented review of camera captured data; and
- ☐ f. initial read and sign for users and supervisors

GUIDING PRINCIPLES

Agencies utilizing body worn cameras must develop strong and consistent policies that provide guidance to their personnel as to the appropriate use of body worn cameras. Policies need to address, at a minimum, activation and deactivation, auditing, storage, retention, public records and releases video related to victims, especially child victims, injured victims, victims of sexual assault and other privacy concerns. It is recognized the audio and video data is viable recorded evidence that may provide a means of accountability for those officers and the public. It is also recognized the audio video data may not be an accurate reflection of all that is involved with an incident. Audio video data cannot reflect the human cognitive conditions associated with officer in public contact. Additionally, A/V shall not supersede the principles established by *Graham v. Connor*.

↓ *For agency completion: Agency Compliance Feedback for Body Worn Cameras*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 12.2016.5

LAW ENFORCEMENT TELE-COMMUNICATOR TRAINING

If the agency employs Tele-communicators, as defined by [ORC 4742.01](#), the agency must ensure a training program and directives exist to allow for Tele-communicators to be proficient in:

- ☐ a. obtaining complete and accurate information callers requesting law enforcement assistance;
- ☐ b. accurately classifying and prioritizing requests for assistance; and
- ☐ c. obtaining and accurately relaying information which may affect responder and / or citizen safety.

GUIDING PRINCIPLES

Training shall meet and support minimum standards as established by legislation for 911 call centers and public safety answering points (PSAPs).

↓ *For agency completion: Agency Compliance Feedback for Tele-communicator Training*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 3.2017.6

BIAS FREE POLICING

The agency maintains a written directive on Bias Free Policing that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. training on bias based profiling issues and relevant legal aspects;
- ☐ c. corrective measures to address violations of this policy to include a Supervisor's review and discipline on violations to the policy;
- ☐ d. data collection on all self-initiated traffic stops; and
- ☐ e. annual administrative review that is made available to the public.

GUIDING PRINCIPLES

Criminal Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race / ethnicity to establish reasonable suspicion or probable cause, except that officers may take into account the reported race / ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race / ethnicity to a particular unlawful incident(s).

Law enforcement agencies should prohibit the use of any bias based profiling in its enforcement programs, as it may lead to violations of the constitutional rights of the citizens served, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

↓ *For agency completion: Agency Compliance Feedback for Bias Free Policing*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 3.2018.7

INVESTIGATION OF EMPLOYEE MISCONDUCT

The agency maintains a written directive on Investigations of Employee Misconduct that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. describe formal complaint process, outline how and where to file a complaint;
- ☐ c. outline procedures for accepting, processing, and investigating the complaint;
- ☐ d. have a timeline for the resolution of the complaint;
- ☐ e. include safeguards to protect legal and contractual rights of employees; and
- ☐ f. ensure the public has access to complaints and / or commendations through social media or the agency's community relations programs.

GUIDING PRINCIPLES

A well-constructed complaint process is an integral tool in community-police relations. There is a significant impact when a community knows and understands its concerns can be legitimately addressed in a proper setting. Further, officers can be better served when they can refer aggrieved individuals to a trusted process. Neither officers nor community members benefit from attempts to have concerns addressed and redressed during a traffic stop or in the midst of an incident. It may prove beneficial for law enforcement agencies to reach out to community members in an effort to publicize, promote and develop processes that are mutually beneficial to all.

↓ *For agency completion: Agency Compliance Feedback for Investigation of Employee Misconduct*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

AGENCY NAME	O.R.I.#
AGENCY CONTACT	CONTACT #



Carroll County Sheriff Office

Policy # Use of Force / Use of Deadly Force	Related Policies: Electronic Control Weapon Duty to Intervene, Ethics
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Ohio Statutes: Ohio Collaborative Standards 2016	
CALEA Standard: 1.2.9; 32.2.1; 32.2.7; 32.2.8	
Sheriff Dale R. Williams	

Policy statement for the State of Ohio standard for Use of Deadly Force:

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances:

- 1. To defend themselves from serious physical injury or death; or**
- 2. To defend another person from serious physical injury or death; or**
- 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, Tennessee v. Garner and Graham v. Connor.**

Employees 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.

Officers only use the amount of force reasonably necessary to protect life and enforce the law under decisions established by the Constitution of the United States, the Constitution of this

State, established state and federal law and as articulated in this policy and procedures manual.

- I. **Purpose:** The purpose of this policy is to direct officers in the appropriate use and reporting of force.
- II. **Policy:** In an effort to protect and serve all citizens and visitors within this jurisdiction, respect the rights of suspects, and maximize officer safety in response to resistance events, it is the policy of this Office that officers will only use reasonable force to bring an incident or event under control and that all response to resistance events directed against active resistance be reported and reviewed as outlined in this policy. All uses of force must be objectively reasonable.
- III. **Definitions:**
 - A. **Deadly Force:** Any force that creates a substantial likelihood of causing serious bodily harm or death.
 - B. **Non-Deadly Force:** All uses of force other than those that are substantially likely to cause serious bodily harm or death.
 - C. **Imminent:** Has a broader meaning than immediate or instantaneous, the concept of imminent should be understood to be elastic, involving an ongoing period of time depending on the circumstances rather than a moment in time under the definition of immediate.
 - D. **Immediate:** means, that the officer is faced with an instantaneous, or presently occurring threat of serious bodily harm or death.
 - E. **Chokehold:** means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
 - F. **Neck Restraint:** A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.
 - G. **Intervene:** To come between, whether verbally or physically, so as to prevent or alter a result or course of events.
 - H. **De-escalation.** Force can often be avoided through the use of de-escalation techniques and other non-dynamic law-enforcement tools such as police presence, containment, and communication. When feasible, officers will use de-escalation and other techniques to reduce the immediacy of threats to peoples' safety and stabilize incidents. Whenever possible, officers will seek to slow things down. Not every situation or subject can be deescalated. Conversely, officer behavior can escalate a situation. Officers should not intentionally escalate situations unnecessarily.

- I. **Duty of care:** Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains whether injuries preceded custody, occurred during apprehension, or were sustained during custody. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured as a result of police involved actions.
- J. **Positional asphyxia.** Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.
- K. **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the officer using the force is presented.
- L. **Reasonable Belief:** Reasonable belief means that the person concerned, acting as a reasonable person, believes that the prescribed facts exist.
- M. **Serious Bodily Harm/Injury:** Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.
- N. **Active Resistance:** a subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
- O. **Active Aggression:** Behavior that creates an imminent risk of physical injury to a subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include but are not limited to an attack on an officer consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples may also include words or behavior such as pre-assault cues that clearly indicate that such an attack or actions are imminent.
- P. **Excessive Force:** is force that is not objectively reasonable from the perspective of a reasonable officer in the same circumstances. Excessive force will not be tolerated.
- Q. **Passive Resistance:** A subject who takes no affirmative action to defeat the member's ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- R. **Electronic Control Device:** Electronic Control Devices, TASER™, or stun-guns (electronic control weapons) that disrupt the central nervous system of the body. (SEE ECD POLICY)

IV. Response to resistance Procedure:

- A. In determining the appropriate level of force officers should apply the levels of force under the Office 's trained response to resistance options, along with the following three factor test:

- i. How serious was the offense the officer suspected at the time the particular force was used?
 - ii. What was the physical threat to the officer or others?
 - iii. Was the subject actively resisting or attempting to evade arrest by flight?
- B.** Officers may sometimes be required to take custody or otherwise control an individual who is a danger to themselves or others due to a medical or mental health emergency. In these cases, an officer may be required to use objectively reasonable force. In determining whether force is appropriate and the proper response under the Office 's trained response to resistance options, the officer should consider the following three factor test:
- i. Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to himself or others?
 - ii. Was some degree of force reasonably necessary to ameliorate or reduce the immediate threat?
 - iii. Was the force used more than reasonably necessary under the circumstances (i.e., was it excessive)?
- C. Deadly Force:** The use of deadly force is objectively reasonable when:
- i. The officer is faced with an immediate threat of serious bodily harm or death to him/herself, or some other person who is present, or;
 - ii. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape, they pose an imminent threat of serious bodily harm or death to another.
 - iii. Officers should warn the subject prior to using deadly force where feasible.
- D.** Once the subject's active resistance has ceased and control has been gained an officer is no longer authorized to use force.
- i. Officers should immediately provide any necessary medical assistance to the subject to the degree to which they are trained and/or provide for emergency medical response where needed and where reasonable to do so.
 - ii. Officers should immediately place the subject in a recovery position which facilitates breathing.
- E. Chokeholds & Neck Restraints:** An officer shall not use a chokehold or neck restraints in the performance of his or her duties, **unless deadly force is justified.**
- i. In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers shall not use a

chokehold, neck restraint or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion.

- ii. Officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted for the purpose of seizing evidence.
- iii. **Render Medical Aid:** Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.
- iv. As soon as the subject stops resisting and is handcuffed and/or under control, monitor the person's vital signs closely. Take the following steps:
 - Roll the person onto his or her side, or into a sitting position
 - Monitor breathing
 - Check the pulse at the wrist
 - Check the person's facial skin color (a gray or blue tint is a sign of severe medical distress)
 - Determine if the person is functionally conscious (e.g., the person can exhibit voluntary movement, has the ability to converse, is aware of place/date/time)
 - If the person has difficulty breathing, is not at a functional level of consciousness, exhibits symptoms of medical distress, or if you have any doubt regarding the person's medical condition, request an emergency medic response and administer appropriate first aid.
 - If the person is being lodged at a correctional facility or taken to a medical facility, advise them if the person was rendered unconscious or subjected to a chokehold or neck restraint during restraint.

F. Force Options: Officers have several force options that will be dictated by the actions of the suspect upon the appearance of the police officer. Officers may be limited in their options due to the circumstances and actions of the subject. In any given circumstance there will be a range of options that may be reasonable. At no time should these options be considered a ladder which must be attempted one progressive step at a time. For example, an officer who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.

- i. **Command Presence:** Visual appearance of the officer where it is obvious to the subject, due to the officer's uniform or identification, that the officer has the authority of law.
- ii. **Verbal Commands:** Words spoken by the officer directing the subject as to the officer's expectations.

- iii. **Soft Empty Hand Control:** Officer's use of hands on the subject to direct the subject's movement; techniques that have a low potential of injury to the subject.
- iv. **Chemical Spray:** Where subject exhibits some level of active resistance, officers may use chemical spray to temporarily incapacitate the subject.
- v. **Electronic Control Devices:** Where subject exhibits some level of active resistance an officer may use an electronic control device to temporarily incapacitate the subject. See Electronic Control Device policy.
- vi. **Hard Hand Control:** Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating a stunned mental state and/or motor dysfunction.
- vii. **Impact Weapons:** Batons, ASP/Expandable Batons, other impact weapons as allowed by Office al policy, or weapons of opportunity as may be dictated by the circumstances facing officers may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer's belief at the time, the other options would not be successful in bringing the event to a successful conclusion.
- viii. **Canine:** Use of canine to bite and hold subject to prevent escape or to gain control of a subject who is actively aggressing toward officer(s). Prior to deployment of a canine, a warning in the form of an announcement should be made when reasonable to do so.
- ix. **Deadly Force:** Force that creates a substantial likelihood of causing serious bodily harm or death.

G. Firearms Restrictions:

- i. Warning Shots are prohibited
- ii. Discharge of firearms is prohibited when the officer is presented with an unreasonable risk to innocent third parties.
- iii. Discharging a firearm at an occupied vehicle is prohibited unless deadly force is justified.
- iv. Whenever possible, officers should avoid placing themselves in a position where use of deadly force is the only alternative.

H. Less Than Lethal Weapons/Tactics: Prior to deployment of any less than lethal weapon, officers must be trained and certified where applicable in the proper use of the weapon. All deployments must be consistent with Office al response to resistance training and policy.

i. Chemical Spray:

- i. Chemical Spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant.
- ii. Chemical Spray shall never be used as a punitive measure.
- iii. Officers should never spray from a pressurized can directly into a subject's eyes from a close distance due to the potential for eye injury as a result of the

pressurized stream. Officers should never spray directly into a subject's eyes from closer than three feet or the distance recommended by the manufacturer of the spray (whichever is shorter), unless deadly force would be justified.

- iv. Officers should consider alternatives to chemical spray when attempting to control a subject in a crowded-enclosed area due to the innocent over-spray that may cause the onset of panic.
 - v. Officers should consider alternatives to chemical spray when the event is inside a building, particularly where the building has a closed-ventilation system due to the potential impact on innocent persons who may have to be evacuated (temporarily) from the locations.
 - vi. Once control is gained, officers should immediately provide for the decontamination of the subject when reasonable and practical to do so.
 - vii. If the person shows any signs of physical distress or does not recover in a reasonable amount of time, officers should immediately direct an emergency medical response and render first-aid at the degree for which they are trained.
- ii. **Impact Weapons: Batons, ASP/Expandable Batons**
- i. Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control.
 - ii. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
 - iii. Officers shall not intentionally strike a person with an impact weapon where it would create a substantial likelihood of causing serious bodily harm or death, unless the use of deadly force would be justified.

V. Duty to Intervene:

- A. Use of Force:** in accordance with the agency's **Duty to Intervene** policy Officers of this agency have an affirmative duty to intervene if they witness a use force that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

VI. Reporting Response to Resistance

- A. Whether on or off duty, Officers will report responses to resistance, via approved Office al response to resistance form, when one of the following force options are utilized in response to active resistance.
- i. Chemical Spray
 - ii. Electronic Control Devices
 - iii. Hard Hand Control
 - iv. Impact Weapons

- v.** Pointing of Firearms: Any time a member points a firearm at an individual, notwithstanding the fact that deadly force is not ultimately deployed is a reportable event under this policy. This does not include drawing a firearm and maintaining at the low-ready position.
 - vi.** Firearms discharges: Any intentional or unintentional discharge of a firearm, not inclusive of training scenarios or approved humane life terminations of injured animals.
 - vii.** Canine use: Use of an Office canine will be reported on a special form to capture any form of use whether there is contact with a subject or not.
 - viii.** Deadly Force
 - ix.** Any incident, arrest, or circumstance, which in the officer's or supervisor's opinion involved a physical confrontation necessitating documentation of circumstances.
- B.** Officers involved in an incident where a reportable response to resistance did not involve death or serious bodily injury, the Officer will:
- i.** Notify their supervisor as soon as practical.
 - ii.** Document the response to resistance via Police Report
 - iii.** Complete the approved Sheriff's Office response to resistance form and forward it to their immediate supervisor prior to ending their tour of duty. The form will be completed in detail including a narrative account describing the following:
 - a.** Actions of the subject that necessitated a response
 - b.** Force utilized in overcoming the resistant subject
 - c.** Injuries or complaints thereof sustained by the subject and/or Officer
 - d.** Medical treatment received.
- C.** Officers involved in an incident where a reportable response to resistance involved death, serious bodily injury, or the discharge of a firearm will notify the on duty and/or designated supervisor immediately.
- D.** In the event of a reportable response to resistance involving death or serious bodily injury, the Office will ensure that:
- i.** Criminal Investigation: A Detective/Investigator will respond to the scene, conduct investigation, and complete the initial police report. In the event an Office has no available personnel for this purpose or the Office believes it is in their best interest to request an outside Office conduct the investigation, they may utilize an outside Office (such as another Sheriff's Office) for this purpose.
 - ii.** Officers are reminded that a criminal investigation will be conducted and that criminal liability may attach to their actions. In order to ensure Officers 5th amendment protections are not violated the following procedure is established:
 - (a)** Officers will be removed from the scene as soon as practical.
 - (b)** Officers will be allowed time to reflect about their actions and speak with an attorney if they desire prior to any criminal questioning.

- (c) Officers are not required to submit to a criminal investigative interview and are subject to 5th Amendment protections if they so choose.
- iv. Internal Investigation: Officers should understand that an Internal Affairs Investigation may begin at any time as determined by the Sheriff or his/her designee. Internal Affairs Investigations will be separate and distinct from the criminal investigation. Prior to Internal Affairs interview, Garrity warnings will be issued and signed by the Officer(s) investigated. Involved Officers are required to provide truthful information to internal affairs investigators, are not afforded protection under the 5th Amendment to the United States Constitution, and therefore may not refuse to provide complete and truthful information. Internal Affairs Investigations will follow procedures established under separate policy.

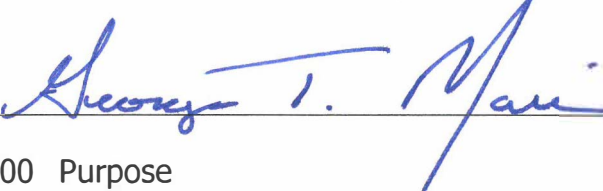
E. Supervisory Responsibilities:

- i. If available, an on-duty supervisor will respond to the scene of all incidents involving a reportable response to resistance.
- ii. Irrespective of duty status, supervisory and investigative staff, delineated under separate policy or directive, will respond to all response to resistance events involving death or serious bodily injury (or the likelihood thereof).
- iii. The ranking supervisor at the scene of an incident involving a reportable response to resistance will ensure that adequate investigation is conducted, forensic evidence is preserved, video graphic evidence is obtained, case investigation is sufficiently reported, and that response to resistance forms are completed. In those cases, where a supervisor is not present, the Reporting Officer will ensure that adequate investigation and all required reports are completed.
- iv. For all response to resistance events not involving death or serious bodily injury, the Officer's immediate supervisor or the Supervisor responding to the scene will review the response to resistance form and preliminary investigative information to determine policy compliance. The Supervisor will meet with the involved officer(s) to discuss the event, review policy, and clarify any matters of concern. The supervisor will forward the response to resistance form via the chain of command to the Sheriff or their designee. Anytime during the supervisor's review, he or she believes that a serious policy infraction or criminal act occurred, the supervisor will immediately cease investigation and forward all information to the Office of the Sheriff or their designee. The designee responsible for the investigation will conduct logical investigation per Office al policy.
- v. All response to resistance events involving death or serious bodily injury will be reviewed for legal and policy compliance by the Sheriff or their designee.



STARK COUNTY SHERIFF'S OFFICE

GENERAL ORDER

<i>Latest Amendment Date</i> JULY 9, 2024		<i>Number</i> 24000.00
<i>Subject</i> USE OF FORCE		<i>No. Pages</i> 22
<i>Reference</i> CALEA 1.3 IACP Use of Force, July 2020 ACA 2-CORE-2B-06		<i>Distribution</i> ALL DIVISIONS
<i>Reevaluation Date</i> ANNUAL	<i>Issued By</i> 	

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24001.00 Purpose

- .01 The purpose of this policy is to provide all Deputies and Officers of the Stark County Sheriff's Office with guidelines on the use of less-lethal and deadly force.

24002.00 Policy

- .01 It is the policy of this law enforcement agency to value and preserve human life. Deputies shall use only the force that is **objectively reasonable** to effectively bring an incident under control, while protecting the safety of the officer and others. Deputies shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent peace officer would use under the same or similar circumstances. All Deputies are expected to use force in a lawful and justifiable manner. This means the unnecessary use of force in an excessive or objectively unreasonable amount is an unjustified use of force and violates this policy.
- .02 The decision to use force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."
- .03 In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them" (*Graham v. Connor*, 490 U.S. 386 (1989)) and without regard for the Deputy's underlying intentions or motivations.
- .04 This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.
- .05 The guidelines and specific regulations that are identified herein shall be followed.
- A. Deputies and Officers may never use deadly force to affect the seizure, custody, or apprehension of a person unless the Deputy or Officer can establish probable cause to believe that the person has the imminent ability and opportunity to seriously injure or take a person's life. In such cases, use of**

deadly force by a Deputy or Officer may be permitted, provided it is used in a manner that would be objectively reasonable given the facts and circumstances present without regard for the Deputy or Officer's underlying intentions or motivations.

- B. Nothing in this policy is to be construed to hold a Deputy or Officer to a higher standard of care when reacting to a life-threatening situation than allowed in the **Emergency Response Doctrine**.
- C. Deputies and Officers are expected to justify their use of force in any criminal, civil, or administrative proceeding. Article 6 of the Labor Agreements is to be afforded to all employees during the course of any investigation. Deputies and Officers who cannot, or will not, comply with this policy will be subject to disciplinary action up to and including termination.
- D. A violation of this policy will only form the basis for sanctions by the Sheriff's Office.

.02. It is the policy of the Stark County Sheriff's Office that all Deputies and Officers **are expected to use force in a legitimate and justifiable manner. This means the unnecessary use of force in an excessive or unreasonable amount, or to use force in a cruel manner, is an illegitimate and unjustified use of force and violates this policy. All Deputies and Officers are to use force that is OBJECTIVELY REASONABLE given the facts and circumstances present without regard for the Deputy or Officer's underlying intentions or motivations. While the individual employee is responsible for their action(s), assisting employees must work as a team during a use of force incident. Employees are reminded that, when it is safe and reasonable to do so, there is a duty to intervene and to take over if you are assisting, or witnessing, a use of force incident that is NOT objectively reasonable given the facts and circumstances of that present situation.**

24003.00 Ohio Standards

.01 Policy statement for the State of Ohio standard for Use of Force:

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting 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.

.01 **Policy statement for the State of Ohio standard for Use of Deadly Force**

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. **(A choke hold is prohibited except in situations where deadly force is allowed by law.)** Deadly force may be used only under the following circumstances:

- A. To defend themselves from serious physical injury or death; or
- B. To defend another person from serious physical injury or death; or
- C. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

.02 All sworn personnel are issued copies of the office's use of force and use of deadly force policy. This policy contains the following on the use of force and use of deadly force:

- A. Policy statements;
- B. Training policy;
- C. Reporting policy;
- D. Reviews/investigations policy.

24004.00 Definitions

- .01 **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).
- .02 **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). Deadly force may also include force that carries with it a substantial risk that it will cause serious bodily harm. Robinette v. Barnes, 854 F.2d 909 (6th Cir.1988).
- .03 **DEADLY WEAPON:** Any instrument, device, or thing capable of inflicting death, and designed, or specially adapted, for use as a weapon, or possessed, carried, or used as a weapon. O.R.C. 2923.11 (A).
- .04 **INTERMEDIATE WEAPON:** Shall be defined as the baton, chemical agent (OC, CS, and CN spray), neuromuscular incapacitation device, or electronic restraining device. **WARNING: Despite the fact that a weapon is**

defined as an “intermediate weapon” in this policy does not mean that an intermediate weapon cannot result in deadly force.

.05 **EMERGENCY RESPONSE DOCTRINE:** The Deputy's or Officer's right to use any level of force deemed necessary to protect their life, or the life of another, when faced with a bon-a-fide life-threatening situation. This doctrine provides for a lower standard of care in these cases when the following four (4) conditions are satisfied:

- A. The Deputy or Officer did not create the emergency situation.
- B. The Deputy or Officer was acting under an immediate and direct threat.
- C. The level and amount of force used was reasonable given facts and circumstances at the time.
- D. A reasonable and prudent person might have been expected to react similarly under similar conditions.

24005.00 Use of Physical Force

.01 It is the policy of the Stark County Sheriff's Office that only the amount and degree of force will be used that is reasonably necessary to perform the various duties required of Deputies, that is to:

- A. Protect life and property by effecting arrests.
- B. Retaining arrestees.
- C. Preventing personal injury to themselves and others.
- D. Prevent property damage.

.02 Each instance of the use of force will require that restraint be exercised so as not to purposely exceed that force necessary as dictated by the particular circumstances faced by the employee. **At such time that that it is objectively reasonable that a subject is fully in law enforcement's control, then the force must terminate.**

.03 As used in this rule, “Force” means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing, and shall include, but not be limited to:

- A. The striking of a person with the hand, intermediate weapon, or any other object.

- B. The throwing or shoving of a person causing a collision of that person with the ground, another person or object.

.04 As used in this rule, "Intermediate Weapon" shall be defined to include baton, chemical agent (OC, CN, and CS), neuromuscular incapacitation device, or electronic restraining device. The following rules apply:

- A. Members of the Sheriff's Office will carry intermediate weapons that have been authorized by the member's supervisor to be carried.
- B. Employees who have been trained in the use of the ASP baton will not carry any other intermediate weapon except a neuromuscular incapacitation device (Taser®), OC spray and the ASP baton.

.05 The purpose of a flashlight is to provide light and illumination and is not to be used as weapon except under extraordinary circumstances.

.06 When necessary to use force to effect an arrest, subdue or control an arrestee or in any other like situation, the use of force shall be fully documented in writing. The following rules apply:

- C. The Deputy or Officer using force shall immediately notify their supervisor of the incident.
- D. When a member of the Sheriff's Office uses OC spray or a Taser in effecting an arrest, the procedures contained above shall apply.

24006.00 Procedures:

.01 Parameters for the use of deadly force:

- A. The Stark County Sheriff's Office policy is not more lenient than the Federal Standard. It is the legal burden imposed in the language of case "*Tennessee V. Garner, 741 U.S. 1, 105 S Ct 1964 851 ED. 2d (1985)*". This case is historically significant for abolishing the "Fleeing Felon Rule". The following guidelines were established as a result of the mentioned case:
 - 1. It is not constitutionally reasonable to use deadly force to prevent the escape of a fleeing felon who poses no danger to others.
 - 2. It is not constitutionally unreasonable to prevent the escape of a fleeing felon by using deadly force if:
 - a. The suspect poses a threat of serious physical harm to any person.

- b. The suspect threatens the Deputy or Officer with a weapon or there is probable cause to believe that the suspect has committed a crime involving the infliction, or threatened infliction, of serious physical harm.
 - c. Where feasible, some warning should be given.
- .02 The following procedures regarding the use of deadly force are to be adhered to:
 - A. Deputies are authorized to fire their weapons in order to:
 - 1. Protect the deputy or others from what is reasonably believed to be an immediate threat of death or serious physical harm.
 - 2. Prevent the escape of a fleeing felon whom the Deputy has probably cause to believe will pose a significant threat to human life should escape occur.
 - 3. To destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from the agency (Humane Society, Stark County Animal Control, Game Warden, etc.) responsible for the disposal of animals. The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others.
 - B. Before using a firearm, when feasible, the Deputy shall identify herself/himself and state her/his intent to shoot.
 - C. Deadly Force Restrictions:
 - 1. Warning shots are prohibited.
 - 2. Firearms shall not be discharged when it is likely that an innocent person may be injured.
 - 3. Firearms shall not be discharged to solely disable a moving vehicle.
 - 4. The decision to discharge a weapon at a moving vehicle or from a moving vehicle shall be governed by this policy. The discharge of a weapon will be prohibited if there is an unreasonable risk to the Deputy or to the public.

- D. No Distinction shall be made relative to age of the subject demonstrating deadly force. Self-defense and the imminent threat shall be the only policy guideline for employing deadly force.
 - E. For maximum stopping effectiveness and minimal danger to the innocent persons, the Deputy should shoot at "center mass".
 - F. All on duty Deputy's shall be armed with an agency approved firearm.
 - 1. The firearm will be inspected, fired and certified safe by an agency armorer or firearms instructor.
 - 2. The firearm must be registered with the office by make, model, serial number and ballistic sample.
 - 3. Only authorized holsters will be permitted for on-duty use.
 - 4. Only ammunition issued or authorized by the Sheriff's Office is permitted.
 - G. A secondary (back up) on duty handgun may be authorized but only upon meeting specific Sheriff's Office approval. (i.e., qualified with the weapon and **make, model, and serial number shall be on file at the Stark County Sheriff's Office.**)
 - H. Deputies are encouraged, but not mandated, to carry a handgun while off duty. A Deputy who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which they could have taken enforcement action if they were armed.
- .03 Discussion and examples on the use of deadly force. The Deputy must perceive that these three elements are present before they are in a legal deadly force situation:
- A. **INTENT: The person intends to seriously injure or kill the Deputy (or another person).**
 - B. **OPPORTUNITY: The person is within range (close enough) to seriously injure or kill the Deputy (or another person).**
 - C. **ABILITY: The person has the means (weapon) to seriously injure or kill the Deputy (or another person).**

24007.00 Value of Human Life

- .01 The value of human life is immeasurable in our society. Law enforcement has been delegated the awesome responsibility to protect life and property

and apprehend criminal offenders. The apprehension of criminal offenders and protection must, at all times, be subservient to the protection of life. The Deputy's or Officer's responsibility for protecting life must include their own.

24008.00 Shoot to Stop

- .01 Members shall not fire their weapons to kill, but rather to **stop the threat** and incapacitate an assailant from completing a potentially deadly act as described in the following sections of this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the Deputy should shoot at "center of mass".

24009.00 Defense of Life

- .01 A Deputy or Officer may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or (near death) critical bodily harm.

24010.00 Use of Non-Deadly Force

- .01 Where deadly force is not justified or authorized, the Deputy should assess the situation in order to determine which of the non-deadly force techniques or issued equipment will be best to de-escalate the incident and bring it under control in a safe manner.
- .02 Deputies and Officers are authorized to use the departmental approved non-deadly force techniques for the resolution of incidents as follows:
 - A. To protect themselves or another from physical harm.
 - B. To restrain or subdue a resistive individual.
 - C. To bring an unlawful situation safely and effectively under control.
- .03 The use of a neuromuscular incapacitation device (Taser®) the subject will be treated medically in accordance with the policy guidelines in 24200.00 Neuromuscular Incapacitation Devices.
- .04 If chemical aerosol agent is used, medical attention shall be given to the recipient.
- .05 If the use of force is justified, the Deputy or Officer may utilize non-traditional weapons as necessary. This includes any object the Deputy or Officer may need in stopping an attack or subduing an individual.

24011.00 Types of Resistance

- .01 In a majority of situations, some amount of force will be necessary or needed to arrest an individual or to protect persons and property. This includes the Deputy or the Officer. The amount of force may be as low as verbal commands or balancing techniques, striking techniques, the use of intermediate weapons or even the use of a firearm. **IN ALL CASES, ONLY "REASONABLE" AMOUNT OF FORCE IS JUSTIFIED. ANY FORCE THAT IS UNREASONABLE WOULD BE UNJUSTIFIED AND MAY AMOUNT TO A CRIMINAL AND/OR A CIVIL VIOLATION.**
- .02 **When a Deputy or Officer uses force, it must be reflective of the amount of resistance given by a subject. Resistance is an action by a subject towards a Deputy or an Officer and can be characterized into three (3) broad areas:**
- A. **PASSIVE RESISTANCE** – When a person exhibits no resistive movement in response to verbal and other direction (e.g. dead weight, no movement or resistive tension).
 - B. **ACTIVE RESISTANCE** – This is a broad category that addresses a subject's active role in the resistance. Since there are so many variables to this type of resistance, it is broken down into two additional categories:
 - i. **Low Level Active Resistance** – When a subject exhibits resistive movement to avoid physical control (e.g. pulling away, holding onto a chair, steering wheel, etc.) or as a passive resister, presents a credible threat to an officer (e.g. laying on hands and not responding to commands to make hands visible).
 - ii. **Aggressive Active Resistance** – When a subject takes actions that could reasonably be perceived as threatening to the office or others. This would include any assaultive behaviors (e.g. push, strike, grab, tackle) and verbal and non-verbal pre-attack indicators.
 - C. **DEADLY THREAT** – Physical actions with or without a weapon, capable of causing severe physical harm, incapacitation or death of the Deputy or others.
- .03 All Deputies and Officers are to use force that is **REASONABLE** to perform the various duties required.

24012.00

Reasonable Responses to Individual Actions

- .01 A confrontation is not static; it is dynamic. It is not just a word or a push. It is a combination of all of the above, in a random, rapid chain of events. There are numerous factors and circumstances that affect the Deputy's or an Officer's response to an individual's actions:

A. DEPUTY-OFFICER/SUBJECT FACTORS

1. Age
2. Sex
3. Size
4. Skill Level
5. Multiple Subjects/Deputies-Officers
6. Relative Strength

B. SPECIAL CIRCUMSTANCES

1. Closeness of weapon
2. Injury or exhaustion
3. Being on the ground
4. Distance from the subject
5. Disability
6. Imminent danger

- .02 It is reasonable that a discrepancy in the physical size or a difference in the sex between the individuals involved in a confrontation may require a Deputy or an Officer to use more or less force to control a situation. In a similar manner, it would be reasonable for a single Deputy or an Officer to use more force in controlling a situation when confronted by multiple subjects.

- .03 A confrontation may include special circumstances that would allow a Deputy or an Officer to increase the use of force. A subject in close proximity of a weapon creates an increased danger to the Deputy, an Officer or others, and must be dealt with immediately. A Deputy or an Officer near exhaustion would require increased force. Likewise, a Deputy or an Officer who is injured, disabled, or on the ground, would be justified to increase the use of force options.

24013.00 Safe Handling of Firearms

- .01 Except for general maintenance, storage, or authorized training, Deputies shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sanctions of this policy.

24014.00 Training

- .01 Firearms training will be conducted **annually, semi-annually or based on the needs of the office at the discretion of the Sheriff.**
- .02 Once a year the Stark County Sheriff's Office firearms qualification will be the OPOTA mandated course.
- .03 Sworn personnel are issued copies of the office's use of force and use of deadly force training policy.
 - A. **Revision:** – Following release – of a revision to this policy all Deputies and Correction Officers shall be assigned this policy, without delay, for review, and read & sign. The policy will be placed into the Relias learning system.
 - B. **Roll call Training:** – Whenever changes in the policy occur, all shift supervisors will conduct roll call training to instruct staff on the changes.
 - C. **Annual Training:** – Sworn personnel are annually trained and tested on the office's use of force and use of deadly force policy. Training and testing will include instruction of:
 - 1. The legal requirements;
 - 2. Policy statements;
 - 3. Training policy;
 - 4. Reporting policy;
 - 5. Reviews/investigations policy;
 - 6. Moral responsibilities of carrying a firearm;
 - 7. Firearm safety; and
 - 8. Firearm proficiency.

- D. **Annual Review:** – All Deputies will review this policy, in its entirety, as part of the OPOTA mandated annual firearms qualification.
- E. **New Hires:** – The FTO shall provide all Deputies and Correction Officers with specific training on the scope and contents of this policy.
- .04 The firearm proficiency training may include, as closely as possible, those circumstances and conditions that our Deputies are most likely to confront in real-life deadly force situations.
- .05 All aspects of the firearms training program will include the Deputy's on-duty, off-duty and secondary weapons.

24015.00 Firearms Certification

- .01 All Deputies shall be "Certified" with their primary, secondary and their off-duty weapons. "Certification" shall include:
 - A. Office policy on use of deadly force,
 - B. The legal requirements,
 - C. Moral responsibilities of carrying a firearm,
 - D. Firearm safety, and
 - E. Firearm proficiency.
- .02 Firearms certification shall be required annually. And, in the event of any accidental discharge, the Deputy involved must undergo immediate re-certification training prior to returning to full duty.
- .03 Should a Deputy fail to make certification standards, written notification of such failure shall be forwarded to the Deputy's commanding officer, the **training division, personnel division**, and to the Sheriff.
- .04 The Sheriff may immediately revoke the Deputy's authority to carry a firearm or seek to have the Deputy re-certified.
- .05 If a Deputies authority to carry their on-duty weapon has been revoked, they shall be reassigned to non-uniform administrative duty for a period of ten days. Within the ten-day period, the Deputy must report to a certified agency firearm instructor for remedial training and certification.
- .06 Deputies who fail to achieve certification after attending remedial firearms training may be placed on suspension. After 30 days suspension, if the

Deputy has still failed to achieve certification, they may be terminated for failing to maintain standards.

24016.00 Firearms Certification Records

- .01 The Stark County Sheriff's Office (Range Master) shall maintain a permanent certification log for every Deputy authorized to carry firearms. The log shall consist of the following minimum information:
- A. Deputy's name.
 - B. Certified on-duty weapon, the make, model, caliber, and ammunition, serial number of weapon, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - C. Certified off-duty weapon, the make, model, caliber, and ammunition, serial number of weapon, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - D. Certified secondary weapon, the make, model, caliber, and ammunition, serial number of weapon, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - E. Certified shotgun, the make, model, caliber, and ammunition, serial number of weapon, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - F. Certified rifle, the make, model, caliber, and ammunition, serial number of weapon, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.

24017.00 Reporting Procedures

- .01 Deputies and Officers shall notify their supervisor and submit a written report whenever an employee:
- A. Any incident when force is used or the use of deadly force.
 - B. Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
 - C. Discharges a firearm or activates a neuromuscular incapacitation device for other than training or operational testing.
 - D. When restraints are necessary to subdue an individual other than with handcuffs.

- E. When there is any danger to Stark County property or any damage to civilian property.
 - F. When bystanders complain of the Deputy's or an Officer's actions or tactics.
 - G. When a Deputy or an Officer feels it is necessary.
- .02 The required reports will be completed as soon as possible by the employee in accordance with established procedures. The report will be reviewed by the shift supervisor to determine compliance with office policies and procedures.
- .01 **Reference: 2-CORE-2B-06 Written reports are submitted to the facility administrator or designee no later than the conclusion of the tour of duty when any of the following occur:**
- a. **Discharge of a firearm or weapon**
 - b. **use of less lethal devices to control inmates**
 - c. **use of force to control inmates**
 - d. **inmate(s) remaining in restraints at the end of shift**
 - e. **routine and emergency distribution of security equipment**

.03

24018.00 Medical Attention Should be Provided

- .01 If there is any visible injury that the Deputy or Officer feels may need medical attention.
- .02 If the individual requests medical attention.
- .03 If the individual is incapable of communication about their wellbeing.
- .04 If the individual becomes unconscious at any time during the Deputy's or Officer's contact.

24019.00 Pictures

- .01 Photographs will be taken of any visible injuries to the Deputy or Officer, civilian, or perpetrator.
- .02 Photographs will be taken before and after treatment when possible.

.03 Photographs will be taken of any damaged property.

24020.00 Investigative Process

.01 Each use of force and use of deadly force report is reviewed/investigated by a defined level of authority to determine compliance with office policies and procedures as follows:

- A. The use of force report will be reviewed by the shift supervisor and forwarded to the division commander.
- B. Deadly use of force or discharge of a weapon the following procedures will be followed.

.02 The following procedure shall be used to investigate **every** incident of firearm discharge by a Sheriff's Office employee **except** for target practice, hunting, ballistics examinations, and incidents involving the destroying of an animal.

A. **Involved Deputy:**

- 1. Whenever a Deputy discharges their firearm, either accidentally or officially, they shall **immediately:**
 - a. Determine the physical condition of any injured person and render first aid when appropriate.
 - b. Request necessary emergency medical aid.
 - c. Notify the communications center of the incident and location.
 - d. The Deputy shall remain at the scene (unless they are injured) until the arrival of their supervisor and appropriate investigators. However, if circumstances are such that the continued presence of the Deputy at the scene might cause a more hazardous situation to develop (violent crowd), the ranking supervisor at the scene shall have the discretion to instruct the Deputy to respond to another more appropriate location.
 - e. The Deputy shall protect their weapon for examination and submit said weapon to the appropriate investigator.
 - f. The Deputy shall prepare a detailed report of the incident.

- g. The Deputy should not discuss the incident with anyone except:
 - i. Supervisory and investigative personnel,
 - ii. The Deputy's privately retained attorney.
 - iii. The Deputy shall be available at all times for administrative interviews and statements regarding the incident and shall remain subject to recall to duty at any reasonable time.

B. **Communications:**

- 1. The notified communication personnel shall:
 - a. Dispatch requested medical aid.
 - b. Notify the on-duty uniformed patrol supervisor who will notify the Staff Office working or on call.
 - c. Notify the Sheriff.
 - d. Notify the Operations Division Commander.
 - e. Where injury resulted, the Operation's Division Commander will notify the prosecuting attorney.

C. **Traumatic Incident Team:**

- 1. The Traumatic Incident Team, which will be identified by the Sheriff, shall conduct an administrative investigation of every incident of firearms discharged by an employee, except when such discharge was for firearms training, hunting, ballistic examinations, and incidents involving the destruction of an animal, **AND** no near miss or hit of a human resulted. The Traumatic Incident Team (Unit/Investigator) will conduct an investigation (subordinate to any criminal investigation) to determine:
 - c. Whether the shooting was:
 - i. Within policy.
 - ii. Out of policy.
 - iii. Accidental.

- b. Evaluate training considerations:
 - i. Drawing and exhibiting firearms.
 - ii. Firing of weapon.
 - iii. Tactics prior to drawing and discharge.
 - iv. Tactics during and following discharge.
- c. The quality of supervision prior to, during, and after the shooting incident. Before interviewing or requesting written statements of the involved member(s), the Traumatic Incident Team Investigator shall advise the member of their rights in an administrative investigation. Those rights include:
 - i. The right of an investigation which is narrowly defined to the specific shooting incident.
 - ii. The right to know the name of the Deputy in charge of the investigation and the name of the Deputy conducting the interview.
 - iii. The right to know if they are suspected of misconduct which, if sustained, could be grounds for administrative action to include dismissal.
 - iv. The right to refuse to answer any questions, but such refusal shall be grounds for disciplinary action including dismissal.
 - v. That the results of the traumatic incident interview will not be used against the Deputy in any subsequent criminal proceeding.
 - vi. Interviews will be conducted during the Deputy's on-duty hours unless off-duty interviews can be justified by the specific situation.
 - vii. The interviewed Deputy shall, upon request, be provided a copy of any statement given by them.
 - viii. The Traumatic Incident Team (Unit/Investigator) shall prepare a detailed report of findings for the Sheriff and the Deadly Force Review Board.

D. **The Criminal Investigation:**

1. The Investigation Services Division will conduct a thorough investigation of every shooting by a Deputy Sheriff and/or Reserve Deputy Sheriff that results in injury or death.
 - a. The Sheriff or his designee may request an outside agency to conduct the investigation or review of the incident.
2. The investigation shall include the following minimum procedural standards:
 - a. Proceed to the scene immediately upon notification.
 - b. Secure the scene.
 - c. Examine the weapon(s) of all Deputies' present at the time shots were fired including secondary weapon(s) that may have been fired. The weapon will be held for analysis and the deputy given another weapon to use until the analysis is complete.
 - d. Seize samples of unspent ammunition.
 - e. Take possession of the Deputy's Body Worn Camera.
 - f. Separate, secure and interview all on-scene witnesses.
 - g. Photograph and diagram the scene.
 - h. Secure all physical evidence. Have proper medical authorities secure projectiles from the victim's body.
 - i. Secure telecommunications tapes.
 - j. Obtain hospital, autopsy, lab and photographic reports.
 - k. Before interviewing or requesting written statements of the involved Deputy(s), the investigator shall advise the Deputy of their rights in a criminal investigation.
 - l. The Investigation Services Division shall prepare a detailed report of the investigation and submit same to the Sheriff, Prosecuting Attorney, and the Board of Firearms Review.

E. **Use of Deadly Force Review Board:**

1. The Use of Deadly Force Review Board shall convene and review circumstances attendant to each discharge of a firearm by a member of this office. The Board shall consist of:
 - a. A Command Rank Officer as designated by the Sheriff.
 - b. The Commanding Officer of the Operations Division.
 - c. A firearms instructor.
 - d. The Command Officer of the Deputy who discharged their weapon.
 - e. Two members of the same ranks as the member who discharged their weapon.
2. The Use of Deadly Force Review Board will evaluate, in explicit and fact-finding fashion, each aspect of a Deputy-involved shooting. Such evaluation will include:
 - a. A thorough review of the criminal investigation report.
 - b. Hearing of direct testimony, if necessary, from Deputies and witnesses.
3. The Use of Deadly Force Review Board will develop findings and make recommendations to the Sheriff in the following areas:
 - a. Whether the shooting was within policy, out of policy or accidental.
 - b. Tactical considerations.
 - c. Training considerations.
 - d. Quality of supervision.
 - e. Discipline considerations.
 - f. The post-shooting investigative processes and quality.

24021.00 Civil Rights Investigations

- .01 The Stark County Sheriff's Office will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations which may have occurred.

- .02 The Stark County Sheriff's Office will not order, or request, any of its members who may be suspects to confer with federal investigators without the advice of counsel.

24022.00 Administrative Leave

- .01 Any Deputy or Officer directly involved in a deadly force incident shall be placed on "Administrative Leave" directly upon completion of their preliminary report of the incident. The leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the Deputy or Officer has acted improperly.
- .02 While on administrative leave, the Deputy or Officer shall remain available at all times for official agency interviews and statements regarding the shooting incident, and shall be subject to recall at any time. The Deputy or Officer shall not discuss the incident with anyone except the prosecuting attorney, agency personnel assigned to the investigation, the Deputy's Or Officer's private attorney, the Deputy's or Officer's psychologist, their chosen clergy, and the Deputy's or Officer's immediate family.
- .03 Upon returning to duty, the Deputy or Officer may be assigned to "Administrative Duty" for a period of time as deemed appropriate by the Deputy or Officer, their psychologist, and the Sheriff.

24023.00 Legal Representation

- .01 The Deputy's or Officer's private attorney should be immediately notified of any Deputy/Officer-involved shooting incident or use of deadly force.
- .02 The attorney should immediately proceed to the scene of the incident to meet with, and establish, a lawyer-client relationship with that employee.
- .03 The attorney should assist the Deputy or Officer in drafting a formal statement as to the underlying facts and the reasonableness as perceived by the Deputy or Officer justifying their use of deadly force. The statement should be drafted to insure (if that be appropriate) that legal sufficiency for such use of force is included in the Deputy's or Officer's statement. The Deputy or Officer should also be advised of their legal and agency rights regarding statements.
- .04 The attorney should continue to assist the Deputy or Officer during any post-shooting investigation, as well as criminal, civil, and federal civil rights actions, including the initial interview conducted by federal agents in a criminal civil rights action.

- .05 Should the initial lawyer-client interview indicate a violation of the Ohio Revised Code, the attorney should represent the Deputy or Officer accordingly.
- .06 All communications between the Deputy or Officer and their attorney are privileged and such must remain confidential and undisclosed unless released by authority of the Deputy or Officer.

24024.00 Psychological Services

- .01 In all cases where any person has been injured or killed as a result of a firearm discharge or killed due to the actions of a Deputy or an Officer, they will be **required** to undergo a debriefing with the office-furnished psychologist within five days of the incident.
- .02 The purpose of this debriefing will be to allow the Deputy or Officer to express their feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident.
- .03 The debriefing shall not be related to any agency investigation of the incident and nothing discussed in the debriefing will be reported to the Sheriff. The debriefing session will remain protected by the privileged Professional Psychologist Code of Ethics.
- .04 In all cases where any person has been injured or killed as a result of a firearm discharged by a Deputy or killed due to the actions of a Deputy or an Officer, the involved Deputy or Officer, and their family, will have **available** to them the services of the agency psychologist and/or chaplain.
- .05 The purpose of the psychologist and/or chaplain is to provide the Deputy and the Officer and/or their family with a source of professional consultation to aid them in dealing with the potential moral and ethical after-effects of a shooting incident.
- .06 The services shall not be related to any office investigation of the incident and nothing discussed will be divulged to the Stark County Sheriff's Office. The consultation sessions will remain protected by the privileged relationship

24025.00**Submission to County Grand Jury**

- .01 It shall be the policy of the Stark County Sheriff's Office that after the Investigation Division completes its investigation of a use of firearms, or other deadly force, incident by a member of the Stark County Sheriff's Office resulting in death, a complete copy of the investigation case file shall be submitted to the office of the County Prosecutor for presentation to the County Grand Jury.

Use of Force

300.1 PURPOSE AND SCOPE

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

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Massillon Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Use of Force

300.2.1 DUTY TO INTERCEDE AND REPORT

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

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

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 accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

Use of Force

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Any officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

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300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the Individual can comply with the direction or orders of the officer.
- (c) Whether the Individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.6 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent

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a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Massillon Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should

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articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel, at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding, at least annually, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Captain should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

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300.1 PURPOSE AND SCOPE

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

300.2 POLICY

The use of force is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.3 DEFINITIONS

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

300.4 DUTY TO INTERCEDE

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 so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor. The supervisor shall immediately report the incident to the Chief of Police.

300.5 USE OF FORCE

- (a) **De-escalation** . When feasible, an officer shall use de-escalation techniques to reduce the need for force and increase the likelihood of voluntary compliance. Whenever possible, and when delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual reasonable time and opportunity to submit to verbal commands before force is used.

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- (b) **Force must be reasonable** . An officer may only use the amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information, and in circumstances that are tense, uncertain, and rapidly evolving. While the ultimate objective of every encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible injury before applying force.
- (c) **Force to arrest**. An officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance by the person being arrested, nor shall an officer be deemed the aggressor or lose their right to self-defense by the use of reasonable force to make the arrest, prevent escape or to overcome resistance.
- (d) **Use of force to seize evidence**. In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Canton Ohio Police Department for this specific purpose.
- (e) **Dynamic response** . The use-of-force continuum provides guidelines for the reasonable responses to a subject's actions. Force situations often do not allow for an ordinal progression up a continuum of force and an officer must be ready to escalate or de-escalate as the situation evolves. Each force situation is unique, and this continuum is intended only as an illustration of the various force options available to an officer facing a given level of subject resistance. Good judgment and the circumstances of each situation will dictate the level of the continuum of force at which an officer will start. Depending on the circumstances, an officer may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require an officer to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances.

Factors: Circumstances that influence the level of force used by the officer include, but are not limited to:

- immediacy and severity of the threat to the officer;
- seriousness of the suspected offense or reason for the contact with the subject;
- whether the subject appears to be resisting, attempting to evade arrest by flight or is attacking the officer;

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- the subject's conduct as reasonably perceived by the officer;
- proximity of weapons or dangerous improvised devices;
- officer/subject factors (e.g., age, size, relative strength, skill, injuries, level of fatigue, number of officers and subjects);
- influence of drugs or alcohol on the subject;
- subject's mental capacity or impairment;
- the risk and reasonably foreseeable consequences of escape;
- the degree to which the subject has been restrained and their ability to resist despite being restrained;
- the availability of other options and their potential effectiveness;
- prior contacts with the subject or awareness of propensity for violence;
- the apparent need to immediately control the subject or promptly resolve the situation.

Levels of Resistance: The levels of resistance by a subject may include:

- **Uncooperative:** Subject fails to respond to verbal commands or other directions.
- **Active resistance:** Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, fleeing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
- **Assault or threat of assault:** Subject assumes a fighting stance, charges, strikes, or kicks an officer, or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault.
- **Life-threatening assault or assault likely to cause serious physical harm:** Subject commits an attack using an object, a weapon or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm or death.

Force Options: These are examples of force available to the officer. Force options may be used simultaneously; for instance, combining verbal commands with the use of OC spray. The officer must choose the necessary response based on law, department policy, training, and experience. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

- officer presence;
- verbal direction;
- escort techniques;
- empty-hand control;
- OC spray/chemical irritant;
- baton;

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- TASER;
- deadly force.

300.6 DEADLY FORCE

- (a) **When justified.** An officer's use of deadly force is justified when:
- the officer reasonably believes there is an imminent threat of serious physical injury or death to the officer or another person, or
 - the officer has probable cause to believe that the fleeing subject has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended.
- (b) **Warning.** If feasible, and unless doing so would increase the danger to the officer or others, the officer shall give a verbal warning to submit to the authority of the officer before using deadly force.
- (c) **Alternatives to deadly force.** Deadly force should be a last resort, and should be used only when lesser means of force have failed or could not be reasonably employed.
- (d) **Definition of imminent.** "Imminent" does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes the person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another, or the person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.7 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

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300.8 CAROTID CONTROL HOLD

Carotid control holds, choke holds, or any other action that restricts blood or oxygen flow through the neck are prohibited unless deadly force is authorized.

- (a) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly transported to hospital and examined by qualified medical personnel and should be monitored until examined by appropriate medical personnel. If during the application of the carotid control hold the subject goes unconscious officer shall promptly call a Medic Unit to the scene to transport the subject to the hospital.
- (b) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (c) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (d) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.9 SHOOTING AT OR FROM MOVING VEHICLES

Firearms shall not be discharged from a moving vehicle. Firearms shall not be discharged at a moving or fleeing vehicle unless the officer or another person is currently being threatened with deadly force by means other than the moving vehicle. For purposes of this section, the moving vehicle itself shall not constitute the threatened use of deadly force. Therefore officers shall move out of the path of any oncoming vehicle instead of discharging a firearm at it or any of its occupants. Moving to cover, repositioning and/or waiting for additional responding units to gain and maintain a tactically superior police advantage maximizes officer safety and minimizes the necessity for using deadly force. An officer shall not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.10 REPORTING THE USE OF FORCE

Any use of force by a member of this department, including drawing their weapon, shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

NOTE : The only exception to the above policy is during potentially dangerous situations where multiple officers draw their weapons for officer safety. In this instance, the primary officer shall complete the Use of Force report listing all additional officers who displayed their firearms on the front of the report in section listed "Other Officers Involved" and after the officer's name shall place a **Capital D** indicating that the listed officer displayed his/her firearm.

Example: Officer John Smith-D/ Officer Sam James-D

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300.10.1 USE OF FORCE FORM

See attachment: [USE OF FORCE FORM 55-1.pdf](#)

300.11 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Conducted Energy Device (CED) or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.12 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be

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fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.13 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

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- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and prepare a written summary of findings in the use of force report for the incident.
- (i) Initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate. Supervisors will include the need for further review in the narrative summary described above.
 - 1. An administrative investigation will be initiated in every circumstance involving a Canton Police canine bite.
 - 2. The Training Bureau and Canine Coordinator will complete written reviews of every incident involving a canine bite for submission to the Chief of Police and the Office of Professional Standards.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.14 SHIFT COMMANDER RESPONSIBILITY

The Shift Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy. He/she will initial and forward all use of force reports to the Division Commander with recommendations when appropriate.

300.15 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding, at least annually, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

300.16 USE OF FORCE ANALYSIS

At least annually, the Uniform Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.17 CERTIFICATION STANDARDS

This policy contains content that pertains to the Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

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[See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

Attachments

USE OF FORCE FORM 55-1.pdf

CANTON POLICE DEPARTMENT FORM 55 – USE OF FORCE

Policy 300 requires officers to complete this report any time force is used or a weapon is displayed in the course of duty. Include brief descriptions of the circumstances, weapons and injuries on this page and expand with details in the OFFICER NARRATIVE.



DATE		INCIDENT NUMBER		LOCATION	
-------------	--	------------------------	--	-----------------	--

OFFICER COMPLETING REPORT	
OTHER OFFICERS INVOLVED	
DESCRIPTION OF FORCE USED	
SEVERITY/LOCATION OF OFFICER INJURIES	
HOSPITAL	

SUSPECT INFORMATION									
NAME							PHONE		
HEIGHT		WEIGHT		SEX		RACE		DOB	
ADDRESS									
MANNER OF RESISTANCE									
SEVERITY/LOCATION OF INJURIES									
HOSPITAL									

1	WITNESS NAME		PHONE	
ADDRESS				
2	WITNESS NAME		PHONE	
ADDRESS				

OFFICER SIGNATURE		DATE	
SUPERVISOR SIGNATURE		DATE	
SHIFT/BUREAU COMMANDER		DATE	
DIVISION COMMANDER		DATE	

CANTON POLICE DEPARTMENT FORM 55 – USE OF FORCE

PAGE 2 – OFFICER NARRATIVE		INCIDENT NUMBER		
<p>Officer narratives should expand on page one to include details of the call, the manner of resistance, de-escalation attempts (when appropriate), force used to overcome resistance and the result of each force option employed, weapons used, injuries, treatment, and other details. Other relevant details may include the influence of drugs or alcohol, known or suspected mental health challenges, the existence of multiple suspects, officer knowledge of or prior interactions with the suspect...etc.</p>				
OFFICER SIGNATURE				DATE

CANTON POLICE DEPARTMENT FORM 55 – USE OF FORCE

SUPERVISOR NARRATIVE	INCIDENT NUMBER	
<p>Supervisor narratives should not simply repeat the officer’s narrative. Supervisors should include details about their observations and explain the actions taken. Supervisors must interview the individuals subject to the use of force and recount that interview in the narrative. Witnesses must be contacted when available and BWC footage must be reviewed. The supervisor narrative should conclude with a determination of whether the actions of the officer were within policy. Supervisors should indicate a need for additional review for any other actions which are not clearly within policy. All K-9 apprehensions require additional review.</p>		
FURTHER REVIEW REQUIRED <input type="checkbox"/>	POLICY VIOLATION <input type="checkbox"/>	TRAINING RECOMMENDED <input type="checkbox"/>
SUPERVISOR SIGNATURE		DATE

OPS ENTRY DATE		INITIAL
REFERRED TO TRAINING DATE		INITIAL
REVIEW COMPLETE DATE		INITIAL

OCLEAC Standards Compliance Checklist 5-19-2020.pdf



STANDARDS COMPLIANCE CHECKLIST

This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.

The agency directive and associated compliance documentation shall:

- 1) Adequately cover each standard and associated bullet;
- 2) Be clearly marked with each standard number and bullet, and;
- 3) Include an explanation in the space provided for any areas where compliance could not be met.

Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.

STANDARD 8.2015.1

USE OF FORCE / DEADLY FORCE

The agency maintains a Use of Force / Deadly Force written directive that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. when a written report shall be conducted;
- ☐ c. investigation / report reviews for policy compliance; and
- ☐ d. annual read and sign and testing over directive content for sworn agency personnel.

GUIDING PRINCIPLES

USE OF FORCE

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting 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.

USE OF DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. to defend themselves from serious physical injury or death; 2. to defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

↓ *For agency completion: Agency compliance feedback for Use of Force / Deadly Force*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 8.2015.2

RECRUITMENT AND HIRING

The agency maintains a Recruitment and Hiring directive that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. establishment of an agency recruitment plan;
- ☐ c. establishment of agency EEO plan;
- ☐ d. identification of sworn officer applicant qualifications;
- ☐ e. identification of sworn officer application and selection process;
- ☐ f. annual review of agency hiring and recruitment process; and
- ☐ g. initial read and sign over agency hiring and recruitment directive, for applicable personnel.

GUIDING PRINCIPLES

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

↓ *For agency completion: Agency compliance feedback for Recruitment and Hiring Standard*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 8.2016.3

COMMUNITY ENGAGEMENT

The agency maintains a written directive on Community Engagement activities that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. identification of agency specific programs;
- ☐ c. methods for sharing and receiving information within the agency's service area; and
- ☐ d. initial read and sign over agency community engagement directive for all agency personnel.

GUIDING PRINCIPLES

Agencies shall utilize proven strategies or develop their own strategies that are focused on community engagement. Examples may include: youth programs, educating the community on police policy and procedures, educating officers about the community they serve, sharing , receiving and providing information to the public, jointly identifying areas of concern, and communicating, when appropriate, significant changes in agency operations or other areas.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, with consideration of the department size and budget, as well as the community it serves.

↓ *For agency completion: Agency Compliance Feedback for Community Engagement*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 12.2016.4

BODY WORN CAMERAS

If applicable, the agency maintains a written directive on Body Worn Cameras that includes:

- ☐ a. the purpose and organizational philosophy regarding use in support of the Ohio Collaborative guiding principles;
- ☐ b. requirements and restrictions for activation and deactivation of the device;
- ☐ c. criminal and administrative use of the camera captured data;
- ☐ d. data storage, retention and disclosure requirements reflective of public records law and privacy concerns;
- ☐ e. requirements for a documented review of camera captured data; and
- ☐ f. initial read and sign for users and supervisors

GUIDING PRINCIPLES

Agencies utilizing body worn cameras must develop strong and consistent policies that provide guidance to their personnel as to the appropriate use of body worn cameras. Policies need to address, at a minimum, activation and deactivation, auditing, storage, retention, public records and releases video related to victims, especially child victims, injured victims, victims of sexual assault and other privacy concerns. It is recognized the audio and video data is viable recorded evidence that may provide a means of accountability for those officers and the public. It is also recognized the audio video data may not be an accurate reflection of all that is involved with an incident. Audio video data cannot reflect the human cognitive conditions associated with officer in public contact. Additionally, A/V shall not supersede the principles established by *Graham v. Connor*.

↓ *For agency completion: Agency Compliance Feedback for Body Worn Cameras*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 12.2016.5

LAW ENFORCEMENT TELE-COMMUNICATOR TRAINING

If the agency employs Tele-communicators, as defined by [ORC 4742.01](#), the agency must ensure a training program and directives exist to allow for Tele-communicators to be proficient in:

- ☐ a. obtaining complete and accurate information callers requesting law enforcement assistance;
- ☐ b. accurately classifying and prioritizing requests for assistance; and
- ☐ c. obtaining and accurately relaying information which may affect responder and / or citizen safety.

GUIDING PRINCIPLES

Training shall meet and support minimum standards as established by legislation for 911 call centers and public safety answering points (PSAPs).

↓ *For agency completion: Agency Compliance Feedback for Tele-communicator Training*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 3.2017.6

BIAS FREE POLICING

The agency maintains a written directive on Bias Free Policing that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. training on bias based profiling issues and relevant legal aspects;
- ☐ c. corrective measures to address violations of this policy to include a Supervisor's review and discipline on violations to the policy;
- ☐ d. data collection on all self-initiated traffic stops; and
- ☐ e. annual administrative review that is made available to the public.

GUIDING PRINCIPLES

Criminal Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race / ethnicity to establish reasonable suspicion or probable cause, except that officers may take into account the reported race / ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race / ethnicity to a particular unlawful incident(s).

Law enforcement agencies should prohibit the use of any bias based profiling in its enforcement programs, as it may lead to violations of the constitutional rights of the citizens served, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

↓ *For agency completion: Agency Compliance Feedback for Bias Free Policing*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

STANDARD 3.2018.7

INVESTIGATION OF EMPLOYEE MISCONDUCT

The agency maintains a written directive on Investigations of Employee Misconduct that includes:

- ☐ a. policy statements in support of the Ohio Collaborative guiding principles;
- ☐ b. describe formal complaint process, outline how and where to file a complaint;
- ☐ c. outline procedures for accepting, processing, and investigating the complaint;
- ☐ d. have a timeline for the resolution of the complaint;
- ☐ e. include safeguards to protect legal and contractual rights of employees; and
- ☐ f. ensure the public has access to complaints and / or commendations through social media or the agency's community relations programs.

GUIDING PRINCIPLES

A well-constructed complaint process is an integral tool in community-police relations. There is a significant impact when a community knows and understands its concerns can be legitimately addressed in a proper setting.

Further, officers can be better served when they can refer aggrieved individuals to a trusted process. Neither officers nor community members benefit from attempts to have concerns addressed and redressed during a traffic stop or in the midst of an incident. It may prove beneficial for law enforcement agencies to reach out to community members in an effort to publicize, promote and develop processes that are mutually beneficial to all.

↓ *For agency completion: Agency Compliance Feedback for Investigation of Employee Misconduct*

Written directive meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

AGENCY NAME	O.R.I.#
AGENCY CONTACT	CONTACT #