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Use of Force		



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Rule of Conduct: 1.08

I. Definitions

A. Use of Force

The exertion of energy or the actions of personnel in the performance of their duties used to direct or control another's movements or actions. A use of force may be implemented to control resistive or aggressive behavior toward the involved personnel, other personnel, third parties, or property.

B. Use of Force Levels of Control

1. Levels of Control used by the Division of Police for reporting purposes are as follows:

Level 0: Officer presence, verbal and non-verbal commands, searching, handcuffing, displaying or sparking a taser for compliance, displaying a firearm, using flashbangs and multiple baton rounds as diversions, and the use of the Long Range Acoustic Device (LRAD) warning tone

Level 1: Empty hand control; pressure points; grounding techniques; joint manipulations; **and pushes with objects such as bicycles, riot shields, and batons**

Level 2: Use of chemical spray

Level 3: Use of electronic device (electronic custody belt or Conducted Energy Weapon, [CEW] for example, the taser) **or air launcher**

Level 4: Hard empty hand control (strike/punch/kick)

Level 5: Use of impact weapon (baton/flashlight)

Level 6: Police K-9 bite

Level 7: Less-lethal weapons (beanbag/multiple baton rounds)

Level 8: Deadly force

C. Deadly Force

Any force which carries a substantial risk that it will proximately result in the death of any person.

D. Display of Firearm

The pointing of a handgun, shotgun, or rifle at an individual by sworn personnel in the performance of their duties in order to control another's movements or actions.

E. Injury

1. For the purposes of this directive, injuries are classified as follows:

a. Minor Injury

An injury that does not require transport to a medical facility.

b. Serious Injury

An injury that requires transport to a medical facility for treatment.

Note: If a Division supervisor classifies an injury as minor, refusal at the county jail does not require a Use of Force-Injury to Prisoner ***investigative letter***.

F. Display of Taser

The pointing of the taser at an individual by sworn personnel in the performance of their duties in order to control another's movements or actions.

G. Taser Functions

1. Sparking the taser for compliance; or

2. Using the taser for:

a. One full or partial five-second application cycle, or multiple cycles of the taser; or

b. Drive-stun application(s).

II. Policy Statements

A. General

1. Sworn personnel shall attempt to de-escalate a situation by using trained techniques, such as building rapport, communication skills, maintaining a safe distance, utilizing a barrier, etc., when it is safe to do so.

2. It is well established that police officers may use force to effect an arrest, to defend themselves, or to defend others. An officer should not desist from any official duty merely because resistance is offered.

3. Sworn personnel shall not use more force than is reasonable in an incident. Factors to be considered when determining the reasonableness of a use of force include:

a. The severity of the crime at issue.

b. Whether the subject poses an immediate threat to the safety of the officer or others.

c. Whether the subject is actively resisting arrest.

d. Whether the subject is attempting to evade arrest by flight.

4. Sworn personnel shall not use any force for a retaliatory or punitive purpose.

5. Sworn personnel who witness another officer utilize force which is unlawful, excessive, or violates Division policy shall intervene to stop the officer's actions.

6. Force may be used during a medical emergency if:
 - a. The person experiencing a medical emergency is incapable of making a rational decision under the circumstances and poses an immediate threat of serious harm to him or herself or others.
 - b. Some degree of force is reasonably necessary to minimize the immediate threat.
 - c. The force being used is reasonably necessary under the circumstances.
7. Sworn personnel should take into consideration an unarmed person's known mental health status prior to using force.
8. Officers shall use their training and tactics to guide them through a use of force incident.
 - a. The preferred response to resistance and aggression is a trained technique reasonable for the circumstances. However, during a situation involving the infliction or threatened infliction of serious physical harm, the use of an untrained response may be reasonable to end the threat and survive the encounter. The proper exertion of physical force used to control the subject shall be consistent with Division policy.
 - b. Choke holds and neck restraints are prohibited. These untrained techniques are considered a deadly use of force and shall only be used in a life threatening situation when deadly force is justified.
 - c. When attempting to control a grounded suspect, any pressure used shall be placed on the shoulder or the middle of the back, not intentionally on the neck. If at anytime during the struggle pressure is unintentionally placed on the neck, officers shall readjust their positioning. Once the suspect is handcuffed and compliant, officers shall place the individual in an upright position as soon as it is safe to do so. Officers who observe pressure being placed on a suspects neck or an officer failing to move a suspect to an upright position, once it is safe to do so, shall intervene to correct the officer's actions.
9. All uses of force shall be reported consistent with Division policies. Involved personnel shall notify an available on-duty Division supervisor in the following order:
 - a. Their immediate supervisor;
 - b. Another sworn supervisor within their chain of command; or
 - c. Any other sworn Division supervisor who may personally conduct the investigation or notify a supervisor in the involved officer's chain of command to conduct the investigation.
- 10. During a civil disturbance or mass arrest situation, the normal process for reporting and investigating uses of force may not be possible. The Chief of Police may implement the following alternative reporting procedures:**

- a. ***Involved personnel shall report all uses of force to their supervisor for the operational period as soon as they can safely and reasonably do so. Personnel should note their use(s) of force on their Body Worn Camera (BWC) if possible.***
 - b. ***Supervisors shall note reported uses of force on the Activity Log, ICS Form 214, or After-Action Report they complete for the operational period.***
 - c. ***The incident commander shall communicate the specific use of force reporting and investigation procedures approved by the Chief of Police as soon as practicable. The procedures should be formalized in the incident action plan within 24 hours.***
- 11.** The Organizational Accountability Lieutenant shall send a quarterly report to commanders/bureau managers and above that details the utilization of the electronic Display of Firearm/Taser Record ***in the electronic reporting system.***
- a. Commanders should review the Display of Firearms/Taser report and forward it to the supervisors within their bureau.
 - b. Civilian managers should forward the report for their sworn personnel and request it be reviewed by a sworn commander within their subdivision.
 - c. Immediate supervisors should use the quarterly Display of Firearm/Taser report to analyze the compliance of their personnel.
- 12.** The Internal Affairs Bureau (IAB) shall forward a monthly report to the Training Bureau that summarizes all Level 2 through Level 8 Use of Force Reports, form U-10.128, received.
- 13.** The Training Bureau shall review the monthly summary of Use of Force Reports received from IAB along with the original Levels 0 and 1 Use of Force Reports to monitor techniques for their effectiveness and to make approved changes in trained techniques and lesson plans.
- 14.** All sworn Division personnel shall receive annual training ***on*** the Division's use of force policy ***as prescribed by the Training Bureau.***
- 15.** Division supervisors conducting use of force investigations shall photograph involved persons as detailed in the Supervisor's Manual.
- 16.** Restrictions on Supervisors Conducting Investigations
- a. Division supervisors who actively participate in or order a use of force shall not conduct any subsequent investigation. This restriction does not apply to tactical situations, such as those involving SWAT, In-Tac, or field forces.
 - b. When a Division supervisor is prohibited from conducting the investigation, the involved supervisor's immediate supervisor or, if unavailable, another Division supervisor of a higher rank than the involved supervisor shall be contacted. The contacted supervisor may conduct the investigation or may assign it to an alternate supervisor.

17. If requested, IAB shall conduct an administrative investigation.

Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature. Information compelled from the focus employee in an administrative investigation shall not be shared with, or in any manner released to, any unit conducting a criminal investigation, except as pursuant to the Ohio Public Records Act.

B. Deadly Force

1. Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm.
2. Sworn personnel may use deadly force upon a human being to prevent escape when there is probable cause to believe that the subject poses an immediate threat of serious physical harm to others.
3. Sworn personnel not in a vehicle should avoid intentionally positioning themselves in a direct path of a moving vehicle.
 - a. Sworn personnel vulnerable to being struck by a moving vehicle should take evasive action.
 - b. Sworn personnel may fire a weapon at the driver or occupant of a moving vehicle or from a moving vehicle only when there is an articulable, reasonable belief that the subject poses an immediate threat of death or serious physical harm to him or herself or others.
 - c. Sworn personnel should not extend their displayed firearm inside the passenger compartment of an occupied vehicle.
 - d. Sworn personnel should attempt to immobilize a vehicle prior to attempting a trained vehicle extraction technique. Sworn personnel should avoid reaching inside the passenger compartment of an occupied vehicle.

Note: Reaching into an occupied vehicle can place an officer in grave danger.

4. If reasonable, sworn personnel should give a verbal warning of the intention to use deadly force.
5. While sworn personnel have an affirmative duty to use that degree of force reasonable to protect human life, the use of deadly force is not reasonable merely to protect property interests. Only under circumstances where it is reasonable to believe an infliction or threatened infliction of serious physical harm to human life exists is the use of deadly force justified.
6. The use of deadly force by sworn personnel should not create a danger to the public that outweighs the benefits of its use.
7. Sworn personnel shall not fire a warning shot unless there is justification to use deadly force and should ensure that:

- a. There are no bystanders in the line of fire or who could move into the line of fire; and
 - b. The backstop is reasonably likely to contain or stop the discharged bullet.
8. Facts unknown to sworn personnel at the time deadly force is used cannot be considered in determining whether the involved personnel acted in conformity with this policy.
9. Investigations of uses of force resulting in death shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor will determine if the case will be presented to a grand jury.

III. Procedures

A. Level of Control 0: Display of Firearm/Taser

1. Involved Personnel

Complete a Display of Firearm/Taser Record in the electronic reporting system by the end of your shift, or by the beginning of your next shift if the incident occurred outside of assigned duty hours.

Note: For tactical operations, the responsible sergeant will ensure that one Display of Firearm/Taser form is completed for the unit.

B. Level of Control 0: Sparking a Taser for Compliance or Level of Control 1 with No Injury

1. Involved Personnel

Complete a Use of Force Report and forward it to your immediate supervisor by the end of your shift or by the beginning of your next shift if the incident occurred outside of assigned duty hours. If your immediate supervisor is unavailable, forward the report to any on-duty supervisor within your chain of command.

2. Investigating Supervisor

- a. Review and sign the Use of Force Report.
- b. Forward a copy of the report to the immediate supervisor of the involved personnel.
- c. Forward the investigative packet to:
 - (1) Human Resources if discipline was issued, or
 - (2) IAB for filing if no discipline was issued.

3. Human Resources **Personnel**

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

4. Internal Affairs Bureau

Forward the original Use of Force Report to the Training Bureau.

C. Level of Control 0 or 1 with a Complaint of an Injury, Minor Injury, or Serious Injury Caused by the Response

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

- a. Review and sign the Use of Force Report.

b. Minor Injury

- (1) Complete a Data Processing Worksheet, form U-10.164, and attach the Use of Force Report; a copy of the Arrest Information, form U-10.100; and any photographs taken.
- (2) Forward a copy of the report to the immediate supervisor of the involved personnel.
- (3) Forward the investigative packet to:
 - (a) Human Resources if discipline was issued, or
 - (b) IAB for filing if no discipline was issued.

c. Serious Injury

- (1) Complete an Injury to Prisoner administrative investigation and a Data Processing Worksheet. Attach the Use of Force Report and a copy of the Arrest Information form.
- (2) Forward the packet through the chain of command to the commander.
 - (a) Commander
 - i) Make a final determination for Level of Control 0 or 1 with serious injury unless deviation from progressive discipline and/or departmental charges are recommended.
 - a) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
 - ii) Forward the investigative packet to:
 - a) Human Resources if discipline was issued, or
 - b) IAB for filing if no discipline was issued.

3. **Deputy Chief**

If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

4. Human Resources **Personnel**

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

5. Internal Affairs Bureau
 - a. If applicable, record the incident in the involved personnel's IAB database record.
 - b. Maintain a file copy of the Use of Force Report.
 - c. Forward the original Use of Force Report to the Training Bureau.
- D. Level of Control 2
 1. Involved Personnel
 - a. Cause any needed medical aid to be rendered.
 - b. Immediately notify, or cause notification of, an on-duty supervisor.
 - c. Complete a Use of Force Report and give it to the investigating supervisor.
 2. Investigating Supervisor
 - a. Review and sign the Use of Force Report.
 - b. Forward a copy of the report to the immediate supervisor of the involved personnel.
 - c. If the subject is being arrested or a summons ***is being issued or requested:***
 - (1) Ensure that the arresting personnel include the facts necessitating the use of chemical spray and details of the decontamination/treatment rendered in the narrative section of the Arrest Information form.
 - (2) Include a brief statement indicating justification for the use of chemical spray, the effectiveness of the chemical spray, and details of the decontamination process and treatment rendered on the Use of Force Report.
 - (3) Ensure that an "X" is placed in both the "Chemical Spray" box on the top left corner and the "Use of Force" box on the top right corner on the front of the Arrest Information form.
 - (4) Complete a Data Processing Worksheet, attach the Use of Force Report and a copy of the Arrest Information form, and forward the packet ***to*** the involved personnel's ***immediate supervisor.***
 - d. If no arrest is made, add comments to the back of the Use of Force Report, and forward it along with a Data Processing Worksheet ***to*** the involved personnel's ***immediate supervisor.***
 - e. If circumstances indicate that the use of chemical spray was not within Division policy, complete an investigation as indicated on the Use of Force Report, and forward it along with a Data Processing Worksheet through the involved personnel's chain of command.
 - f. For a Level of Control 2 against a handcuffed subject:
 - (1) Identify and interview the following:
 - (a) Involved Division personnel
 - (b) All available witnesses
 - (c) The subject upon whom chemical spray was used

- (2) Review and sign the Use of Force Report.
 - (3) Complete an administrative investigation.
 - (4) Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command.
3. Immediate Supervisor
 - a. Make a final determination for Level of Control 2 (not against a handcuffed subject) unless deviation from progressive discipline and/or departmental charges are recommended.
 - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
 - b. Forward the investigative packet to:
 - (1) Human Resources if discipline was issued, or
 - (2) IAB for filing if no discipline was issued.
 4. Commander
 - a. Make a final determination for Level of Control 2 against a handcuffed subject unless deviation from progressive discipline and/or departmental charges are recommended.
 - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
 - b. Forward the investigative packet to:
 - (1) Human Resources if discipline was issued, or
 - (2) IAB for filing if no discipline was issued.
 - c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.
 5. Deputy Chief
 - a. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.
 6. Human Resources **Personnel**
 - a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
 - b. Forward the remaining investigative packet to IAB.
 7. Internal Affairs Bureau
 - a. Record the incident in the involved personnel's IAB database record.
 - b. Maintain the original Use of Force Report.

E. Level of Control 3

1. Involved Personnel

- a. Cause any needed medical aid to be rendered.
- b. Immediately notify, or cause notification of, an on-duty supervisor.
- c. Complete a Use of Force Report and **either** a Use of Taser Report, form U-10.128T, **or Use of Air Launcher Report, form U-10.128A**, and give them to the investigating supervisor.

2. Investigating Supervisor

- a. Identify and interview the following:
 - (1) Involved Division personnel
 - (2) All available witnesses
 - (3) The subject upon whom the taser or **air launcher** was used
- b. Review and sign the Use of Force Report and the Use of Taser **or Use of Air Launcher** Report.
- c. Complete the Data Processing Worksheet; attach the Use of Force Report, Use of Taser **or Use of Air Launcher** Report, any photographs taken, and a copy of the Arrest Information form; and forward the packet through the involved personnel's chain of command.
- d. For a Level of Control 3 against a handcuffed subject, when three or more cycles of the taser are applied to one subject, when one taser is applied to multiple subjects during the same incident, or when multiple tasers are applied to the same subject:
 - (1) Complete an administrative investigation.
 - (2) Attach the administrative investigation to the Data Processing Worksheet, Use of Force Report, Use of Taser Report, any photographs taken, and a copy of the Arrest Information form, and forward the packet through the involved personnel's chain of command.

3. Commander

- a. Make a final determination for Level of Control 3 **with** no serious injury unless deviation from progressive discipline and/or departmental charges are recommended.
 - (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
- b. Forward the investigative packet to:
 - (1) Human Resources if discipline was issued, or
 - (2) IAB for filing if no discipline was issued.
- c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. Deputy Chief

a. Make a final determination for Level of Control 3 **with** serious injury unless deviation from progressive discipline and/or departmental charges are recommended.

(1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

b. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

c. Forward the investigative packet to:

(1) Human Resources if discipline was issued, or

(2) IAB for filing if no discipline was issued.

5. Human Resources **Personnel**

a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.

b. Forward the remaining investigative packet to IAB.

6. Internal Affairs Bureau

a. Record the incident in the involved personnel's IAB database record.

b. Maintain the original Use of Force Report.

F. Levels of Control 4, 5, 6, and 7

1. Involved Personnel

a. Cause any needed medical aid to be rendered.

b. Immediately notify, or cause notification of, an on-duty supervisor.

c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

a. Identify and interview the following:

(1) Involved Division personnel

(2) All available witnesses

(3) The subject upon whom the use of force was used

b. Review the Use of Force Report.

c. Complete an administrative investigation.

d. Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command.

3. **Assistant Chief**

a. Make a final determination for Levels of Control 4, **5, 6, and 7** unless deviation from progressive discipline and/or departmental charges are recommended.

(1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

b. Forward the investigative packet to:

(1) Human Resources if discipline was issued, or

(2) IAB for filing if no discipline was issued.

c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. Human Resources **Personnel**

a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.

b. Forward the remaining investigative packet to IAB.

5. Internal Affairs Bureau

a. Record the incident in the involved personnel's IAB database record.

b. Maintain the original Use of Force Report.

G. Use of Force Resulting in Death or Serious Physical Harm Likely to Cause Death

1. Involved Personnel

a. Cause any needed medical aid to be rendered.

b. Immediately cause Communications personnel to be notified.

c. Secure the scene.

2. Communications

a. Dispatch personnel to render assistance or to secure the scene.

b. Notify the Columbus Division of Fire and those listed on the Emergency Notification Guide.

Note: The Investigative Duty Desk will contact an on-duty Homicide **Bureau** supervisor.

3. Homicide **Bureau** Supervisor

a. Ensure notification is made to the independent investigative agency.

b. Function as the Division liaison to the independent **investigative** agency as outlined in the Homicide **Bureau** SOP.

c. Complete the required administrative paperwork, for example, the Use of Force Report and Data Processing Worksheet, and forward **it** as outlined in the Homicide **Bureau** SOP.

4. Officer Support Team

Provide the involved personnel with any assistance, information, or other support they may desire.

Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Therefore, Officer Support Team members are cautioned not to discuss the incident.

5. Firearms/Police-Involved Death Review Board

- a. Review all information concerning the incident.
- b. Determine whether the police action was within Division policy.
- c. Prepare and forward a summary of the findings, together with the original investigative packet, the Use of Force Report, and the Data Processing Worksheet, through the involved personnel's chain of command to the **assistant chief**.

Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and route it through the involved personnel's chain of command to the Chief of Police.

6. Immediate Supervisor

- a. Review the investigative packet and make recommendations.
- b. Forward the investigative packet through the chain of command.

7. Chain of Command

Review the investigative packet and make recommendations.

8. **Assistant** Chief

- a. Review the investigative packet.
- b. Make a final determination concerning the incident unless deviation from progressive discipline and/or departmental charges are recommended.

Note: If the recommendation of the **assistant chief** is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Chief of Police.

- (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

c. Forward the investigative packet to:

- (1) Human Resources if discipline was issued, or
- (2) IAB for filing if no discipline was issued.

d. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

9. Chief of Police

- a. Make the final determination when a recommendation to bypass progressive discipline is made.

- b. Make a final determination if there are dissenting opinions between the Firearms/Police-Involved Death Review Board and the **assistant chief**.
- c. Cause the involved personnel to be notified of the determination.

10. Human Resources **Personnel**

- a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
- b. Forward the remaining investigative packet to IAB.

11. Internal Affairs Bureau

- a. Record the disposition of the incident in the involved personnel's IAB database.
- b. Maintain the original Use of Force Report.