

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 2.02
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Discharged Firearms		



Cross Reference: 2.01, 2.03, 2.06, 4.02, 4.08, 5.02, 5.03, 7.04, 8.06

Rule of Conduct: 1.08, 1.19, 1.20, 1.21, 1.46

Supervisor's Manual: 5.02, 6.03

I. Introduction

This directive establishes procedures for all sworn personnel involved in incidents of discharged firearms while on or off duty ***and direction for unintentional discharges that occur at training or in testing facilities.***

II. Policy Statements

- A. Sworn personnel shall report all incidents of discharged firearms, whether on or off duty, other than those done in the course of training, testing, or legal recreational purposes.
- B. Unless there are extraordinary circumstances as determined by the Chief of Police or his or her designee, sworn personnel who discharge a firearm in the course and scope of their duties shall be ordered to submit to alcohol and drug testing. Absent reasonable suspicion, alcohol and drug testing shall not be ordered when the discharge occurred in the course of training, testing, legal recreation, or the humane destruction of an animal.
 1. The following supervisor shall be responsible for ordering involved personnel to submit to a test and completing the testing procedures outlined in the "Alcohol and Drug Testing" section of the Supervisor's Manual:

Note: The supervisor should be of a higher rank than the involved personnel.

- a. The responding member from the Firearms/Police-Involved Death Review Board when an independent investigative agency has been requested or the Major Crimes Investigative Team (MCIT) is investigating the incident.
 - b. The investigating lieutenant for unintentional discharges and discharges against dangerous animals when the incident is not being investigated by an independent investigative agency or MCIT.
- C. Scene Security
 1. Sworn personnel shall protect the scene as any other serious crime scene in accordance with the "Serious Crime Scenes, Threatened Officer Protection, and Guard Duty" directive.

2. Only personnel assigned to investigate a police-involved shooting shall be permitted within the protected area of the shooting scene. The exception will be the Chairperson or the responding member of the Firearms/Police-Involved Death Review Board or his or her designee, who shall be shown the scene at the first reasonable opportunity.
- D. Investigative Referral to an Independent Agency
1. The Chief of Police or designee shall request that the Ohio Bureau of Criminal Investigation (BCI) conduct a criminal investigation when Division personnel or Columbus Division of Fire (CFD) personnel duly authorized to carry a firearm are involved in any of the following incidents:
 - a. Any discharge of a firearm that results in human injury or death to anyone other than the individual discharging the firearm.
 - b. Any use of force resulting in the life-threatening injury or death of a human.
 - c. The death of or life-threatening injury to a person while being taken into custody, while in custody, or while being detained.
 - d. The use or attempted use of a stopping tactic, or a police-involved vehicular pursuit, which results in a fatality or injuries likely to cause death.
 2. If BCI declines the referral, the Chief of Police or designee shall request mutual aid from another law enforcement agency or assistance from a law enforcement agency with concurrent jurisdiction to conduct the investigation.
- E. MCIT should investigate the following incidents:
1. The intended discharge of a firearm by sworn personnel or CFD personnel duly authorized to carry a firearm that does not strike any person when the discharge:
 - a. Was intentionally directed at a person; or
 - b. While not intentionally directed at a person, could be reasonably construed as such.
 2. The unintentional discharge of a firearm by sworn personnel or CFD personnel duly authorized to carry a firearm that does not strike any person when the discharge occurred during a confrontation with a suspect and could be reasonably construed as being directed at the suspect.
 3. Any incident in which sworn personnel sustain serious physical harm or death at the hands of another.
- Note: If the incident meets any of the criteria in Section II,D, the investigation may be conducted by or in conjunction with BCI or another independent agency.
4. The use of a firearm within the City limits by a law enforcement officer from a foreign agency, provided the incident is not investigated by BCI.

5. The use or attempted use of a stopping tactic or a police-involved vehicular pursuit by a foreign agency which results in a fatality or injuries likely to cause death, provided no Division personnel were actively engaged in the stopping tactic or pursuit, and the incident is not investigated by BCI.
6. Any other incidents as ordered by the **Homicide** Bureau Commander, the Criminal Investigations Subdivision Deputy Chief, an assistant chief, or the Chief of Police.
- F. A member of the Firearms/Police-Involved Death Review Board shall respond to any police action resulting in death when an independent investigative agency has been requested, or when MCIT has been activated to investigate the actions of Division personnel or CFD personnel duly authorized to carry a firearm.
- G. For incidents involving serious physical harm or death outside the City of Columbus, the law enforcement agency in whose jurisdiction the incident occurred shall conduct the criminal investigation and their individual policies shall dictate any subsequent review unless other arrangements are made between the other jurisdiction and an independent agency at the time of the incident.
- H. The Internal Affairs Bureau may be directed to open a concurrent administrative investigation of incidents involving the discharge of a firearm resulting in the injury or death of a human. Any statements or evidence obtained as a result of an order to comply with questioning during an administrative investigation shall not be shared with or used in any criminal investigation or proceeding involving the personnel ordered to answer questions.
- I. The Chief of Police may temporarily reassign personnel involved in the discharge of a firearm or in-custody death outlined in Section II,D. Temporarily reassigned sworn personnel shall not:
 1. Work special duty.
 2. Work an overtime assignment that involves responding to calls for service or a reasonable likelihood of taking enforcement action (for example, Patrol backfill or special events).
- J. When a firearm is unintentionally discharged on a Division of Police firing range and there are no resulting injuries, Ordnance Unit personnel shall determine the appropriate course of action.
- K. When a firearm is unintentionally discharged in the Crime Laboratory, personnel shall refer to the Crime Laboratory Firearms Technical Manual for guidance.**

L. Use of Firearm Against Dangerous Animals

1. Sworn personnel being threatened or attacked by a dangerous animal should attempt to use trained techniques and/or intermediate weapons before using a firearm to protect themselves or another person. If these attempts fail to halt the animal's attack, and when left with no alternative other than to use a firearm, sworn personnel should determine whether the backstop is able to control and contain any projectiles that may not find their intended mark or that may ricochet. Consider the presence of individuals and their actions relative to the proximity of the dangerous animal. Grassy and/or dirt areas are the preferred location for a backstop.
2. Sworn personnel shall not fire or deploy a weapon at a dangerous animal unless the animal poses an imminent threat to personnel or others, use of the weapon is reasonable, and the risk to human life is minimized.
3. Sworn personnel shall not use a firearm to prevent or disrupt an animal attacking another animal.

Note: Pets are deemed to be property, and a firearm is not to be used to protect property.

III. Procedures

A. Discharged Firearm Resulting in No Injury/Death

1. Involved Personnel

Immediately cause Communications personnel to be notified.

2. Communications Personnel

- a. Dispatch personnel to render assistance and/or to secure the scene as necessary.
- b. Make notification as required by the Emergency Notification Guide.

B. Discharged Firearm for the Humane Destruction of a Seriously Injured Animal

1. Patrol Sergeant

- a. Complete the Discharged Firearm Report, form S-70.100.

Note: For firearm discharges by supervisors, another patrol supervisor is responsible for reviewing and signing.

- (1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This serves as notification of the incident.
- (2) Route a copy through the chain of command to the involved personnel's commander.
- b. Forward the investigation through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

2. Commander

Forward the Discharged Firearm Report to the Firearms Review Board Chairperson.

C. Discharged Firearm Against a Dangerous Animal, Unintentional Discharge by Sworn Personnel Resulting in a Non-life Threatening Injury to Themselves, or Unintentional Discharges Not Investigated by MCIT or an Independent Agency

1. Investigating Lieutenant

Note: The lieutenant in the chain of command of the involved personnel is responsible for investigating the firearm discharge. If the chain of command lieutenant is not on duty, a lieutenant from the involved bureau or a patrol zone lieutenant is responsible for conducting the investigation.

- a. Complete an administrative investigation.
- b. Complete the Discharged Firearm Report.
 - (1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This shall serve as notification of the incident.
 - (2) Include a copy in each investigative packet.
- c. Forward the original investigative packet and three copies through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

Note: The purpose of routing the investigative packet through the involved personnel's chain of command is to review the investigation for completeness. No recommendations should be made by the investigating supervisor or the chain of command until the incident has been reviewed by the Firearms/Police-Involved Death Review Board.

D. Discharged Firearm Resulting in Human Injury/Death

1. Involved Personnel

- a. Notify Communications personnel.
- b. Summon Emergency Medical Services (EMS) and ensure that the dispatcher acknowledges the request.
- c. Secure the scene.
 - (1) Handcuff injured suspects when appropriate to make the scene safe.
 - (2) ***Remove the handcuffs if the suspect is incapacitated or as needed to provide medical treatment once a pat-down has been completed and the scene is secure.***
- d. Render medical aid consistent with training and available equipment as soon as it is safe to do so.

2. Communications Personnel

- a. Dispatch personnel to render assistance and/or to secure the scene as necessary.
- b. Acknowledge the request for EMS and notify CFD.
- c. Make notification as required by the Emergency Notification Guide.

3. Homicide Bureau Supervisor

- a. Ensure notification is made to the independent investigative agency and function as the liaison between the agency and the Division.
- b. Complete the required administrative paperwork (for example, the Use of Force Report and Data Processing Worksheet, form U-10.164) 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 as needed or requested.

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. Officer Support Team members are cautioned not to discuss the incident.

5. Internal Affairs Bureau

- a. Conduct a concurrent administrative investigation when directed.

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.

- b. Forward a copy of the completed investigation to the Public Accountability Subdivision Deputy Chief.

E. Post Investigation Review

1. Firearms/Police-Involved Death Review Board

- a. Review all information concerning the incident.
- b. Determine whether the discharge of the firearm was within Division policy. Render a finding in accordance with the Firearms/Police-Involved Death Review Board SOP.
- c. Prepare and forward a summary of the findings together with the original investigative packet to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the commander or 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 the majority finding and route it to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the Chief of Police.

2. Chain of Command

- a. Review the investigative packet.
- b. Render one of the following findings:
 - (1) Intentional and in violation of policy
 - (2) Intentional and not in violation of policy

- (3) Unintentional and in violation of policy
 - (4) Unintentional and not in violation of policy
 - c. When appropriate, make recommendations regarding necessary corrective action.
3. Commander or Assistant Chief of Involved Personnel
- a. Review the investigative packet and render a finding as follows in accordance with Section III,E,2,b:
 - (1) Commanders: Investigations involving humane destruction and discharged firearm against a dangerous animal
 - (2) Assistant Chief or designee: Investigations involving the discharge of a firearm that is directed at or causes injury to a person and any unintentional discharge except as specified in Section II,J.
- Note: If the recommendation of the commander or assistant chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the assistant chief or designee or Chief of Police as applicable.
- b. If the discharge of the firearm was intentional and not in violation of policy, or unintentional and not in violation of policy:
 - (1) Cause the involved personnel to be notified of the final determination.
 - (2) Forward the packet through the Firearms/Police-Involved Death Review Board Chairperson to the Internal Affairs Bureau to be filed.
 - c. If the discharge of the firearm was intentional and in violation of policy, or unintentional and in violation of policy, determine if progressive discipline should be followed or if a deviation from progressive discipline is appropriate.
 - (1) If recommending deviation from progressive discipline, forward the packet to the Discipline/Grievance Section for review, then to the Chief of Police.
 - (2) If the discipline does not warrant deviation from progressive discipline, forward the packet through the involved personnel's chain of command for the issuance of discipline, then through the Firearms/Police-Involved Death Review Board Chairperson to Human Resources for entry into the Discipline Tracking System and to the Internal Affairs Bureau for storage.
4. Assistant Chief or designee or Chief of Police
- a. Make a final determination if there is a dissenting opinion.
 - b. Make a final determination on any request to deviate from progressive discipline.
 - c. Cause the involved personnel to be notified of the final determination.