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

2026-0255
Officer Involved Critical Incident - 24496 Clareshire Dr. Apt. F, North Olmsted, OH 44070, Cuyahoga County

Investigative Activity:	Use of Force Policy Receipt
Involves:	Elyria Police Department (O)
Activity Date:	01/26/2026
Activity Location:	4055 Highlander Parkway, Richfield, OH
Authoring Agent:	**SA Jesse Bynum #179**

Narrative:

On Friday, January 23, 2026, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jesse Bynum (Bynum) received the Use of Force Policies utilized by the Elyria Police Department at the time of this incident. SA Bynum also received policies on pursuits. These documents received are attached to this investigative report for further review.

References:

None

Attachments:

1. 4.30_Response_to_Resistance_-_Aggression
2. 4.30.1_Handling_and_Discharging_Firearms
3. 4.31_Pursuits_and_Forcible_Stopping
4. 4.31.1_-_Emergency_Driving

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NUMBER: 4.30	ELYRIA POLICE DEPARTMENT GENERAL ORDER	
EFFECTIVE: 09/01/1996 REVISED: 04/24/2024 DISTRIBUTION: ALL PERSONNEL		
Chief: William R. Pelko	**RESPONSE TO RESISTANCE/AGGRESSION**	

AUTHORITY

- Ohio Revised Code (ORC) 2935, Power of Arrest
- Ohio Revised Code (ORC) 2917.05, Justifiable Use of Force to Suppress Riot
- United States Supreme Court 471 U.S. 1 (1985) Tennessee v. Garner
- United Stated Supreme Court (409 U.S. 386, 109 S. Ct. 1865) Graham V. Connor

PURPOSE: The purpose of this order is to identify when force may be used in the course of an employee's duties, and the types of force authorized under given circumstances. This order outlines the procedures for reporting and investigating the response to resistance/aggression and the alleged response to resistance/aggression by employees; what less lethal tools are authorized for use by employees; and to identify the training and qualifications required to carry and use those less-lethal tools.

POLICY: It is recognized by the Elyria Police Department that officers, in the performance of their official duties, have the need to overcome resistance and aggression presented to them. Officers are therefore authorized to use force which is reasonably necessary to accomplish lawful objectives. Officers need not desist in their attempt to arrest merely because resistance is offered, but it is their duty to neutralize such resistance and bring the arrestee under control. An officer shall only use such force as is objectively reasonable to overcome and neutralize the encountered resistance.

DEFINITIONS:

“Department" means the Elyria Police Department.

"Employee" means any sworn officer, auxiliary officer, civilian employee or volunteer individual or group working under the general direction of the Chief of Police.

“Firearm” means any firearm issued or authorized by the department for the on-duty or off-duty use by qualified employees.

"Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing. This includes:

1. The detention or restraint of a person if physical force beyond that normally required is used and/or which may cause physical harm or serious physical harm.

2. The striking of another with hands or other limbs of the body, or, throwing or pushing a person, causing them to collide with the ground or another object.

3. The use of Less Lethal Tools.

“Deadly force” means any force that carries a substantial risk that it will proximately result in the death of any person. (ORC §2901.01 (A)(2)).

"Physical Harm to Persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

“Reasonable belief” is similar to “probable cause”, in that it depends on the specific facts and circumstances within the knowledge of the individual officer and that would warrant a “reasonable person” to exercise the same or similar action.

“Serious physical harm to persons” means any of the following:

1. Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

2. Any physical harm that carries a substantial risk of death;

3. Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

4. Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;

5. Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain. (ORC §2901.01 (A)(5))

“Substantial risk” means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist. (ORC §2901.01 (A)(8))

“Imminent threat (danger)” means impending; or on the point of happening. It may also be defined as impending rather than remote, uncertain, or contingent; that if circumstances remain unchanged, a result is reasonably certain. (From Black’s Law Dictionary)

"Probable Cause to Believe" means that the facts or circumstances that 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.

"Less Lethal Weapon/Technique" means any weapon or device, or technique other than a firearm, used to control persons or defend the officer or others from physical harm. This includes, but is not limited to, the ASP Defensive Weapon, Pepper Ball Gun, Conducted Electrical Weapons, Oleoresin Capsicum, as well as joint manipulation and physical control techniques.

"Environmental Tools" means any item man made or from nature that is readily at hand.

"Emergency Impact Tool" means any piece of police equipment in the officer’s hands at the time of contact or interaction with the community. These include the department issued flash light, handcuffs, clip board, ticket book, or any other piece of equipment.

“Objectively Reasonable” means the determination that the necessity for using force and the level of force used is based upon the officer’s evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations. This policy guideline applies to all uses of force, not only the use of deadly force.

“Control” means physical measures employed by officers to overcome resistance, aggressive/combative behavior or actual or attempted flight while effecting a lawful arrest, including any application of verbal commands, physical

direction or escort techniques, joint manipulation/pain compliance, chemical weapons, conducted energy weapons, hard empty hand control, impact weapons, or deadly force.

"De-escalation": Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

"Passive Resistance offered during nonviolent demonstrations" means a method of protest commonly used during nonviolent demonstrations where a subject does not respond to an officer's commands, refuses to move, or becomes limp or dead weight.

I. RESPONSE TO RESISTANCE/AGGRESSION PROCEDURES (CALEA 4.1.1)

POLICY: Employees may use only that amount of force which is **reasonably necessary to accomplish lawful objectives.** This includes but is not limited to effecting a lawful arrest, overcoming resistance to a lawful arrest, the execution of legal processes, enforcing an order of the court, executing any duty imposed upon the officer by law, preventing the escape of an arrestee, or protecting or defending his/herself or others from physical harm. No employee shall use unreasonable or excessive force. (OLEC 8.2015.1.A)

The following procedures apply to the response to aggression incidents by all employees of the Elyria Police Department in the course of their official duties.

A. Employee Responsibilities

1. All employees of the department are responsible and accountable for all instances where they use force or deadly force in the course of their duties.

    a. All employees have a duty to intervene to prevent or stop the use of unreasonable force by another employee when it is safe and reasonable to so. (CALEA 1.2.10)
    b. All employees shall notify their immediate supervisor as soon as practical after they observe an incident involving the use of unreasonable force.
    c. Upon notification of the incident, the immediate supervisor shall ensure that the, Division Commander and Chief of Police are notified of the incident as soon as practical; in the event that the use of unreasonable force results in injury to the subject, the Division Commander and Chief of Police shall be notified immediately.

2. All employees of the department are responsible for notifying their superiors and completing the appropriate reports concerning the response to resistance/aggression any time they use any force in the course of their duties or when they observe, or have knowledge of, force being used by another employee.

3. The Officer-In-Charge is responsible for initiating a review of all response to resistance/aggression incidents occurring during his/her shift and making the proper notifications as warranted.

4. The Division Commander is responsible for ensuring the completion of all response to resistance/aggression investigations within their respective Division in an accurate and timely manner.

B. **Non-violent Demonstrators:**

1. If a nonviolent demonstrator refuses to move or uses the weight of his body to defeat the control of the officer, escort techniques, joint manipulations and pressure point controls may be used.

2. Officers, however, are not authorized to use weaponless strikes to muscle groups, stun techniques or to use takedown techniques with nonviolent demonstrators.

   NOTE: This exception only applies to nonviolent demonstrators. If at any time the demonstration becomes violent, Officers are authorized to use force that is objectively reasonable.

C. Use of Verbal Commands

   1. In dealing with people, each employee must attempt to inspire respect and generate the cooperation and approval of the public. Employees shall be courteous and civil in their relationships with the public.

   2. Verbal commands may be in the form of advice, persuasion, and/or warnings. Volume and tone control may, in and of itself, be progressive in nature depending upon the circumstances.

   3. By using reasonable and necessary verbal commands, officers may not have to resort to the use of other forms of force.

   4. When practical, officers should give and continue to give loud, repetitive, verbal commands ordering the subject to stop resisting and to comply with further orders. Tell the subject what you want them to do.

D. De-escalation

   1. Whenever practical and when such 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 officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training before resorting to force.

   2. Whenever practical and when such 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 time and opportunity to submit to verbal commands before force is used.

E. Use of Physical Force

   1. Physical Force involves actual physical bodily contact with an individual and forcibly subduing that individual until resistance is overcome without the use of firearms or less lethal devices or objects that could be construed as weapons or less lethal devices.

   2. Employees are authorized to use physical force, when reasonable, to accomplish lawful objectives. After a lawful arrest is made, employees may use that force which is reasonable to control and prevent the arrested individual's escape.

   3. Handcuffed subjects whose resistance is limited to spitting of bodily fluid should not be subjected to the use of chemical agents (OC) for control. In such situations, employees are authorized to utilize transport hoods (commonly referred to as spit shields) to protect themselves from possible exposure to airborne pathogens.

      a. Prior to utilizing the transport hood, employees should attempt to use other alternatives to stop the subject's actions. These include verbal warnings or placing an object (shirt, towel, etc) between the suspect and the employee.

      b. The transport hood is to be used only for protection of the employee/others. It is not to be used as a form of punishment.

c. Transport hoods are placed into all marked cruisers and are to be disposed of after use. Any employee using or disposing of a transport hood is required to seek a replacement hood from his/her Officer in Charge.

d. Any use of a transport hood must be documented on the department EPD Form 549 – Action-Response Report.

4. When possible, the suspect should be transported to a medical facility if necessary or the detention facility and processed by officers not involved in the use of force.

II. USE OF DEADLY FORCE (CALEA 4.1.2) (Ohio Collaborative 8.2015.1.A)

POLICY: The preservation of human life is of the highest value in the State of Ohio and the City of Elyria. Employees **MUST** have an objectively reasonable belief deadly force is necessary to protect human life in imminent danger of serious physical injury or death, before the use of deadly force. Employees shall be justified and may use deadly force only under the following circumstances:

1. To defend themselves from an imminent danger of serious physical injury or death, **OR;**

2. To defend another person from an imminent danger of serious physical injury or death, **OR**;

3. An employee is justified in using force, including deadly force, upon a subject when the employee is engaged in suppressing a riot or in protecting persons or property during a riot when, and to the extent that, the employee has probable cause to believe such force is necessary to disperse or apprehend rioters whose conduct is creating a substantial risk of serious physical harm or death to persons (Ohio Revised Code 2917.05), **OR**;

4. To stop a fleeing suspect if the officer has probable cause to believe all of the following, and, if feasible, a warning to stop is given:

   a. The suspect has committed or is alleged to have committed a felony, **AND**;

   b. The response is necessary to prevent the escape of the suspect, **AND**.

   c. The suspect poses significant threat of death or serious physical harm to the officer or others should arrest be delayed.

III. LESS LETHAL WEAPONS & MUNITIONS (CALEA 4.1.4)

POLICY: The Elyria Police Department authorizes the use of less lethal weapons and munitions to provide officers with additional use of force options, alternative methods and tactics for handling resisting subjects which must be used when the use of deadly force is not authorized by this policy. In accordance with this directive less lethal weapons and munitions may be used to accomplish lawful objectives. Only those less lethal weapons and munitions that are authorized by the department may be carried or utilized by an employee. Officers are allowed to use authorized less lethal weapons and munitions only after completing training from a certified weapons instructor.

A. The use of less lethal weapons will be restricted to quelling physical confrontations where lesser verbal or physical force have been, or would have been, ineffective or inappropriate. Unless impractical, unreasonable or dangerous to do so, a verbal warning shall be given before less lethal weapons or munitions are deployed.

B. The use of any less lethal weapons shall be in accordance with the recommendations of the manufacturer, the guidelines established in the approved training courses of the department, and the guidelines as stated in this order. Any other use is prohibited and could subject the employee to disciplinary action or civil action.

C. Prohibited Techniques

a. Vascular Neck Restraint, a maneuver that restricts the flow of blood by applying pressure to the carotid arteries is prohibited with exception to when the use of deadly force would be authorized

b. CHOKE HOLD: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. The use of a choke hold is expressly prohibited with exception to when deadly force would be authorized.

D. Carrying approved weapons:

1. Sworn members of this Department, on uniformed duty, shall carry only the approved less lethal weapons authorized by the Chief of Police, as recommended by the Defensive Tactics Team, for the purpose of accomplishing lawful objectives.

2. **Plain clothes carry:** Officers working plain-clothes (non-uniform) details are encouraged but not required to carry a less lethal weapon, due to issues of concealment, etc.

3. The **use of other instruments** readily at hand, for defensive purposes, is only authorized when an authorized less lethal weapon is not immediately available or accessible and only within the scope of training received by an officer with regard to the response to resistance/aggression.

4. Sworn employees in police uniform shall carry a canister of OC spray and one additional less lethal weapon (ASP baton or TASER) on their duty belt while performing field operations. Staff employees, as determined by the Chief, may be exempt from the requirement of carrying less lethal tools on their person while performing general duties. Staff personnel shall be required to maintain two less lethal weapons on their duty belt when assigned field responsibilities.

E. Authorized Less Lethal Weapons

1. Oleoresin Capsicum (OC): Employees are authorized to carry Department-issue Oleoresin Capsicum after successfully completing the department's approved training program. The department shall require biennial recertification. **(CALEA 4.3.1.A)**

a. Oleoresin Capsicum may be utilized by an employee under circumstances consistent with the Action-Response Continuum outlined in this directive.

b. The utilization of Oleoresin Capsicum shall be consistent with the manufacturer's recommendations and the training guidelines of the Elyria Police Department.

c. Once Oleoresin Capsicum has been utilized and control of the individual has been established and/or resistance has ceased, the employee shall make reasonable efforts to allow the affected subject relief from the discomfort associated with the application of the Oleoresin Capsicum, as set forth in the manufacturer's recommendations and the training guidelines of the Elyria Police Department.

d. Under normal circumstances, medical treatment of subjects subjected to Oleoresin Capsicum should not be required. Medical treatment shall be made available to subjects subjected to Oleoresin Capsicum under the following conditions:

1. The subject does not show signs of relief, other than mild after-effects, after the normal recovery period of approximately 45 minutes.

2. The subject requests medical attention or the employee has reasonable cause to believe the subject requires medical attention.

2. ASP: Employees are authorized to carry the ASP Defensive Weapon as the duty baton after successfully completing the department's approved training program. A biennial recertification is required. All sworn personnel not issued a Conducted Electrical Weapon (C.E.W.) are required to carry the ASP baton as a second less lethal weapon. **(CALEA 4.3.1.A)**

   a. The ASP Defensive Weapon may be utilized by an employee under circumstances consistent with the Action-Response Continuum outlined in this order.

   b. The utilization of the ASP Defensive Weapon shall be consistent with the manufacturer's recommendations and the training guidelines of the Elyria Police Department.

   c. A color photograph shall be taken of the area of application of the ASP Defensive Weapon on all persons subjected to the ASP Defensive Weapon.

3. Straight Baton (Riot Baton): Employees are authorized to utilize a straight baton as part of the authorized riot-control equipment after successfully completing the department's approved training program. A biennial recertification is required. **(CALEA 4.3.1.A)**

   a. The straight baton may be utilized by an employee under circumstances consistent with the Action-Response Continuum outlined in this order.

   b. The utilization of the straight baton shall be consistent with the manufacturer's recommendations and the training guidelines of the department.

   c. A color photograph shall be taken of the area of application of the baton on all persons subjected to the Straight Baton.

4. Conducted Electrical Weapons (CEW): Employees are authorized to carry the department issued TASER in accordance with General Order 4.30.2- Conducted Electrical Weapons. **(CALEA 4.3.1.A)**

F. Authorized Less Lethal Munitions **(CALEA 4.3.1.A)**

1. Less Lethal Impact Projectiles are authorized less lethal munitions that can be fired, launched or otherwise deployed for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential of causing death. These include beanbag rounds, wooden baton rounds, rubber pellets and foam/rubber baton rounds that can be fired with a 12-gauge shotgun, 37 MM or the Pepperball system.

2. Chemical Agent Projectiles are authorized less lethal munitions dispensed from projectiles fired from various weapons systems (e.g., 12-gauge, 37 MM, or the Pepperball system). These munitions are commonly used at incidents involving large civil disturbances, barricaded suspects, and high-risk entry situations and are used to effectively gain the compliance of combative subjects, the mentally unstable, or person(s) under the influence of drugs or alcohol who pose a physical threat to citizens, themselves or officers.

3. Chemical Agent Canisters are authorized less lethal munitions that are commonly used in large civil disturbances, barricaded suspects, and high-risk entry situations (e.g., hand thrown or launched grenades).

4. Employees who have successfully completed the department's approved training program may use less lethal munitions. A biennial recertification for less lethal munitions is required.

a. Less Lethal Munitions may be utilized by an employee under circumstances consistent with the Action-Response Continuum outlined in this order.

b. The utilization of less lethal munitions shall be consistent with the manufacturer's recommendations and the training guidelines of the Elyria Police Department.

c. When possible, a color photograph should be taken of the area of application on any person subjected to less lethal munitions in accordance with department directives.

G. Review, Inspections and Approval: Services shall assign a qualified weapons instructor to review and inspect all less lethal weapons and munitions. Prior to carry, the weapons instructor must approve, as appropriate, each weapon and munitions ensuring that it meets the department standards. Approved items will then be placed into inventory and be made available for issuance into the field. This process may be accomplished during the initial inventory of newly obtained weapons or periodically as required for inventory purposes. During training sessions, qualified weapons instructors shall visually inspect less lethal weapons and ensure that they are in proper operational order. **(CALEA 4.3.1.C)**

H. If any less lethal weapon or munitions is found to be deficient or unsafe, the weapon shall be held from issuance, or removed from service and replaced as necessary. The employee shall notify the OIC or a Division Supervisor to seek a replacement. Deficient less lethal weapons shall be placed in the Patrol Supply Room in the area designated for out of service items. The notified supervisor shall replace the weapon in accordance with established Department issuance procedures. **(CALEA 4.3.1.D)**

I. **Securing and Storage:** All employees shall secure and store less lethal weapons and munitions, both on and off-duty, in such a manner as to ensure that no unauthorized person will have access to, or gain control over them.

IV. RENDERING MEDICAL AID (CALEA 4.1.5)

A. Any time an employee uses force on any person or the person is injured during an apprehension, the employee shall evaluate the subject and determine if medical aid is necessary or required. Employees must use sound judgment and should err on the side of caution if unsure about a subject's status. Medical treatment shall be provided under the following circumstances:

1. If there is any obvious visible injury that requires medical treatment.

2. If the subject requests medical attention.

3. If the subject is incapable of communicating his/her well-being and an officer has reason to believe the subject needs medical attention.

4. If the subject is unconscious any time during the contact.

B. Officers shall ensure EMS is called to the scene if emergency medical aid is required.

a. In the event that lifesaving aid is needed prior to the arrival of EMS, Officers should render such aid; this may include the use of issued field trauma supplies (C.A.T. Tourniquet, Quick Clot, etc.)

C. At no time shall an in-custody-subject be handcuffed and placed face down or on his/her stomach for any extended period. Officers shall always be alert for signs of positional asphyxia. This condition is generally believed to be caused by placing a subject face down while maintaining a significant amount of weight on the subject.

D. A sworn supervisor shall be detailed to the scene of the incident as soon as practicable for all incidents where any injury has occurred, or is suspected, or where the subject is to be transported to a medical facility. If a supervisor was involved in the use of force, a senior supervisor shall be detailed as described above.

E. Any incident that results in serious injury or death of a subject shall be reviewed by the Professional Standards Committee.

V. REPORTING (CALEA 4.2.1) (Ohio Collaborative 8.2015.1.B)

POLICY: Anytime an employee takes an action that results in, or is alleged to have resulted in, the injury to or death of another person, and/or applies force through the use of any less lethal and/or deadly weapon, or applies weaponless physical force by means of a defensive tactic or technique, or any other bodily force to overcome resistive tension, the Officer-In-Charge shall be immediately notified, or notified as immediately as practical, either directly by the involved employee or another employee.

A. Except for incidents covered by Section V subsection E, the primary (arresting) officer who takes any action that results in, or is alleged to have resulted in, the injury to or death of another person, and/or applies force through the use of any less lethal and/or deadly weapon, or applies weaponless physical force by means of a defensive tactic or technique or any other bodily force to overcome resistive tension, shall properly complete and submit an Action-Response Report on the approved EPD Form 549.

B. Unless the subject claims injury, minor hand-to-hand control techniques, such as handcuffing, physically touching, or gripping to overcome minor resistive tension, or escort techniques shall not require completion of an Action-Response Report form but shall be documented in the officer's report narrative.

C. Any additional employee present shall complete and submit a Patrol narrative within the case report.

D. These reports shall be completed by the employee prior to the end of the employee's tour of duty. If the employee is injured or unable to complete the Action-Response Report, the OIC will assign a supervisor to complete the report.

1. The Action-Response Report serves to summarize the general "Actions" of the Subject and the "Response" employed by all employees present at the time force was used.

2. In the event that more than one employee discharges a firearm or Conducted Energy Weapon during an incident, those employees **WILL** be required to complete an Action-Response Report (EPD Form 549), completing the appropriate sections.

3. The officer shall complete a narrative within the Case Report which shall address, but not be limited to:
   a. All circumstances leading up to and surrounding the use of force or the alleged use of force.
   b. The specific type of force that was used and how that force was administered.
   c. All possible injuries to the employee, the subject or others involved.
   d. Documentation of all medical treatment required. Medical treatment offered and refused shall also be documented.

4. The completed Action-Response Report shall be submitted to the Officer-In-Charge.

5. Any employee who witnesses and/or has personal knowledge of a response to aggression or resistance incident shall report same immediately or as immediately as practical, to the Officer-In-Charge and shall

complete any requested reports to the Officer-In-Charge prior to the end of the employee's tour of duty, unless otherwise directed.

E. **Use of Force Incidents that Result in Criminal Investigation**

1. If an officer is involved in a use of force that results in the criminal investigation of said use of force, the officer's statement to criminal investigators will serve as their documentation of their use of force. The officer will not be required to provide a written narrative, nor complete the Elyria Police Department Form 549 – Action Response Report, in addition to their verbal statement to criminal investigators. However; this does not preclude officers from completing a written narrative if they believe it is necessary to accurately depict their actions or state of mind during the use of force incident. Should an officer decline to speak with criminal investigators, the officer will be required to complete a written narrative as well as the Elyria Police Department form 549 – Action Response Report as documentation/reporting of the incident.

2. If the officer finds that there are inaccuracies, lack of specific detail or any other discrepancy upon review of the criminal investigators' report, the officer should bring the issue(s) to the attention of the investigators. The officer may do this at the direction of their legal counsel.

3. An officer involved in a use of force incident, which results in the criminal investigation of said use of force, may be required to complete a written probable cause narrative to support the criminal charges against the suspect(s) involved in the incident. This written narrative will not require documentation of the officer's use of force, and will be limited to the suspect(s) actions leading to, and during, the incident or arrest.

4. It is acknowledged that an officer might complete a written narrative and EPD Form 549 prior to knowing that the use of force incident will be investigated criminally. In such a case, the officer may review said documentation prior to their statement to the criminal investigators. It shall be understood that any incident involving the use of deadly force, by an officer, will result in a criminal investigation of said force.

VI. INVESTIGATION & REVIEW PROCEDURE (CALEA 4.2.2) (Ohio Collaborative 8.2015.1.C)

POLICY: An administrative review will be completed for all response to resistance/aggression incidents in effort to determine whether there are policy, training, weapon/equipment, or discipline issues that should be addressed.

A. Preliminary Review: The Officer-In-Charge, upon notification that force was used, shall immediately or as immediately as practical, review the Action-Response Report and the known circumstances surrounding the incident. The scope of the review and investigation required will depend on the amount of force used, the type of force used, and the extent of injury, if any, sustained, and any claims of abuse by the subject. The Officer-In-Charge's review and investigation should include, but is not limited to the following.

1. Reviewing of submitted Action-Response Reports.

2. Interviewing of involved employee(s), as necessary.

3. Interviewing of involved subject(s), as necessary.

4. Interviewing of any witnesses, as necessary.

5. Ensuring that color photographs are taken of any injuries or alleged injuries of either the subject(s) or the employee(s), as necessary.

6. Ensuring that any potential evidence involved is preserved, as necessary.

7. Ensuring that the Injury on Duty packet is completed by any injured employee, as necessary.

8. Completing a Supervisor's Review documenting findings and recommendations in regards to the incident. For incidents requiring minimal review by the Officer-In-Charge, the completed Action-Response Report, once signed by the Officer-In-Charge, will serve as the Supervisor's Review for the response to resistance/aggression incidents. If any department directive was violated, or alleged to have been violated, the OIC shall ensure that a separate Supervisor's Report is completed detailing the circumstances of the incident. The Supervisor's Report shall be forwarded through the Chain of Command.

9. The Officer-In-Charge shall forward the original Action-Response Report(s) submitted by the involved employee(s) through the proper Chain of Command.

B. The Division Commander shall review all submitted reports in regards to a reported response to resistance/aggression incidents, ensuring that correct procedures were followed by all employees involved in physical confrontations with subjects, that the employee's or employees' actions were properly documented, and that any preliminary review into the employee's use of force or allegations of same is accurate and complete. The Division Commander shall submit his/her findings, including any conclusions and/or recommendations, as soon as is practical to the Chief of Police.

C. The Chief of Police, upon receipt and review of all documentation pertaining to any response to resistance/aggression incident, shall have the final determination as to whether the incident was within the scope of the department's directives, as outlined in this order. In the event that it is determined that the incident was not in compliance with directives, the Chief of Police shall initiate appropriate disciplinary action.

VII. EMPLOYEE REMOVAL PENDING REVIEW (CALEA 4.2.3)

In the event that any employee's actions, including the use of force, result or are alleged to have resulted in the proximate death or serious physical injury of another, the employee shall be removed from his/her line-duty (operational) assignment by the Officer in Charge and placed on administrative leave pending an administrative review of the incident.

VIII. LESS-LETHAL WEAPON/DEFENSIVE TACTICS PROFICIENCY (CALEA 4.3.2)

A. All employees authorized and required to carry less lethal weapons shall be required to demonstrate proficiency with those weapons. Only those personnel who demonstrate proficiency shall be approved to carry the weapon. Any failure to demonstrate proficiency shall result in the employee being restricted from carrying or utilizing the weapon and may result in disciplinary action being taken.

B. Biennially, employees who are authorized to carry less-lethal weapons, other than the TASER, shall complete proficiency training with those weapons. In-service training for weaponless control techniques (Defensive Tactics) shall be completed biennially. **(CALEA 4.3.3)**

C. All proficiency training must be monitored by a certified weapons or defensive tactics instructor. **(CALEA 4.3.3.A)**

D. All training and proficiency must be documented by the instructor and submitted to the Training Officer as Pass/Fail. **(CALEA 4.3.3.B)**

E. Remedial Training: Any failure to demonstrate proficiency shall result in the employee being restricted from carrying or utilizing the weapon and may result in disciplinary action being taken. **(CALEA 4.3.3.C)**

1. Based on the training type, environmental conditions and extenuating circumstances outside of the employee control should be taken into consideration. For these instances, it is recommended that the employee be rescheduled to a later date, time and/or location as appropriate.

2. The instructor shall take reasonable steps to allow personnel to qualify with the weapon(s).

3. Any Defensive Tactics/Weapons Instructor shall be entitled to suspend authorization to utilize weapons, based on an employee's inability to qualify/certify with their issued weapon.

4. Should the employee fail to qualify after reasonable attempts to qualify, the instructor shall inform the employee that he/she cannot carry the weapon at matter in the performance of their duties. The instructor shall inform the employee that he/she will prepare a written correspondence to the employee and the employee's Division Commander identifying the failure to demonstrate proficiency along with his/her observations.

5. The Division Commander shall ensure that a Supervisor Report is prepared and the matter shall be addressed.
    a. The Division Commander shall determine if the employee needs to be removed from his/her assignment based on the deficiency.
    b. The Division Commander will forward the Supervisor Report to the Chief of Police for review along with his/her recommendations (remedial training, disciplinary action, etc.).
    c. The Chief of Police shall make the final determination.
    d. The employee shall not be authorized to carry the weapon until proficiency has again been demonstrated.
    e. These actions should be documented in the employee's Performance Evaluation.

F. Disciplinary actions: At any time during the qualification/certification process, disciplinary actions may be initiated if the failure to perform satisfactorily is due to a failure to follow the directions or suggestions of the defensive tactics/weapons instructors(s), a failure to follow established rules, a lack of willingness to participate or cooperate with the instructor(s), an apparent attempt to deliberately fail to qualify/certify, or any other conduct that would violate the disciplinary code of conduct of this Department or that would indicate the member cannot or will not qualify with Department weapons.

IX. DIRECTIVE ISSUANCE & TRAINING **(CALEA 4.3.3 & 4.3.4)**

All personnel authorized to carry lethal and less-lethal weapons during the performance of his/her duties shall be provided with a copy of related use of force directives, either in hard copy or electronic form. Employees shall not be authorized to carry weapons in any status outside of training until they have received proper instruction and have acknowledged the related directives. Annually, sworn employees shall be tasked with completing a review of related use of force directives. This review shall include reading, completing a test on the content of this directive, and signing acknowledgement of this directive. **(OLEC 8.2015.1.D)**

X. ANNUAL ANALYSIS OF REPORTS **(CALEA 4.2.4)**

The Chief of Police shall assign an employee to conduct an annual documented analysis of response to aggression

activities, directives and practices. The review should identify:

- date & time of incidents;
- types of encounters resulting in use of force;
- trends or patterns related to age, gender and race of subjects involved;
- trends or patterns resulting in injury to any person including employees;
- Impact of findings on policies practices, equipment and training.

SUPERCEDES: GO 4.30-Response to Resistance and Aggression with revision date of 2-22-2018

CROSS REFERENCE TO DIRECTIVES: GO.4.30-Response to Resistance and Aggression & GO 4.30.2-Conducted Electrical Weapons, Ohio Revised Code (ORC) 109.801, Re-qualification; Ohio Administrative Codes (OAC) §109:2-1-11, §109:2-1-12, and §109:2-1-16 regarding initial certification as a peace officer; Ohio Administrative Code §109:2-13 regarding annual re-qualification and certification as a peace officer; and Ohio Revised Code §109.801 regarding re-qualification

CROSS REFERENCE TO STANDARDS: CALEA 4.1.1, 4.1.2, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4, OLEC Standard 8.2015.1

CROSS REFERENCE TO FORMS: Action-Response Report Form- EPD 549

REVISIONS:

DATE	REVISIONS FROM PREVIOUS VERSION
2-22-2018	Defensive Tactics training added to section VIII
2-22-2018	Section VI renamed to Investigation & Review Procedure
2-22-2018	Section II deadly force revised to include specific CALEA language
10-01-2020	Removed Use of Force Continuum
10-01-2020	Minor language changes
10-01-2020	Duty to Intervene added
10-01-2020	LVNR (Vascular Neck Restraints) use changed to deadly force option only
04-24-2024	Added language from and replaces Special Order 2024-001

NUMBER: 4.30.1 EFFECTIVE: 06/15/2016 REVISED: 01/05/2026 DISTRIBUTION: ALL SWORN PERSONNEL	ELYRIA POLICE DEPARTMENT GENERAL ORDER	
Chief James P. Welsh	**HANDLING & DISCHARGING OF FIREARMS**	

PURPOSE: The purpose of this order is to identify the procedures and guidelines for reporting and investigating firearm discharges other than those for training and off-duty recreational purposes; what firearms are authorized for use by employees; training and qualifications required to carry and use those firearms; and when a firearm may be discharged in the course of an employee's duties. This order will outline appropriate measures to be taken in the proper handling, use, storage, and reporting of incidents involving the use or loss of authorized firearms.

POLICY: The Elyria Police Department issues and authorizes qualified employees of the department to carry both on- and off-duty a variety of firearms. The department shall ensure that these qualified employees are adequately prepared to utilize and maintain any issued or authorized firearms.

DEFINITIONS: (CALEA 4.2.1)

Firearms, as used in this order, means any firearms issued or authorized by the department for the on-duty or off-duty use by qualified employees.

Employee, as used in this order, refers to sworn police officers or any other employee specifically designated by the Chief of Police authorized to carry a departmentally issued firearm, and who has passed a departmental firearms qualification course.

Deadly force means any force that carries a substantial risk that it will proximately result in the death of any person. (ORC §2901.01 (A)(2)).

Physical Harm to Persons means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

Reasonable belief is similar to "probable cause", in that it depends on the specific facts and circumstances within the knowledge of the individual officer and that would warrant a "reasonable person" to exercise the same or similar action.

Serious physical harm to persons means any of the following:

1. Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
2. Any physical harm that carries a substantial risk of death;
3. Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
4. Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;
5. Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain. (ORC §2901.01 (A)(5))

Substantial risk means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist. (ORC §2901.01 (A)(8))

Imminent threat can be defined as a threat that is mediate rather than immediate; impending; or on the point of happening. It may also be defined as impending rather than remote, uncertain, or contingent; that if circumstances remain unchanged, a result is reasonably certain. (From Black's Law Dictionary)

Probable Cause to Believe means that the facts or circumstances that 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.

I. AUTHORITY TO CARRY AND USE FIREARMS (CALEA 1.2.2)

The authority for a peace officer to carry and use weapons is established through the training requirements in Ohio Administrative Code §109:2-1-11, §109:2-1-12, and §109:2-1-16 regarding initial certification as a peace officer; Ohio Administrative Code §109:2-13 regarding annual re-qualification and certification as a peace officer; and Ohio Revised Code §109.801 regarding re-qualification. Ohio Revised Code §2923.12 provides for peace officers to carry concealed weapons or weapons at hand. The Chief of Police has the authority to disapprove an officer in his/her official capacity from carrying any issued or authorized weapon(s).

Title 18 U.S. Code § 926B, H.R. 218, the "Law Enforcement Officers' Safety Act" (Public Law 108-277), S. 1132, the "Law Enforcement Officers' Safety Act Improvements Act" (Public Law 111-272), and H.R. 4310, the "National Defense Authorization Act" authorize the carrying of concealed firearms by qualified law enforcement officers in all states.

II. DISCHARGE OF FIREARMS (CALEA 4.1.2)

A. An employee, when using deadly force by means of a firearm, does not shoot with the intent to kill, but rather to stop and incapacitate a subject when it is necessary to prevent a subject from completing actions which carry a substantial risk of death or serious physical harm to the employee or other persons and the need to prevent those actions is immediate.

B. When an employee has determined the need to use deadly force by means of a firearm, the employee will, when possible or practical, issue a verbal warning to the subject identifying the employee as a police officer and instructing the subject to cease or stop whatever action the subject is doing that has caused the employee to consider the use of deadly force.

C. An employee shall be cognizant of the field of fire and will not unnecessarily create a substantial risk of harm to innocent persons.

D. An employee may discharge a firearm for the purpose of practice and qualification under the direction of firearm instructors on an approved range, exercising all normal safety precautions and obeying all appropriate range rules.

E. An employee may discharge a firearm to destroy an animal when:

1. The animal presents a substantial risk of physical harm to the employee or to others; or

2. The animal is so sick or badly injured that humanity requires its relief from further suffering. In instances where a sick or seriously injured animal is to be destroyed, permission must be received from supervisory personnel prior to any firearm discharge.

III. HANDLING OF FIREARMS AND PROHIBITIONS

A. Except for general maintenance, storage, inspection, or authorized training, an employee shall not draw, point, direct, or exhibit their firearm unless circumstances create a reasonable cause to believe that it may be necessary to lawfully use that weapon in conformance with other sections of this order.

B. An employee will not surrender their firearm to any person who is not a police officer for any reason except for maintenance.

C. On-duty officers acting within the scope of their employment may carry a firearm in the Lorain County Justice Center in compliance with weapons control policy of that building. All officers are under the direction and control of the Lorain County Justice Center's Security Staff while in the facility. Their current policy can be located in PowerDMS under Lorain County Justice Center (Common Pleas) Firearms Policy.

D. On-duty officers acting within the scope of their employment may carry a firearm in the Elyria Municipal Court in compliance with the weapons control policy or established procedures of that building.

E. All violations of this order are to be reported to the Chief of Police.

1. Upon notification, the Chief of Police will assign a Department Supervisor to complete an investigation of the incident. The assigned supervisor shall complete and submit a Supervisor Report through the chain of command. At each level within the chain of command personnel should submit their recommendations.

2. The Chief will make the final determination as to the disposition of these incidents. The Lorain County Sheriff may also elect to take administrative action against any officer and or his/her department that is found in violation of this order.

IV. PROHIBITIONS REGARDING FIREARMS (CALEA 4.1.3)

A. An employee shall not fire “warning shots” in an attempt to cause a suspect to cease his actions or to surrender.

B. An employee shall not fire at or from a moving vehicle except when all other reasonable means have been exhausted and it is necessary for the defense of the employee's life or the life of another, or the employee has reasonable cause to believe that the subject poses a significant threat of death or serious physical harm to the employee or other persons.

C. No employee while on- or off-duty, shall carry a Department issued weapon or have such weapon ready at hand if that member is consuming or under the influence of alcohol or any illegal drug or any drug that has caused impairment. (See also Ohio Revised Code §2923.15)

D. No employee, while on- or off-duty, shall carry a Department issued weapon or have such weapon ready at hand under any circumstances that would violate federal law(s) or state statute(s).

V. AUTHORIZED WEAPONS AND AMMUNITION (CALEA 4.3.1)

POLICY: Department employees, approved to carry firearms during the course of their job duties, both on- and off-duty, shall only use Department authorized weapons and ammunition in the performance of their duties and responsibilities. Consistent with Federal law, it is the policy of the Elyria Police Department to enhance the personal protection of current and retired law enforcement officers when off-duty or following separation from service. As such, the Elyria Police Department shall comply with the Law Enforcement Officers Safety Act and permit currently appointed and retired law enforcement officers in good standing to carry a firearm in accordance with L.E.O.S.A. conditions and provisions.

A. **Weapons and ammunition specifications:** Department issued lethal weapons and ammunition specifications shall be developed by the Range Master, with the approval of the Chief of Police. While in the performance of their official duties, an officer carrying any firearm must carry, and have at hand, proper identification, including badge and Department issued photo identification card. (CALEA 4.3.1 A)

1. All sworn personnel will be issued a Glock 45 MOS and/or Glock 43X MOS, semi-automatic pistol with three (3) magazines for the Glock 45 MOS or two (2) magazines for the Glock 43X MOS and one hundred (100) rounds of 9mm caliber, 135 grain, controlled expansion ammunition. The handgun's magazine shall be completely loaded with Department issued ammunition as follows; Glock 45 MOS (17 rounds) & Glock 43X MOS (10 rounds) with one (1) additional round in the chamber. Officers may choose to carry 19 round magazines that are manufactured by Glock, though no magazine with a

capacity greater than 21 rounds will be authorized. The pistol must be carried in a safe manner in an approved holster. (CALEA 4.3.1 A&B)

2. Based on assignment, sworn personnel may be issued a Benelli, Nova, 12-gauge pump-action shotgun and ten (10) rounds of #4 buckshot and five (5) rifled slugs. The duty load shall be Department issued; four (4) rounds of #4 buckshot in the magazine and the firearm shall be kept in "Condition 3" (chamber empty; safety off; magazine tube loaded with four (4) rounds of buckshot). (CALEA 4.3.1 A&B)

3. Based on assignment, sworn personnel may be issued a Sig Sauer, .5.56x51mm, M400 rifle, with (60) rounds of Department issued .223 caliber, 64 grain, controlled expansion ammunition and (2) magazines. Department issued rifles shall be affixed with a Sig Sauer Romeo 5 Red Dot Optic. The optic will be zeroed at 36 yards and confirmed at 100 yards. In the event the optic is removed from the rifle it must be re-zeroed prior to placing back into service. Patrol rifles shall be deployed as follows: empty chamber, action (bolt) closed, safety engaged and magazine loaded in the magazine well. (CALEA 4.3.1 A&B)

4. Special Response Team members may be issued firearms other than listed above in accordance with the SRT Manual. All ammunition used will be Department issued.

5. No modifications shall be made to any department issued firearm or ammunition without the written approval of the Range Master and as documented by the senior armorer.

6. An employee shall file a written report through the chain of command to the Chief of Police immediately following the loss or theft of an issued Elyria Police Department firearm, which shall contain a complete description of the facts surrounding the loss or theft.

B. **Optional optics -** Officers who wish to use MRDS (Micro Red Dot System) optics on their departmental issued pistol must meet the following requirements.

1. Optics must be from a quality manufacturer such as Holosun, C&H Precision, Trijicon, Vortex, Sig Sauer, Primary Arms, Steiner, Acro or other manufacturer which has been approved by the Range Master and the Chief of Police or his designee.

2. The optic must be affixed to the pistol with a quality mount that is manufactured specifically, for the make/model of optic to be used.

3. The cost of purchasing and maintaining an approved optic, adapter plate, sights and holster is the sole responsibility of the individual officer.

4. MRDS Installation and Maintenance
    i. MRDS will only be installed by department armorers.
    ii. Batteries shall be replaced annually at the Officer's expense prior to annual qualification to ensure reliable operation.
    iii. MRDS Pistols shall be zeroed at 7 yards and confirmed at 21 yards.
    iv. MRDS shall be re-zeroed before being placed back into service whenever the optic is removed from the weapon system for any reason.

5. Initial Officer Training
    v. Officers wishing to carry a MRDS must first complete a 4-hour minimum training course including qualification, prior to carrying on duty.
    vi. Outside agency training vendors or prior law enforcement experience and qualification with carry and operation will be approved on a case-by-case basis by the Range Master and the Chief of Police or his designee at the request of the officer.

C. **Low Variable Power Optic (LPVO) or magnifiers for carbine rifle**

1. Officers who wish to use an LPVO or magnifier system on their department issued carbine rifle must meet the following requirements.

2. LPVO or Magnifier must be a true 1x power with no more than 10x power from a quality manufacturer such as Trijicon, Vortex, Sig Sauer, Primary Arms or other manufacturer which has been approved by the Range Master and the Chief of Police or his designee.

3. The optic must be affixed to the rifle with a quality mount that is manufactured specifically for the make/model of the LPVO or Magnifier to be used.

4. The rifle must have affixed “iron” sights that can be co-witnessed with the LPVO or Magnifier.

D. **Secondary/Personal/Off-Duty weapons:** Any sworn officer of this Department may carry an approved weapon and approved ammunition off-duty, as long as the carrying of the weapon does not conflict with any other directive or violate any law, statute, or ordinance. Any sworn officer carrying a weapon off-duty outside the jurisdiction of the City of Elyria, unless within the scope of his/her employment, will be subject to Federal Laws (Title 18 U.S. Code § 926B, H.R. 218, the “Law Enforcement Officers’ Safety Act” (Public Law 108-277), S. 1132, the “Law Enforcement Officers’ Safety Act Improvements Act” (Public Law 111-272), and H.R. 4310, the “National Defense Authorization Act”) and the State Laws (Ohio Revised Code §2923) that authorize the carrying of concealed firearms by qualified law enforcement officers. Officers carrying any firearm must carry, and have at hand, proper identification, including badge and Department- issued identification card.

1. Personal firearms for secondary firearms shall meet the following criteria:

   a. An employee is authorized to carry a secondary firearm for emergency use while carrying the standard Glock 45 MOS / Glock 43X MOS semi- automatic pistol, provided the secondary firearm and its ammunition meet the requirements of this order, the employee has demonstrated the necessary annual proficiency with the secondary firearm by passing the approved qualification course, and the secondary firearm has been inspected by range personnel or armorer. (CALEA 4.3.1 A&B)

   b. The firearm must be a semi-automatic pistol or a revolver, no greater than a .45 caliber. The firearm must have a minimum capacity of five (5) rounds of ammunition. (CALEA 4.3.1 A&B)

   c. Ammunition used in the firearm must be factory loaded, controlled expansion ammunition. Ammunition carried must be approved by the Range Master or their designee prior to being used for carry as the secondary firearm. No reloaded ammunition is permitted. (CALEA 4.3.1 B)

   d. An employee wishing to utilize a personal firearm as a secondary firearm must declare the firearm's serial number, description, and the ammunition to be carried in the firearm; and the information must be certified and recorded by range personnel at the time of qualification.

2. Carrying firearms off-duty: An employee is authorized, under normal conditions, to carry a firearm, badge, and Elyria Police Department identification card when off-duty as long as the carrying of the firearm does not conflict with any other directive or violate any law, statute, or ordinance. Since there is an expectation that sworn personnel must take enforcement action when necessary on- or off-duty, Department-issued photo identification shall be carried during any time that the officer is under arms. Personal firearms for off-duty firearms will meet the following criteria:

    a. An employee choosing to carry a weapon in an off-duty capacity shall conform to all departmental guidelines dealing with the use of force and the handling of firearms.

    b. An employee is authorized to carry a personal firearm in an off-duty capacity in lieu of the standard issued Glock 45 MOS / Glock 43X MOS semi-automatic pistol provided that the firearm and ammunition meets the requirements of this order, that the employee has demonstrated the necessary annual proficiency with the firearm by passing the approved qualification course, and the firearm was inspected by range personnel or armorer. (CALEA 4.3.1 A&B)

    c. The firearm must be a semi-automatic pistol or a revolver of no greater than .45 caliber. The firearm must have a minimum capacity of five (5) rounds of ammunition. (CALEA 4.3.1 A&B)

    d. Ammunition used in the firearm must be factory loaded, control expansion ammunition. Ammunition carried must be approved by the Range Master or their designee prior to being used for carry in the off-duty firearm. No reloaded ammunition is permitted. (CALEA 4.3.1 B)

    e. An employee wishing to utilize a personal firearm as an off-duty firearm must declare the firearm's serial number, description, and the ammunition to be carried in the firearm, and the information certified, and recorded by the range personnel at the time of qualification.

E. **Review, inspection, and approval of weapons and ammunition: (CALEA 4.3.1 C)**

1. Prior to the issuance to any employee, all department firearms shall be inspected and approved by a qualified firearms instructor or armorer, to ensure that the firearm is within specifications and in proper working order.

2. A firearms instructor will review and inspect all agency-issued firearms annually to ensure they are safe and serviceable. This inspection will be done when the officer qualifies, or as otherwise required by the Senior Armorer.

3. Any firearms found to be deficient or unsafe shall be removed from service and submitted to an armorer for service or repair using the Support Ticket System. The firearm shall be placed in the armory by the armorer or the Officer in Charge. The officer shall be issued an approved replacement firearm. (CALEA 4.3.1 D)

4. Inspecting personnel shall record the make, model and serial number of the firearm and log in appropriate files and forward information to appropriate staff.

5. Officers are responsible for maintaining the operational readiness of their issued firearms.

F. **Unsafe Weapon Conditions:**

All employees have the responsibility of immediately alerting others for any unsafe conditions that exist including any unsafe weapon conditions. Employees identifying an unsafe weapon condition shall immediately report the condition to a supervisor, range team member or armorer. Any supervisor, armorer or range team member may suspend authorization to utilize weapons based on an unsafe condition of a weapon. These personnel shall immediately seize any weapon found to be in an unsafe condition and complete actions required in Sections C.1.b above. (CALEA 4.3.1 D)

G. **Weapons records:** (CALEA 4.3.1 E)

1. General Sworn Personnel: The Senior Armorer shall be responsible for maintaining a weapons inventory of all Department firearms approved for official use. This inventory will include the weapon manufacturer, caliber, serial numbers and issuance or location of all approved firearms.

2. The Special Response Team Commander or their designee shall maintain records on each weapon assigned within the team. This includes recording the manufacturer, caliber and serial numbers of all approved firearms. Also included are qualification records of assigned personnel, assigned weapons, and any documented inspections.

H. **Securing and Weapons Storage**

Employees shall maintain accountability, secure and store Department-owned weapons, both on- and off-duty, in such a manner as to ensure that no unauthorized person will have access to, or gain control over, the weapon. Firearms shall not remain unsecured in any department-owned or personally owned vehicle. For the purposes of this order, "secure" means "locked in a gun rack". All firearms shall be removed from any vehicle that is submitted for repair work or taken out of service, including to the Central Maintenance Garage and/or private businesses. All employees shall remove their issued firearm(s) from Department-owned vehicles anytime an employee will not be utilizing the vehicle for a period equal to or exceeding five regularly scheduled duty days (Vacation, Light Duty, Extended Training, etc.). Any exception to this requirement shall require the written approval from the employee's Division Commander. All Department owned firearms, designated for training purposes only, shall be secured in the Armory when not in use. Training firearms shall only be signed out by an Armorer or Armory Supervisor. (CALEA 4.3.1 F)

1. Service Handgun

   a. During normal patrol operations the service handgun shall be securely holstered in an approved Threat Level II or Level III retention holster.

   b. The service handgun will be the primary weapon to be considered for use in most short range tactical situations in which distances do not exceed the officer's effectiveness with the handgun.

   c. The service handgun will be the primary weapon to be considered for use in the humane destruction of small sick, injured or aggressive animals. In the event of exigent circumstances, the supervisor on-duty may authorize the use of another department firearm.

2. Patrol Rifles:

   a. When the patrol rifle is "in service" it shall be secured in the locking weapons rack inside of the department vehicle. If no such rack is available the patrol rifle shall be placed inside a protective case located in the trunk of department vehicle and removed at the end of each shift.

b. The patrol rifle will be the primary weapon to be considered for use in most tactical situations in which distances exceeds the officer's effectiveness with the handgun or shotgun.

c. The patrol rifle will be the primary weapon to be considered for use in the humane destruction of large sick, injured or aggressive animals. In the event of exigent circumstances, the supervisor on-duty may authorize the use of another Department firearm.

d. While the patrol rifle should not be deployed on "routine" traffic stops or burglary/robbery in progress alarms, if additional information is received while en route or the events at the scene would warrant the deployment of the patrol rifle, employees may do so in accordance with department response to resistance/aggression and firearms directives.

e. It is the responsibility of the employee to assess every situation and determine when it is appropriate to deploy the patrol rifle. Officers should always consider the totality of the circumstances and the information provided to them when using their patrol rifle.

f. A round shall not be chambered unless events would lead a reasonable officer to believe the potential need for the use of deadly force was present.

g. It is the responsibility of the deploying officer to ensure that the patrol rifle is returned to the department vehicle and secured in the approved manner as soon as practical.

3. Shotguns:

a. The shotgun shall be secured in the department vehicle's shotgun rack. If no such rack is available the shotgun shall be placed inside a protective case located in the trunk of department vehicle and removed at the end of each shift.

b. While the shotgun should not be deployed on "routine" traffic stops or burglary/robbery in progress alarms, if additional information is received while en route or events at the scene would warrant the deployment of the shotgun, officers may do so in accordance with Department response to resistance/ aggression and firearms directives.

c. A round shall not be chambered unless events would lead a reasonable officer to believe the potential need for the use of deadly force was present.

d. The police shotgun will not be carried into a contained/controlled environment with a round in the chamber. If this is unpreventable, the safety will be engaged with the muzzle pointed in a safe direction at all times. It is the responsibility of the deploying officer to ensure that the police shotgun is returned to the department vehicle and secured in the approved manner as soon as practical.

4. **Removal of Unsafe Weapons**

Any time that a firearm is found not in proper working (operational) order or deemed unsafe it shall be removed from service and properly tagged as "Out of Service". The firearm shall be placed in the armory by an employee trained on the weapon, when available. If an Armorer or range personnel are on-duty, they are to be notified, so the firearm can be secured in a designated area within the armory. If no Armorer is on-duty, the firearm shall be secured by the Officer in Charge or their designee, in the Armory weapons rack. The officer will complete a support ticket identifying the issue. (CALEA 4.3.1 D)

5. **Unloading/Loading weapons**

In order to provide a safe atmosphere for all personnel and to prevent the potential consequences of an accidental discharge or weapon(s) malfunction, the following procedures shall apply:

a. All firearms shall be considered loaded until properly cleared and unloaded.

b. All personnel will use proper loading and unloading practices with firearms as provided through instruction and training. These practices include but are not limited to:

- Point firearms in a safe direction (consider back drop and building layout).
- Keep fingers clear from the trigger.
- Engage the safety when applicable.
- When unloading, remove and empty the ammunition supply.
- When unloading, open the action to visually and physically inspect the chamber ensuring that the firearm is clear of ammunition.
- Leave action open and safety engaged when transporting outside of a protective case.

c. **Unloading:** Any employee who intends to unload any firearm on station shall proceed to the designated firearms handling room and use the approved clearing barrel. The muzzle end of the firearm shall remain pointed into the clearing barrel while unloading.

d. **Loading:** Firearms may only be loaded within the firearms handling room and by using the approved clearing barrel. The muzzle end of the firearm shall remain pointed into the clearing barrel while loading.

e. Long guns (shotguns, rifles and carbines) shall be cleared (no round in chamber, safety engaged) when stored anywhere on station.

I. **Operational Readiness**

Officers are responsible for maintaining the operational readiness of their issued firearms. The individually assigned employee shall be responsible for the general care of their assigned Department firearms. Firearms shall be clean with no rust upon visual inspection and properly oiled in accordance with manufacturer recommendations.

VI. **FIREARM(S) PROFICIENCY REQUIRED FOR CARRY (CALEA 4.3.2)**

All sworn personnel of the Elyria Police Department are required to demonstrate proficiency, which includes achieving minimum scores on a qualification course approved by the State of Ohio and the Chief of Police. The employee shall utilize the employee's primary duty weapon, all other departmental firearms that the employee is authorized to utilize, and any personal firearm that the employee wishes to be authorized for secondary, or off-duty, use. Failure to demonstrate proficiency shall result in the employee being restricted from carrying or utilizing a given firearm and may result in disciplinary action being taken.

VII. **FIREARMS QUALIFICATIONS (CALEA 4.3.3)**

A. Annually, sworn personnel are required to pass a qualification course with their duty-firearm and any other department firearm necessary for the performance of their duties. Sworn personnel are required to annually pass a qualification course with secondary or off-duty firearms used on a periodic basis as prescribed by the Service Division Commander of the department.

1. Firearms qualifications shall be on a course prescribed by the Services Division and approved by the Chief of Police and the State of Ohio that includes a required passing score, target type, timing, distance and other conditions. Qualifications shall be conducted and monitored by a certified weapons instructor.

2. Qualification courses shall require the officer to use their weapon(s) in the same manner as the officer is accustomed to using them in a work atmosphere (i.e. using duty holster, off-duty holster(s)), and other department weapon(s) from their normal position of storage.

3. An employee wishing to qualify with a personal firearm must supply their own ammunition for qualification. The use of and qualifying with a personal firearm is voluntary and as such, no compensation will be paid to any employee for time and/or ammunition used to qualify with same.

4. All firearms being used in qualification shall be checked by range personnel for safety.

B. All training and proficiency must be documented by range personnel for each weapon qualified. The ranking range team member is responsible for submitting the results to the Training Officer as pass/fail. Proficiency training will be recorded in the Department's training records. **(CALEA 4.3.3 B)**

C. Remedial Training: Any failure to demonstrate proficiency shall result in the employee being restricted from carrying or utilizing the weapon and may result in corrective action being taken. **(CALEA 4.3.3 C)**

1. The training type, environmental conditions and extenuating circumstances outside of the employee's control should be taken into consideration. For these instances, rescheduling of an employee to a later date, time or location as appropriate may occur.

2. The instructor shall take reasonable steps to allow personnel to qualify with assigned weapon(s). For the purpose of this directive, "reasonable" means "following a period of instruction after the first course of fire, the employee is afforded one additional opportunity to qualify."

3. Any Range Team Member shall be entitled to suspend authorization to utilize weapons, based on an employee's inability to qualify with their issued weapons(s), firearm, shotgun, rifle, and authorized off-duty and/or back-up weapon.

4. Should the employee fail after reasonable attempts to qualify, the instructor shall inform the employee that their cannot carry the weapon at matter in the performance of their duties. The instructor shall inform the employee that he/she will prepare a written correspondence to the

employee and the employee's Division Commander identifying the failure to demonstrate proficiency along with their observations.

5. The Division Commander or their designee shall complete or assign for completion, a Supervisor Report, and the matter shall be addressed.
    a. The Division Commander shall determine if the employee needs to be removed from their assignment based on the deficiency.
    b. The Division Commander will forward the Supervisor Report to the Chief of Police for review along with their recommendations (remedial training, corrective actions or plans, etc.).
    c. The Chief of Police shall approve and make the final determination.
    d. The employee shall not be authorized to carry the weapon until proficiency has again been demonstrated.
    e. These actions should be documented in the employee's Performance Evaluation.

D. **Disciplinary actions:** At any time during the qualification process, disciplinary actions may be initiated if the failure to perform satisfactorily is due to a failure to follow the directions of a range team member(s), a failure to follow range rules, a lack of desire or willingness to participate or cooperate with the range team member(s), an apparent attempt to deliberately fail to qualify, or any other conduct that would violate the disciplinary code of conduct of this Department or that would indicate the member cannot or will not qualify with Department weapons.

E. **Protective Equipment:** All employee's shall be required to wear a protective vest, hearing and eye protection during firearms qualifications and related training at any firearms range. Range personnel shall ensure that personnel comply with this order, correct deficient conditions, or suspend personnel for qualification or training for failing to comply.

VIII. DISCHARGE OF FIREARMS REPORTING AND INVESTIGATION (CALEA 4.2.1 A)

POLICY: Any employee who witnesses, has personal knowledge of, or discharges a firearm, either deliberately or accidentally, shall report the discharge immediately as practical to the on-duty Officer-In-Charge. This does not include authorized firearms training or off-duty recreational shooting.

A. **Reporting-General:**

1. As soon as practicable, the employee shall complete an Action-Response Report form (EPD Form 549) checking the field for "Firearm Discharge". The employee shall complete the appropriate fields on the Action-Response Report form and complete a separate case report with narrative, as directed, which shall include the following:
    a. The case report narrative shall include all circumstances leading up to and surrounding the discharge of the firearm.
    b. All possible injuries to the employee, subject or others involved.
    c. Documentation of all medical treatment required and if any medical treatment was offered and refused.
    d. The names and addresses of all witnesses to the incident.

2. If the employee involved is injured or otherwise unable to submit a report, the employee's immediate supervisor shall submit the required reports as directed.

3. In the event that more than one employee discharged a firearm during any incident, those employees will be required to each complete a separate Action-Response Report form (EPD Form 549), completing the appropriate firearms and detail sections.

4. Any additional employee present during the incident shall complete and submit a supplemental case narrative identifying the circumstance leading up to and surrounding the discharge.

5. The Officer-In-Charge shall review the Action-Response Report. The OIC shall complete and submit a Supervisor Report along with the Action-Response Report and the involved employee's written report to the appropriate Division Commander, and then the Chief of Police, as soon as practical.

B. **Investigation:** A complete investigation shall be conducted into any deliberate or accidental discharge of a firearm by an employee. A complete investigation shall be conducted anytime that an injury results from the deliberate or accidental discharge of a firearm, regardless of the circumstances. This includes both on-duty and off-duty incidents.

1. All such incidents shall be initially investigated by an on-duty supervisor. A Supervisor Report shall be completed detailing the results of that investigation and shall also contain the observations and

conclusions of the supervisor as to whether the discharge was justified and within the scope of this directive.

2. A drug/alcohol test shall be administered to the involved employee.

3. Any employee who witnesses and/or has personal knowledge of a firearm discharge incident shall report same immediately or as immediately as practical, to the Officer-In-Charge and shall complete any requested reports to the Officer-In-Charge prior to the end of the employee's tour of duty.

IX. REPORTING DISCHARGE OF FIREARMS-ANIMALS

A. Reporting:

1. Aggressive Animal(s): As soon as practicable, the discharging employee shall complete a Firearms Discharge Report using the Action-Response Report form (EPD Form 549). The employee shall complete the appropriate fields on the Action-Response Report Form and complete a separate case report with narrative, as directed, which shall include the following:

   a. The case report narrative shall include all circumstances leading up to and surrounding the discharge of the firearm.

   b. A description of the animal and the animal's actions.

   c. The firearm(s) used by the officer and the number of shots fired by the officer.

   d. The names and addresses of witnesses to the incident.

   e. In the event that more than one employee discharged a firearm during any animal incident, each employee will be required to complete a separate Action-Response Report (EPD Form 549), completing the appropriate firearms and detail sections.

   f. Any additional employee present during the incident shall each complete and submit a supplemental case narrative identifying the circumstance leading up to and surrounding the discharge.

2. Humane Destruction of Sick or Injured Animals:

a. An incident will be created in the Records Management System to document the destruction of sick or injured animals. The discharging officer shall complete a separate incident narrative identifying the circumstances leading up to and surrounding the discharge of the firearm and a description of the animal's actions or condition. Generally, a case report is not required unless directed by a supervisory officer.

b. As soon as practicable, the discharging employee shall complete a Firearms Discharge Report using the Action-Response Report form (EPD Form 549) and submit to the Officer in Charge by the end of the shift.

B. Review and Investigation: The Officer-In-Charge shall review the Action-Response Report and the incident to determine if the firearm was discharged in accordance with Department directives. A Supervisor Report is only required for the destruction or sick and injured animals if there is a any belief by the supervisor that a department directive may have been violated. The Action-Response Report shall be forwarded to the Office of Professional Standards, then the appropriate Division Commander, and then the Chief of Police, as soon as practical.

X. RELEASE OF INFORMATION

All information to the news media regarding a discharge of a firearm by a police employee and any subsequent injury or death shall come from the Office of the Chief of Police or their designee.

CROSS REFERENCE TO DIRECTIVES: GO.4.30-Response to Resistance and Aggression, Ohio Revised Code (ORC) 109.801, Re-qualification; Ohio Administrative Codes (OAC) §109:2-1-11, §109:2-1-12, and §109:2-1-16 regarding initial certification as a peace officer; Ohio Administrative Code §109:2-13 regarding annual re-qualification and certification as a peace officer; and Ohio Revised Code §109.801 regarding re-qualification; Ohio Revised Code (ORC) 2923-Carrying Concealed Weapons; Title 18 U.S. Code § 926B; H.R. 218 the "Law Enforcement Officers' Safety Act" (Public Law 108-277); S. 1132, the "Law Enforcement Officers' Safety Act Improvements Act" (Public Law 111-272); H.R. 4310, the "National Defense Authorization Act"

CROSS REFERENCE TO STANDARDS: CALEA 1.2.2, 4.1.3, 4.2.1, 4.3.1, 4.3.2, 4.3.3

CROSS REFERENCE TO FORMS: Action-Response Report Form (EPD Form 549)

SUPERSEDES: Policy 4.30.1 - Firearms (Rescinded)

DATE	REVISIONS FROM PREVIOUS VERSION
01/05/2026	Amended section III (C) in relation to the Lorain County Justice Center policy.

NUMBER: 4.31	ELYRIA POLICE DEPARTMENT GENERAL ORDER	
EFFECTIVE: 9/1/1996 REVISED: 5/8/2025 DISTRIBUTION: ALL SWORN & DISPATCH PERSONNEL		
Chief James P. Welsh	**PURSUITS & FORCIBLE STOPPING**	

PHILOSOPHY: Vehicle pursuits inherently carry a significant risk of serious injury or death to innocent bystanders, law enforcement officers, and fleeing suspects. As such, the decision to initiate, continue, or terminate a pursuit must be made with great care and must be continuously reassessed based on changing conditions and evolving circumstances.

A pursuit is not justified solely by the initial reason for initiating it—officers must ensure that the ongoing necessity of apprehension continues to outweigh the risks involved. What may be reasonable and necessary at the beginning of a pursuit may no longer be justified moments later as the situation develops.

Pursuits are dynamic events, and conditions can change rapidly. Officers are expected to exercise sound judgment, common sense, and discretion at all times. The overriding consideration must be the safety of the public, officers, and the suspect.

All decisions made under this policy will be evaluated based on the totality of the circumstances known to the officer at the time. Officers must maintain proper self-discipline and use professional judgment to bring any pursuit to a safe and appropriate resolution.

Finally, an officer's actions during a pursuit must be objectively reasonable — that is, consistent with what a reasonable officer would do under similar circumstances. An officer's determination to apprehend a fleeing suspect must never come at the expense of public safety, sound judgment or the department's professional standards.

PURPOSE: This directive establishes guidelines for vehicular pursuits, agency-authorized roadblocks, and forcible stopping techniques. It also provides officers with guidance on balancing public and officer safety with the duty to apprehend law violators.

DEFINITIONS:

"Emergency Vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

"Vehicle Pursuit" An active attempt by a law enforcement officer, in the performance of his or her duties, in a police cruiser using audio and visual emergency equipment, to apprehend one or more occupants of a moving vehicle, providing the driver of such vehicle is resisting apprehension by maintaining or increasing his speed or by ignoring the law enforcement officer's attempt to stop him.

"Caravanning" The following of a suspect vehicle by more than three police vehicles traveling in single file.

"Paralleling " The operation of one or more police vehicles, not in direct pursuit of the suspect vehicle, on streets that parallel the route being traveled by the suspect vehicle.

"Ramming" The intentional contact of a moving police vehicle initiated against a suspect vehicle.

"Moving blockade" The positioning of a **moving** police vehicle so that it partially or totally impedes, interferes with, or attempts to cause the cessation of movement of a suspect vehicle.

"Stationary blockade" The positioning of a **stationary** police vehicle so it partially or totally impedes, interferes with or attempts to cause the cessation of movement of a suspect vehicle.

"Eluding/Fleeing Pursuit" An active attempt by one or more law enforcement officers to apprehend a suspect who is either an occupant of or operating a motor vehicle during which time the operator of the motor vehicle is attempting to avoid capture by using high speed driving or other evasive tactics such as driving off a roadway, or making sudden or unexpected maneuvers, or driving in a manner that endangers other motorists or persons.

"Refusal to Stop Pursuit" An active attempt by law enforcement to stop a motor vehicle using emergency lights and sirens, during which the driver willfully refuses to stop but operates the vehicle at a reasonable speed, not more than 15 MPH over the speed limit, and without endangering other motorists or persons.

"Substantial Risk" For this policy means there is a considerable or significant chance that serious physical injury or death will occur, based on the suspect's behavior or the circumstances— not just a remote or hypothetical possibility.

POLICY: The following policies are established with the issuance of this order:

A. Officers are expected to make reasonable and lawful efforts to apprehend violators while prioritizing public safety and officer safety. This policy does not diminish that responsibility; rather, it establishes clear guidelines to ensure apprehension efforts are conducted within the limits of safety and proportionality.

B. The primary concern in all pursuit situations is for the public safety of the general population, the personal safety of the employee, and the safety of occupants of the pursued vehicles. In the instant that the pursuit decision is made, the safety of all concerned must be considered. It is important that an officer weigh the seriousness of the offense which has been committed against the hazards present to the health and welfare of citizens who might be affected by the pursuit.

C. Officers are expected to make sound, well-reasoned decisions concerning pursuits and exercise common sense and proper discretion during all phases. The decision to initiate or continue a vehicle pursuit must be based on information known to the officer at the time the decision is made. Information not known or confirmed at the time cannot be used later to justify the decision. In all cases, officers and supervisors must be able to articulate the facts and circumstances that supported their decisions.

D. **PURSUIT CRITERIA: (CALEA 41.2.2.B)** Vehicle pursuits are permitted only when the officer knows or has reasonable cause to believe:

1. The occupant(s) is wanted for, has committed, is committing, or is about to commit a violent felony (i.e. murder, aggravated robberies, felonious assault, and other crimes against a person in which violence is an element of the felony offense).
2. The occupant(s) presents a substantial risk of serious physical injury or death to the public, officers, or others, and the need for immediate apprehension outweighs the risks associated with the pursuit.

3. A "Refusal to Stop" pursuit, as defined within this policy, may be initiated and maintained for a lesser offense than described in subsections D.1 and D.2 above. However, once the "Refusal to Stop" pursuit becomes an "Eluding/Fleeing" pursuit, as defined within this policy, the pursuit must be terminated.

EXAMPLES OF REFUSAL TO STOP PURSUITS

Example 1: An officer attempts to stop a vehicle for a traffic violation. The driver has a suspended license and refuses to pull over. The vehicle continues at approximately 10–15 MPH over the speed limit, obeying most traffic laws (e.g., stopping at red lights, yielding at stop signs) and showing no signs of endangering the public. The pursuit may continue as long as the pursuit doesn't meet the criteria of an "Eluding/Fleeing Pursuit".

Example 2: An officer recognizes the driver of a vehicle as someone with a confirmed misdemeanor warrant (e.g., for theft). The officer activates lights and siren, but the vehicle continues to drive lawfully at moderate speeds through residential streets without stopping. The pursuit may continue as long as the pursuit doesn't meet the criteria of an "Eluding/Fleeing Pursuit".

Example 3: An officer initiates a stop for expired plates. The driver refuses to stop but initially maintains a speed under 10 MPH over the posted limit, making no aggressive maneuvers. However, after a few blocks, the driver suddenly accelerates to 70 MPH in a 35 MPH zone, runs multiple stop signs, and weaves through oncoming traffic. The pursuit began as a "Refusal to Stop Pursuit" but escalated into an "Eluding/Fleeing Pursuit" and must be terminated.

E. **RISK ASSESSMENT: (CALEA 41.2.2.A)** A pursuit is a high-risk law enforcement action that must be carefully evaluated before initiation and continuously reassessed as it progresses. Involved personnel must consider many factors beyond just themselves and the fleeing suspect. Pursuits inherently endanger uninvolved citizens, and officers must recognize that pedestrians, motorists, and bystanders—especially children—may be drawn toward police vehicles using lights and sirens. Once a pursuit is initiated and authorized, it does not automatically remain justified for continuation of the pursuit. Before and during a pursuit, officers and supervisors must continuously evaluate the following factors, individually and collectively, to determine whether to initiate, continue or terminate a pursuit:

1. The seriousness of the known or reasonably suspected crime and the level of threat it poses to community safety.
2. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
3. The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
4. The identity of the suspect is established and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
5. Vehicle speeds.
6. The safety of the public in the area of the pursuit, including the type of area (e.g. residential streets, business district, or freeway), time of day, the amount of vehicular and pedestrian traffic (e.g., school zones, heavily populated areas) and the speed of the pursuit relative to these factors.
7. The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
8. The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

9. The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
10. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
11. The availability of other personnel and resources, such as aircraft assistance.

F. **TERMINATING PURSUIT: (CALEA 41.2.2.H/I)** The decision to terminate a pursuit may be the most intelligent course of action. Pursuits may be terminated by the primary unit at any time, without waiting for supervisor guidance or direction. Supervisors are authorized to order termination, and officers must comply immediately. A vehicle pursuit shall be terminated immediately under any of the following conditions:

1. At any point when the risk to public safety outweighs the need for immediate apprehension.
2. When the identity of the suspect has been established to a degree that allows for later apprehension, and the threat to public safety posed by the pursuit exceeds the need for immediate apprehension.
3. The prevailing traffic, roadway, and environmental conditions indicate the futility of continued pursuit.
4. The pursued vehicle's location is no longer known.
5. The pursuing officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and safety factors involved are obviously greater than a juvenile can comprehend. An officer is expected to terminate the pursuit in such cases unless the apprehension of the juvenile offender is necessary to prevent the likely loss of life or serious injury to victims or others.

G. While engaged in the pursuit, officers will comply with all applicable laws and departmental procedures for the operation of an emergency vehicle (e.g., wearing seat belts, using emergency equipment and headlights, and driving defensively to avoid the likelihood of an accident) while using due regard for the safety of others.

H. An officer's initial attempt to stop a vehicle shall include the use of the overhead emergency lights and siren to ensure the driver is aware of the officer's presence and intent to conduct a traffic stop.

1. The period when an officer, exercising due regard for safety, uses emergency vehicle operations to catch up to a vehicle in order to initiate a traffic stop, does not constitute a pursuit for the purposes of this directive.
2. A brief delay in compliance, where the driver does not willfully elude or flee from the officer, does not constitute a pursuit for the supervisor pursuit reporting requirements of this directive.
3. If the driver willfully eludes or flees, meeting the definition of an "Eluding/Fleeing pursuit", "Refusal to Stop pursuit", or the legal elements of a failure to comply violation, the event is recognized as a pursuit, even if it is subsequently terminated, and it shall be reported and documented.

I. All pursuits will be reported in detail (e.g. officer(s)' reports, field supervisor's report) and shall be reviewed by respective levels of supervision. Officers and supervisors are accountable for ensuring the proper operation of vehicles and full adherence to this policy.

J. The justification for a pursuit will be assessed on a case-by-case basis, considering the totality of circumstances known at the time. Key factors include the severity of the offense, potential risks to public safety, alternative apprehension methods, and environmental conditions such as road, weather, and traffic.

K. Only fully marked police vehicles, with operating lights and sirens, shall be employed in vehicle pursuits. **(CALEA 41.2.2.E)**

I. OFFICER LIABILITIES

A. Officers involved in a traffic accident while in pursuit may be civilly sued for damages whether or not he/she was on an emergency call. State law provides for immunity but mandates that the operation of the vehicle not involve "willful" or "wanton" misconduct. State law also provides a standard of "due care" and "due regard for safety" for the operation of a police vehicle. State laws that are applicable are (ORC):

1. ORC 2744.01 - Definition of Emergency Call
2. ORC 2744.02 - Immunity for Political Subdivision
3. ORC 2744.07 - Duty of Subdivision to Defend Employees if performance is in good faith and not outside scope of official duties.
4. ORC 4511.01 - Definitions of Emergency Vehicle
5. ORC 4511.03 - Emergency vehicles at red signal or stop sign
6. ORC 4511.041- Traffic exceptions for Emergency Vehicles
7. ORC 4511.24 - Emergency Vehicle exceptions for Speed
8. ORC 4511.37 - Emergency Vehicles exception for U-turns
9. ORC 4511.452- Pedestrian yield to Emergency Vehicles
10. ORC 4511.45 - Yield of Right-of-way to Public Safety Vehicles
11. ORC 4513.21 – Horns, sirens and warning devices

NOTE: Exceptions made for emergency vehicles do not relieve the officer/driver from a standard of due regard for safety.

B. To comply with state requirements and to minimize potential liability, officers are required to turn on their flashing emergency lights and sound an audible signal immediately upon pursuit (ORC 4511.24 and ORC 4513.21), slow down as necessary for safety of traffic upon approaching a red light or stop sign and proceed cautiously (ORC 4511.03), and always operate with due regard for the safety of others using the street or highway.

II. VEHICLES QUALIFIED TO ENTER PURSUIT (CALEA 41.2.2.E)

A. Only marked police vehicles equipped with an audible siren and flashing emergency lights are permitted to enter into a vehicle pursuit. Further, if a police vehicle meets the above stated requirements, it will be the individual officer's duty to be reasonably sure his/her vehicle is mechanically sound before entering into and while continuing a pursuit.

B. Any police officer, while driving any department vehicle without emergency audio and visual equipment shall not participate or join any pursuit. Personnel are permitted to attempt to maintain visual contact with the fleeing vehicle without excessive speed and with due regard for the safety of others. Under these circumstances officers shall obtain as much relevant information as possible and either radio or telephone the dispatch to request assistance.

C. The active pursuit will not normally involve more than three total units (Primary, Secondary and the Supervisor unit). Under most conditions, the unit initiating the pursuit shall be known as the **PRIMARY UNIT**. The second unit to engage in the pursuit, while following the primary unit, shall be known as the **SECONDARY UNIT**. If practicable, a sworn supervisor may also enter the pursuit, behind the primary and secondary units in order to monitor and more effectively supervise the pursuit. **No other units shall enter or participate in a vehicle pursuit without the permission of a sworn supervisor in authority.**

III. RESPONSIBLITIES OF PRIMARY UNIT (OFFICER INITIATING PURSUIT) (CALEA 41.2.2.C)

A. The responsibility for the decision to initiate a pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify the radio operator of his/her CRIS number and:

1. The violation or justification for the pursuit;
2. Location, direction, and approximate speed of vehicles involved;
3. Descriptions of vehicles and occupants, as practicable;
4. Ongoing progress and actions of the suspect vehicle;
5. Road and traffic conditions;
6. Location of stopped vehicles.

B. The failure to reasonably provide the above required information **SHALL** be cause for termination of the pursuit by the field supervisor or Officer in Charge (OIC). The initiating officer must receive verbal authorization from the field supervisor or the OIC to continue the pursuit. If authorization is not provided the officer will terminate the pursuit and notify dispatch of such termination.

C. The primary unit (initiating officer) shall be in field command and bears operational responsibility for the pursuit unless relieved by a supervisor. The primary unit's authority, however, is subordinate to the field supervisor and the OIC.

D. Officers engaged in a vehicle pursuit are required to provide continuous radio updates. This includes the suspect vehicle's direction of travel, speed, driving behavior, and any changes in road, weather, or traffic conditions. Officers must also communicate any significant developments, such as collisions, evasive maneuvers, or the presence of passengers in the suspect vehicle. Timely and accurate updates are essential to allow supervisors to assess the pursuit's ongoing risk, provide guidance, and determine whether the pursuit should be continued or terminated.

E. The primary unit may continue the pursuit as long as it remains safe to do so and the need for immediate apprehension outweighs the risks involved, unless directed to terminate by a supervisor or the suspect is apprehended. Additionally, if a pursuit that started as a "Refusal to Stop Pursuit," as defined in this policy, escalates into an "Eluding/Fleeing Pursuit" the pursuit must be immediately terminated. If at any point the pursuing officer determines that the risks of continuing the pursuit outweigh the need for immediate apprehension, they must self-terminate and notify dispatch.

F. In circumstances when it is reasonable to believe that the driver poses an immediate threat to other motorists—such as a suspected impaired or reckless driver—who is additionally operating the vehicle in a manner likely to cause a crash and creating a substantial risk of serious physical injury or death, officers may continue the pursuit with the following considerations:

1. Extra consideration must be given to whether the risks of continuing the pursuit outweigh the apparent need to remove the driver from the road.
2. Officers are specifically cautioned to report any impairment by a driver being pursued in an accurate and careful manner. Where a pursuit is continued on the basis of a driver's impairment, the officer, in the initial reports, must document all grounds and available information that existed at the time of the pursuit.
3. Supervisors must ensure that all available information justifying the pursuit is documented in their supervisory reports. Pursuits based on suspected impairment or reckless operation shall receive special attention during administrative review.

G. The termination of a pursuit does not prohibit the following of a vehicle at safe speed (not as an emergency vehicle with the lawful right of way), or remaining in an area to reinitiate pursuit if the opportunity and conditions permit. A safe speed is defined as that speed which is reasonable for the conditions. Any speed beyond fifteen miles over the prima facia speed limit shall not be considered as a safe speed for the purposes of this paragraph; speed under fifteen miles will be considered on a case by case basis as to what is reasonable for conditions. In determining what a safe speed is, special emphasis is placed upon the due regard for the safety of the public.

IV. USE OF ALTERNATIVE MEANS TO APPREHEND FLEEING OFFENDERS

A. Officers attempting to stop violators shall consider all available resources and alternative methods of apprehending fleeing offenders without engaging in or continuing a pursuit. This includes, but is not limited to:

1. Using the police radio to broadcast timely and accurate information to surrounding units to include the make, model, color, registration and any additional information that may assist in identification of and locating the suspect vehicle.
2. Utilizing in-car or mobile computer systems to obtain information on the vehicle or registered owner (e.g., address, criminal history, or known associates)
3. Coordinating with other jurisdictions or agencies when a suspect is known to be traveling toward or through another area
4. Using fixed or mobile license plate recognition (LPR) systems to track/monitor the suspect vehicle.

B. **Prohibited Tactics: (CALEA 41.2.3.A & D)** In the course of a pursuit, the following pursuit intervention tactics are **prohibited** unless specifically authorized by the field supervisor or Officer in Charge (OIC), and such actions may be approved only when the use of deadly force would be authorized:

1. Deliberate vehicle-to-vehicle contact
2. Forcing a suspect vehicle into parked cars, ditches, medians, or other obstacles
3. Boxing in or encircling a moving vehicle
4. Moving or stationary roadblock maneuvers
5. Heading off a moving suspect vehicle
6. Ramming or using a police vehicle as a weapon
7. Pursuing the wrong way on any interstate, divided highway, or one-way street
8. Driving alongside a fleeing vehicle while in motion

C. Post-Pursuit Apprehension Options: When a pursuit is not initiated or is terminated due to risk considerations, officers should make every effort to identify the suspect and vehicle for later apprehension. Follow-up methods may include:

1. Surveillance of the suspect's residence, place of employment or other known locations
2. Issue a warrant based on evidence from the attempted stop or pursuit
3. Use of technology to monitor for future activity or location

V. RESPONSIBILITIES OF DISPATCH PERSONNEL IN PURSUIT SITUATIONS (CALEA 41.2.2.F)

A. Dispatch personnel shall receive and record all incoming information on the pursuit and pursued vehicle.

B. Immediately notify the field supervisor when a pursuit is initiated. If the field supervisor is not available, cannot be reached, is out of service, or fails to respond, dispatch will immediately notify the OIC.

C. Clear the radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information. Exercise control of nonessential radio communications during the pursuit.

D. Perform relevant record and motor vehicle checks.

E. Coordinate assistance under the direction of the field supervisor or OIC.

F. With the approval of the field supervisor or OIC, notify an outside agency if this department is in pursuit in the outside agency's jurisdiction. Specify that the call is either a request for assistance or merely a courtesy notification, with no participation desired.

G. Continue to monitor the pursuit until it is terminated.

VI. RESPONSIBILITIES OF SECONDARY UNIT IN PURSUIT SITUATIONS (CALEA 41.2.2.D)

A. Assistance will be coordinated by the dispatch personnel under the direction of the field supervisor, or in his/her absence, the OIC. The field supervisor and primary unit will be advised of the identity and location of secondary (backup) units who can assist.

B. The active pursuit will not normally involve more than three total units (Primary, Secondary and the Supervisor unit). If more assistance is specifically requested, the number of total involved units will be determined by the nature of the offense, number of suspects, whether the participating units carry more than one officer, and other clear and articulated facts that would warrant the increased hazard.

C. The authorization of more units **MUST** be made by a supervisor. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate, and shall not respond or parallel the pursuit on adjacent streets unless specifically authorized to do so.

D. The secondary unit, upon joining the pursuit, shall immediately notify dispatch personnel of its identity. If the primary unit is a one-officer unit, the assisting unit should assume radio communications responsibility, allowing the primary unit to devote full attention to driving.

E. The secondary unit will remain a safe distance behind the primary unit, but close enough to render backup assistance if and when required.

F. All units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.

G. If the primary unit becomes disabled, the secondary (backup) unit will become the primary unit. Dispatch will advise the field supervisor and other units that a new secondary unit is needed, and the next unit to join the pursuit will be designated the secondary unit.

VII. RESPONSIBILITIES OF SUPERVISORS IN PURSUIT SITUATIONS (CALEA 41.2.2.G)

A. Supervisors play a critical role in the oversight and management of vehicle pursuits. The OIC shall assume overall command and exercise control through the field supervisor. Upon receiving notification, the field supervisor shall immediately acknowledge the pursuit.

B. Once a pursuit is initiated, the field supervisor—or, in their absence, the Officer in Charge (OIC)—must immediately assess the pursuit criteria and determine if it should continue or be terminated. Based on this evaluation, the supervisor or OIC shall authorize continuation or order termination, and promptly verbally communicate that decision to the initiating unit.

1. Supervisors should use verbiage like "Continue" or "Continue Pursuit" to announce their authorization for the pursuit to continue.
2. Supervisors should use verbiage like "Terminate" or "Terminate Pursuit" to order termination of the pursuit. (Supervisors are discouraged from using terms like "Discontinue" to order termination of a pursuit as this could easily be confused with continue.)
3. Implied consent or tacit approval shall not constitute proper authorization to continue the pursuit.
4. A failure to authorize the pursuit shall require that the initiating unit terminate the pursuit.

D. A pursuit does not automatically remain justified for its duration once authorized by a supervisor; it must be continuously reassessed based on the evolving circumstances. The field supervisor, or in his/her absence, the OIC, shall monitor all available information provided by involved officers and dispatch, and perform the required risk assessment. Supervisors are required to weigh these factors collectively and provide clear direction, including authorization to continue or order termination of the pursuit when appropriate.

E. In the absence of adequate information from the primary or secondary unit, the field supervisor, or in his/her absence, the OIC, **SHALL** order termination of the pursuit.

F. The field supervisor—or, in their absence, the Officer in Charge (OIC) shall ensure that no more than the required or necessary units are involved and that affected allied agencies are being notified.

G. The field supervisor will continue to direct and evaluate the pursuit while approving or directing alternative tactics, such as the use of a roadblock, and maintain control until the pursuit is terminated.

H. As with other tactical field problems, it is not necessary that the field supervisor be physically present in order to begin coordination and assert control of the pursuit.

I. The field supervisor should continue to the termination point of the pursuit in order to supervise all necessary operations.

J. Ensure all necessary reports are completed in relation to the incident.

K. In the event that a sworn supervisor initiates a pursuit, the sworn supervisor should relinquish his position as the primary unit as soon as is practicable, and shall assume a supervisory role.

VIII. EMERGENCY VEHICLE OPERATIONS, TACTICS & RESTRICTIONS (CALEA 41.2.2.D)

A. Caravanning - There shall be no caravanning by field units not directly involved in the immediate pursuit.

B. Passing - Officers shall not pass other units involved in a pursuit unless expressly authorized by the primary unit or a sworn supervisor. In fast-moving or high-stress situations, officers must announce their intent to pass over the radio and may only proceed once a clear and affirmative response is received. If no response is given, the officer shall not attempt to pass.

C. Spacing - All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

D. Controlled Access Highways - Officer shall not pursue suspects the wrong way on interstate or other controlled access highways or divided roadways unless specifically authorized by the OIC or field supervisor.

IX. INTER-JURSDICTIONAL PURSUITS (CALEA 41.2.2.J)

A. Officers shall not become involved in another agency's pursuit unless the pursuit would be authorized under the provisions of this policy and procedure and unless specifically authorized by the field supervisor or OIC.

B. Officers shall not continue vehicle pursuits beyond the territorial limits of the City of Elyria without prior approval from the field supervisor or OIC. No vehicle pursuit shall be continued beyond the territorial limits of the State of Ohio unless the involved offense is a felony, an element of which is the use of violence or the threat of the use of violence.

C. With the approval of a field supervisor or the OIC, officers are authorized to assist in pursuing vehicles outside the territorial limits of the City of Elyria as the secondary unit whenever a single police vehicle from an outside police agency is pursuing a vehicle. Officers shall terminate their involvement in the pursuit when the outside agency receives sufficient back-up.

D. When another law enforcement agency initiates a pursuit within the City of Elyria, or enters into the department's jurisdiction while in pursuit, certain procedures shall be followed:

1. The dispatcher shall ascertain the circumstances of the pursuit, including the reason for the pursuit and shall ensure this information is relayed to area units.
2. Two units and a field supervisor (when available) shall be dispatched to the general area of the pursuit in order to monitor the situation.
3. When assistance is requested, the field supervisor or the OIC shall make the determination regarding the participation of Elyria Police units and will continue to monitor and evaluate the pursuit.

E. Whenever department officers engage in a pursuit initiated by another agency, or whenever department officers engage in a pursuit outside their jurisdiction, all provisions of this pursuit policy shall be followed.

X. REPORTS AND ADMINISTRATIVE REVIEW (CALEA 41.2.2.K)

A. The officer initiating a pursuit, roadblock, or using any forcible stopping technique will complete all applicable arrest or case reports and include the basis for the pursuit as a part of the applicable report(s). If the pursuit does not result in an arrest report or was not a part of an incident that generated a report (e.g. pursuit is terminated, offender is lost, etc.), a separate case report will be completed detailing the circumstances surrounding the pursuit.

B. The Field Supervisor will complete a Supervisor's Pursuit Report (EPD Form 41.2) for all pursuit, roadblock, or forcible stopping incidents. The Officer-In-Charge will review the Supervisor's Pursuit Report, attaching any further documentation that is necessary and his comments that the pursuit is in compliance or is not in compliance with department directives. Any violation of any department directive shall require the supervisor to complete a separate Supervisor Report detailing the violation.

C. All pursuit incidents will be referred to the Patrol Division Commander or his designee to ensure that the pursuit is in compliance with department directives. The report, along with any comments by supervisors, shall be forwarded to the Chief's office for a staff review.

D. The original completed Supervisor Pursuit Report (EPD Form 41.2) shall be maintained, by the Chief's Office, within a collective file to be available for yearly analysis.

XI. ANNUAL ANALYSIS AND REVIEW (CALEA 41.2.2.L)

The Patrol Division Commander or his/her designee shall assign an employee to conduct a documented annual analysis of the previous year's pursuit reports. The assigned employee shall also review existing pursuit policies and procedures and offer any recommendations for revision when necessary. The assigned employee will submit the results of this review and analysis to the Patrol Division Commander and the Chief of Police within established timeframes.

XII. TRAINING

Based on its own review process, as well as on information from other sources, the department shall conduct annual training on its pursuit policy for all sworn personnel.

A. On a periodic basis, sworn personnel assigned to patrol duties shall receive additional training in the actual operation of police vehicles under emergency conditions, pursuits, the use of agency authorized roadblocks and forcible stopping techniques. **(CALEA 41.2.3.C)**

B. Employees who have demonstrated a lack of understanding or adherence to the provisions of the department's pursuit policy shall be required to undergo additional and remedial training.

C. Sworn personnel shall receive training on the Department's Pursuit and Forcible Stopping policy upon being hired. Additionally, all sworn personnel shall review the Pursuit and Forcible Stopping policy annually. **(CALEA 41.2.2.M/N)**

CROSS REFERENCE TO DIRECTIVES: GO 4.31.1-Emergency Response, GO 4.19 – Patrol Operations & Field Training Task #6 Vehicle Operations & Emergency Response; ORC 2935.031 Motor vehicle pursuit policy

CROSS REFERENCE TO STANDARDS: CALEA 41.2.1, 41.2.2 & 41.2.3

CROSS REFERENCE TO FORMS: EPD 41.2 Supervisor Pursuit Report

SUPERSEDES: N/A

REVISIONS:

DATE	REVISIONS FROM PREVIOUS VERSION
4/20/25	Removed Emergency Response sections and incorporated them in GO 4.31.1
4/20/25	Policy Language Revisions; Philosophy section added

NUMBER: 4.31.1 EFFECTIVE: 9/1/1996 REVISED: 5/8/2025 DISTRIBUTION: ALL SWORN & DISPATCH PERSONNEL	ELYRIA POLICE DEPARTMENT GENERAL ORDER	
Chief James P. Welsh	**EMERGENCY DRIVING & RESPONSE**	

PURPOSE: The purpose of this policy is to establish guidelines for emergency vehicle operations to ensure the safety of officers, the public, and all involved. It provides direction on the appropriate use of emergency driving, including response to calls, and other urgent situations, while emphasizing the need for sound judgment and risk assessment. This policy provides clear guidance on when and how emergency driving should be conducted, ensuring that officers respond effectively while prioritizing public and officer safety in compliance with legal standards and best practices.

POLICY: The following policies are established with the issuance of this order:

A. Officers must exercise due care and comply with all laws, ordinances, regulations, and departmental directives when operating an emergency vehicle with lights and sirens activated.

B. The primary concern in all emergency response situations is for the personal safety of the officer and the public safety of the general population.

C. Officers must use sound judgment and discretion at all stages of an emergency response to ensure safe and lawful operation.

D. In all emergency responses, officers will be required to provide factual evidence that there was reasonable cause to believe that an inherently dangerous situation existed that demanded an immediate response (See ORC 2744.01).

E. While engaged in emergency response, officers will comply with all applicable laws and departmental procedures for the operation of an emergency vehicle (e.g., wearing seat belts, using emergency equipment and headlights, and driving defensively to avoid the likelihood of an accident) while using due regard for the safety of others.

F. Whether emergency response situation will be considered justified under this policy can be determined only on a case-by-case basis. Included among the most important factors that will be considered are the results, such as serious injury, death or property damage; the nature of the crime or situation known to have occurred prior to the decision to operate under emergency conditions; and road, weather and traffic conditions.

G. Officers and supervisors will be held accountable for the proper operation of vehicles under this policy.

H. Officers must ensure their vehicle is in proper working condition before initiating an emergency response. If a mechanical issue arises, they must assess whether it is safe to continue or if a non-emergency response is more appropriate. Sound judgment is essential in deciding whether to proceed, slow down, or terminate the response based on the severity of the issue and overall safety considerations.

I. An officer who loses control of their vehicle during an emergency response or pursuit will be presumed to have failed to exercise due regard, unless a documented investigation determines that uncontrollable external factors contributed to the loss of control.

DEFINITIONS:

"Emergency Call" means a call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer. **(CALEA 41.2.1.A)**

"Emergency Vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

“Public Safety Vehicle” means motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

“Emergency Driving” The operation of an authorized emergency vehicle (flashing emergency lights and audible siren in operation) by a police officer in response to reports of a serious injury or life threatening situation, while using due regard for the safety of others.

I. OFFICER LIABILITIES

A. Officers involved in a traffic accident while in emergency response may be civilly sued for damages whether or not he/she was on an emergency call. State law provides for immunity but mandates that the operation of the vehicle not involve "willful" or "wanton" misconduct. State law also provides a standard of "due care" and "due regard for safety" for the operation of a police vehicle. State laws that are applicable are (ORC):

1. ORC 2744.01 - Definition of Emergency Call
2. ORC 2744.02 - Immunity for Political Subdivision
3. ORC 2744.07 - Duty of Subdivision to Defend Employees if performance is in good faith and not outside scope of official duties.
4. ORC 4511.01 - Definitions of Emergency Vehicle
5. ORC 4511.03 - Emergency vehicles at red signal or stop sign
6. ORC 4511.041- Traffic exceptions for Emergency Vehicles
7. ORC 4511.24 - Emergency Vehicle exceptions for Speed
8. ORC 4511.37 - Emergency Vehicles exception for U-turns
9. ORC 4511.452- Pedestrian yield to Emergency Vehicles
10. ORC 4511.45 - Yield of Right-of-way to Public Safety Vehicles
11. ORC 4513.21 – Horns, sirens and warning devices

NOTE: Exceptions made for emergency vehicles do not relieve the officer/driver from a standard of due regard for safety.

B. To comply with state requirements and to minimize potential liability, officers are required to turn on their flashing emergency lights and sound an audible signal immediately in response to an emergency call (ORC 4511.24 and ORC 4513.21), slow down as necessary for safety of traffic upon approaching a red light or stop sign and proceed cautiously (ORC 4511.03), and always operate with due regard for the safety of others using the street or highway. **(CALEA 41.2.1.D)**

II. EMERGENCY DRIVING & RESPONSE (CALEA 41.2.1)

A. An emergency response is authorized when there's a call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by police officers of an inherently dangerous situations that demand an immediate response on the part of a police officer. These situations include but are not limited to reports of; serious injury or life-threatening incidents, requests for immediate assistance by law enforcement officers, auto accidents with injury, emergency medical responses and pursuit driving incidents.

B. It will be the responsibility of all officers responding to an emergency call to comply with principles and values expressed in this directive and the local, state and federal laws and ordinances governing such responses. Officers are expected to know and understand how these laws, regulations, and policies affect them in their job performance.

C. There are two levels of emergency responses. Officers who are unsure of a priority are expected to ask for direction from the field supervisor or, in his absence, the OIC, who is expected to monitor and assign priorities when practicable.

1. A "Level One-Emergency Priority" response requires that the officer respond immediately and safely without endangering others and with flashing emergency lights and siren activated, and headlights illuminated.
2. A "Level Two-Emergency Priority" response requires that the officer respond immediately and safely without endangering others, with the flashing emergency lights and siren activated, and with the headlights illuminated, with the Officer's discretion. Officers are assigned the discretionary authority to make decisions about the best response procedure and can expect to be held accountable for the results of those decisions. A Level Two-Emergency Priority response might be assigned to situations including but not limited to; responding to a robbery, burglary or potential hostage situation in progress. The officers responding must clearly understand the following:

    a. An officer may proceed with only the emergency flashing lights activated when the speed of the vehicle is within limits that are reasonable for the conditions. Officers must proceed with extreme caution and due regard to avoid endangering life and property of others.
    b. Speed in excess of 15 miles per hour beyond the posted speed limit will be considered unsafe unless both the flashing emergency lights and siren are in operation and the officer is proceeding with caution (due regard).
    c. The mere use of flashing emergency lights without an audible siren, or the use of an audible siren without flashing emergency lights, does not designate the vehicle as an emergency vehicle by law and may negate immunity available to the operator.

D. When responding to an emergency, officers shall employ safe and effective driving tactics to minimize risk while ensuring a timely arrival. The following guidelines are established for emergency vehicle operations:

1. Use of Emergency Lights and Sirens

a. Officers shall activate emergency lights and sirens when responding to an emergency, except in situations where a silent approach is necessary for tactical reasons.
b. The use of emergency equipment does not absolve officers of the duty to drive with due regard for public safety.

2. Intersections and Traffic Signals
    a. Officers shall approach intersections with extreme caution, reducing speed and ensuring all lanes are clear before proceeding, even when traffic signals are red.
    b. When crossing against a red light or stop sign, officers should make eye contact with other drivers when possible and be prepared to stop if necessary.
3. Speed Control and Adjustments
    a. Officers shall maintain control of their vehicle at all times and adjust speed based on traffic, weather, road conditions, and visibility.
    b. Excessive speed shall be avoided when it presents an unreasonable risk to the officer or public.
4. Lane Positioning and Passing Other Vehicles
    a. Officers should use the left lane whenever possible to maintain visibility and avoid traffic congestion.
    b. If passing vehicles in the same lane, officers shall use audible sirens and ensure other drivers are aware before proceeding.
5. Adapting to Road and Weather Conditions
    a. Officers shall adjust driving tactics based on road hazards, such as wet or icy surfaces, limited visibility, or debris.
    b. High-speed driving should be avoided in inclement weather or on roads with limited traction.
6. Maintaining Situational Awareness
    a. Officers should continuously scan the roadway, anticipate potential hazards, and remain aware of pedestrians, cyclists, and other motorists.
    b. Distractions, such as unnecessary radio communication or mobile device use, should be minimized.
7. Following Distance and Braking
    a. Officers should maintain a safe following distance, allowing adequate space to react to sudden stops or unexpected movements.
    b. Hard braking should be used cautiously to avoid loss of control, especially at high speeds.
8. Recognizing When to Downgrade or Terminate Response
    a. Officers shall continually assess risk and be prepared to downgrade their response if conditions become too hazardous.
    b. Officers shall downgrade or terminate an emergency response if it is deemed unsafe.

E. The officer self-engaging in an emergency response has responsibility for immediately and successfully notifying dispatch of the following:

1. The situation justifying the emergency response,
2. Ongoing progress where coordination with other units may be appropriate,
3. Arrival on the scene.

F. Dispatch has primary responsibility for immediately and successfully:

1. Notifying other units and jurisdictions that may reasonably be involved or affected,
   Maintaining open lines of communication with and between emergency response unit and other units or agencies involved,
2. Documenting all information pertaining to the incident in the appropriate incident log.

G. Supervisory personnel have primary responsibility for immediately and successfully:

1. Monitoring response where practical and, if necessary, assigning the proper response priority.
2. Supervisors have the authority to downgrade, upgrade or terminate an emergency response based on updated information or changing circumstances,
3. Calling for termination of the response should the responding officer fail to do so when facts available do not justify the continuance,
4. Directing the involvement of all officers associated with the response, including travelling to the scene to direct final disposition when practicable,
5. Assuring that command personnel, where appropriate, are properly notified of relevant circumstances and dispositions.

H. An independent decision to disengage from a response, due to safety reasons, may be made at any time by an officer involved. As soon as the decision is made, the officer will notify dispatch immediately and such notification will be accurately recorded on the incident log; the officer will also turn off emergency flashing lights and sirens.

I. If the field supervisor or OIC decides to end an emergency response, all officers involved are directed to immediately comply with the supervisor's instructions.

XII. ACCOUNTABILITY AND COMPLIANCE

A. All emergency responses are subject to review to ensure compliance with department policy.

B. Officers found to have engaged in reckless or unnecessary emergency driving may be subject to retraining and/or disciplinary action.

C. In the event of a collision or incident during emergency response, officers must immediately notify a supervisor and follow department reporting procedures.

D. The Field Supervisor will complete a Supervisor's Report in all emergency response instances resulting in any property damage or for any violation of department directives. The Officer-In-Charge will review the report, attaching any further relevant documentation that is necessary and his comments that the response was in compliance or is not in compliance with department directives. Reports shall be submitted within a reasonable timeframe.

E. Such reports will be referred through the chain of command to the Division Commander or his designee to ensure that the response is in compliance with department directives. The report, along with any comments by supervisors, shall be forwarded to the Chief's office for a staff review.

XIII. DIRECTIVE REVIEW

Sworn personnel shall be required to review this directive once annually.

CROSS REFERENCE TO DIRECTIVES: GO 4.19 – Patrol Operations, GO 4.31- Pursuits & Forcible Stopping, Special Order & Field Training Task #6 Vehicle Operations & Emergency Response

CROSS REFERENCE TO STANDARDS: CALEA 41.2.1, 41.2.2 & 41.2.3

CROSS REFERENCE TO FORMS: EPD Supervisor Report

SUPERSEDES: N/A

REVISIONS:

DATE	REVISIONS FROM PREVIOUS VERSION
4/18/25	Removed Emergency Driving components from General Order 4.31 and incorporated into this General Order