

# CHILLICOTHE POLICE DEPARTMENT

<i>Effective Date:</i> <b>4-7-22</b>	<i>Policy Number</i> <b>109</b>	
<i>Subject:</i> <b>Use of Force</b>		
<i>Reference:</i> <b>IACP Model Policy</b>	<i>Special Instructions:</i>	
<i>Distribution:</i> <b>Officers Law Director, Safety Director, Mayor Civil Service</b>	<i>Reevaluation Date:</i> <b>Annually</b>	<i>No. Pages</i> <b>7</b>

## I. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force.

## II. POLICY

It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

## III. DEFINITIONS

**Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily harm.

**Non-deadly Force:** Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

**Objectively Reasonable:** This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

## **IV. PROCEDURES**

### **A. Use of Deadly Force**

1. Law enforcement officers are authorized to use deadly force when one or both of the following apply:
  - a. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm.
  - b. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot. There will be NO warning shots.

### **B. Deadly Force Restrictions**

1. Officers may use deadly force to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.
2. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants, if possible.

### **C. Use of Non-deadly Force**

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
  - a. To protect the officer or others from physical harm.
  - b. To restrain or subdue a resistant individual
  - c. To bring an unlawful situation safely and effectively under control.

### **D. Training**

In addition to training required for firearms qualification, officers shall receive agency-authorized training designed to simulate actual shooting situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with this policy.

## CONTINUUM OF FORCE

It is unrealistic to attempt to categorize and define all use of force situations. However, it is reasonable to categorize the levels of force that may be used in various situations. The option of force used should escalate/de-escalate as individual circumstances dictate. In order to control situations within the Fourth Amendment's objectively reasonable standard, officers should continually evaluate the circumstances of each incident. A circular use of force continuum model is one that places the officer in the center of a circle with all of the force options equally available. The preferred means of using force are set forth below in order from least severe to the most drastic measures.

**A. Officer Presence / Dialogue:** The presence of uniformed Law Enforcement officers or officers identified as police officers at a scene is the lowest and first step in the use of force continuum. Cooperative controls include methods developed to preserve officer safety and security, including communication skills and or non-verbal commands.

Compliant resistance/cooperation: These situations represent the vast majority of confrontations between officers and citizens. The officer establishes and maintains cooperation of the citizen(s) via cultural acceptance, verbalization skills and the like.

**B. Control and Restraint:** When appropriate an officer may seek compliance by use of empty handed escort techniques. Frequently, this occurs when a subject is a passive resistor and needs prompting to comply by physical means.

Passive Resistance: This is the preliminary level of citizen non-compliance. Here the subject, although non-compliant, offers no physical or mechanical energy enhancement towards the resistance effort.

**C. Immobilization:** Immobilization of a suspect may be accomplished with Physical Force such as counter joint techniques, Chemical Irritants/sprays, Tasers or empty handed impact techniques. Immobilization may be appropriate when a suspect becomes actively resistant or aggressive or there is reasonable fear for the safety of the suspect, the officer or others.

Active Resistance: The subject's non-compliance is increased in scope and or Intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

**D. Impact techniques/Less Lethal weapons:** Used to strike or jab with the intent to immobilize and thus gain control of a person or the use of weapons designed to function as extended impact weapons. Examples may include the use of tools, specialty Impact Munitions, or hand-to-hand techniques, distractionary devices.

Assaultive (Bodily Harm): The officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others.

**E. Deadly Force**: Any use of force that creates a substantial risk of causing death or serious bodily harm.

Assaultive (Serious bodily harm/death): The officer's attempt to gain lawful compliance has culminated in a perception of an attack or the potential for such attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject could result in serious bodily harm or death of the officer or others.

F. All use of force options must first be authorized by the Chief of Police prior to carrying. This does not prevent an officer from using other emergency options as a last resort in their self-defense or in the defense of another when the above options are unavailable or have failed to control an individual.

## V. Procedure

### A. Levels of Force

When determining the level or degree of force that is reasonable, an officer shall consider:

- a. The existence of alternative methods of control i.e. verbal commands, officer presence, or additional presence.
- b. Circumstances that may determine whether an officer escalates or deescalates the level of force include many factors, not limited to the following: Level of resistance, Officer and Suspects age, size, skill levels, number of suspects, instrumentalities, proximity to weapons, prior experience and knowledge of suspect, location of encounter and background or peripheral hazards and Officer injury/exhaustion.
- c. Officer/s will take into consideration the length of encounter and ability to continue. Officers are not required to use or consider alternatives that increase danger to themselves or to others.
- d. An officer is not required to retreat from the use of force when seeking to make an arrest or prevent escape.
- e. Any force options used must be both reasonable and necessary and as soon as resistance has ceased and the person is in secure custody, the use of force must cease. Force must never be used to punish a prisoner for resisting, or as a response to verbal insults and may only be used to accomplish lawful objectives.

f. The use of choke holds, AKA Lateral Vascular Neck Restraint, Rear Naked Choke, Sleeper Hold, are restricted to those incidents that require the use of deadly force to protect the Officer or another from serious physical harm or death. Manipulation of the neck airway, blood flow to the brain, and spine can potentially cause serious physical harm or death to the assailant therefore are restricted to those incidents that require deadly force. 6.2020/1

**B. Tasers may be used in the following circumstances:**

1. To defend the officer or third party from what is reasonably believed to be an immediate threat of physical injury.
2. To prevent the commission of a suicide or self-inflicted serious physical injury.
3. To deter vicious or aggressive animals that threatens the safety of the officer or others.

Tasers should not be used, either through the use of a shot probe or through Drive Stun mode:

1. Punitively;
2. As a prod or escort device;
3. To rouse an unconscious, impaired or intoxicated individuals;
4. Against any person displaying passive resistance;
5. Absent exigent circumstances, against a handcuffed or restrained individual.

Absent exigent circumstances, officers should avoid activating multiple Taser devices against a single subject at the same time.

**C. After Use of Force / Duty to Care**

Once an arrest has been made, it is every Officers duty to provide care and protect the prisoner from harm. Only the amount of force necessary to effect the arrest should be used. Once the prisoner is secure, the force must stop in order to avoid unreasonable force or brutality. All Supervisors and Officers on the scene of an incident have the duty to intervene to take control of the prisoner and relieve the Officer involved in the incident. As soon as reasonable, the prisoner should be transported to a medical facility if necessary or to the jail facility. The prisoner will be moved out of harm's way from the threat of assault or harassment. After the use of force, appropriate medical attention or decontamination shall be provided. This can include the flushing of chemicals from the contaminated individuals. For any apparent injuries (regardless of the suspect's desire to be examined), for Taser probe removal, at the suspect's request for medical attention, or if the suspect is complaining of an injury/medical condition, a medical examination by medical staff is appropriate. If the individual refuses medical attention, an independent third party

(I.e. C.F.D. or medical ER staff) should witness that statement. If an independent third party is not available, the officer should completely document the injuries, statements made by the suspect, and the fact they refused medical treatment. Photographs should be taken showing any injury (or lack thereof).

#### **D. Reporting**

1. When it is necessary for an officer to use force as outlined above, greater than officer presence and dialogue, a Response to Aggression or Resistance report shall be filed with the on duty supervisor prior to the end of the work shift. It is specifically intended that a Response to Aggression or Resistance report will be filed when:
  - a. In the judgment of the officer or their supervisor, any use of force is likely to result in a complaint against the officer.
  - b. Excessive force or misconduct is alleged or suspected.
  - c. An officer discharges a firearm for other than training, humanely destroying a injured or ill animal or for recreational purposes.
  - d. An officer takes action that results in, or is alleged to have resulted in, injury or death of another person
  - e. An officer applies force through the use of lethal or less lethal weapons
  - f. An officer applies force at a level greater than **section B “Control and Restraint”** as defined in the “Continuum of Force” page #3.
2. The on duty supervisor will review the Response to Aggression or Resistance report and the incident with the reporting officer and make any additional comments or recommendations on the report.
3. The On Duty Supervisor will forward the Response to Aggression or Resistance report to the Patrol Captain and review the incident and report with the Patrol Captain. The Patrol Captain will review these reports to ensure that current Department policy is being followed, assess the need for policy modifications and identify training issues that need to be reviewed.
4. This report shall be forwarded to the Chief of Police for administrative review via the Patrol Captain. The original report shall remain in the departmental Response to Aggression or Resistance file for a period of at least 3 years. The Chief of Police shall either accept the Response to Aggression or Resistance report and close the incident or send the Response to Aggression or Resistance report back to the Patrol Captain for further investigation.
5. The Chief of Police or a designee will conduct an annual analysis of all Response to Aggression or Resistance reports completed. The analysis should be looking for training or equipment needs and/or the need for policy modifications.

#### **E. Post Deadly Force / Serious Physical Injury Incident**

1. In the event that deadly force or Serious Physical Injury has been employed, the On Duty Supervisor (if not involved) should take over the incident scene, which should be secured for the purpose of an investigation. The involved officer should be removed from the scene to the Police Department or Adena Regional Hospital or other treatment facility if necessary. Another officer shall be assigned to remain with the involved officer pending arrival of debriefing personnel and/or an investigator.
2. The Chief of Police will place an officer who has used deadly force or has caused serious bodily injury, on administrative leave with pay and benefits while an administrative review is conducted. This assignment shall not be interpreted to imply or indicate that the officer has acted improperly. While on administrative leave, the officer shall remain available at all times for official departmental interviews and statements regarding the incident, and shall be subject to recall to duty. The officer shall not discuss the incident with anyone except the Prosecuting Attorney, Law Director, departmental personnel assigned to the investigation, or the officer's private attorney, union representative, chosen clergy and immediate family. Upon returning to duty, the officer may be assigned to "administrative duty" for a period of time as deemed appropriate by the officer, his/her psychologist and the Chief of Police.
3. When it is determined that the weapon the officer has used in an incident must be taken for evidentiary purposes, testing purposes, or for any other reason, the officer can be issued a department owned weapon as soon as is reasonably possible and upon continuation of active duty. A replacement weapon will not be issued until cleared by the treating psychologist or if the incident appears to be a result of a criminal act on the part of the officer.
4. In all cases where any person has been seriously injured or killed as a result of a use of force by a police officer, the involved officer will be required to undergo an emotional debriefing with a department- furnished psychologist. The purpose of this debriefing will be to allow the officer to express his feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident. The debriefing shall not be related to any department investigation of the incident and nothing discussed in the debriefing will be reported to the department. The debriefing session will remain protected by the privileged Professional Psychologist Code of Ethics. Initial psychological follow-up must be completed by the officer and the Department must be furnished with a letter clearing the officer as fit for duty, before the officer is reassigned to full duty.

## **REVIEW OF USE OF FORCE POLICY**

All Department personnel authorized to carry lethal and less lethal weapons will be provided a hard copy of this training policy upon initial employment. The policy will be reviewed and instruction provided on the policy during range qualifications and

before being authorized to carry a weapon. Any updates or modifications will be communicated and modified on the server copy.

***These procedures are intended for internal department use only and are not to be applied in any civil court or criminal proceeding; nor do they create a higher standard of safety or care with respect to third parties. A violation of these rules will be grounds for administration discipline only, while a violation of the law will be the basis for criminal or civil penalties which may be imposed by a court of law.***

Ronald E. Meyers  
Chief of Police





**CHIILICOTHE POLICE DEPARTMENT**  
**RESPONSE TO RESISTANCE REPORT**



**General Information**

**Location of Report:** \_\_\_\_\_

**Report #:** \_\_\_\_ - \_\_\_\_\_

**Nature of Initial Complaint:** \_\_\_\_\_

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Primary Officer:** \_\_\_\_\_

**Time:** \_\_\_\_\_ AM / PM

**Secondary Officers:** \_\_\_\_\_

**Subject's Name:** \_\_\_\_\_ **DOB:** \_\_\_\_/\_\_\_\_/\_\_\_\_ **Height:** \_\_\_\_\_ **Race:** \_\_\_\_\_

**Build:** [ ] Heavy [ ] Medium [ ] Thin **Charges:** \_\_\_\_\_

**Brief Description of Incident:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Level of Force Used (check all that apply):** [ ] Control/Restraint [ ] Immobilization [ ] Impact/Less Than Lethal [ ]

**Type of Force Used (check all that)**

**Physical Force Used (check all that apply):** [ ] Verbal [ ] Escort/Pressure Point [ ] Take Down [ ] Strike (punch/kick) [ ] LVNR

**Chemical Spray:** Range at time of use; \_\_\_\_\_ feet Result of Use: [ ] Totally Effective [ ] Somewhat Effective [ ] Ineffective

**Taser:** Taser Serial # \_\_\_\_\_ Cartridge(s) Serial # \_\_\_\_\_ Type of Use: [ ] Drive Stun [ ] Probe

**Baton:** Type of Baton Used (check all that apply): [ ] ASP (length \_\_\_\_\_) [ ] PR 24 [ ] Flashlight [ ] Other \_\_\_\_\_

**Knife:** Type \_\_\_\_\_ **Firearm:** Type: \_\_\_\_\_ Serial #: \_\_\_\_\_

**Other:** Type: \_\_\_\_\_ Serial # (if applicable): \_\_\_\_\_

**Medical Treatment**

Medical Treatment Required: [ ] Yes [ ] No [ ] Refused

Who treated subject:  
[ ] Emergency Room [ ] EMT/Medic

Medical Facility: \_\_\_\_\_

Doctor Name: \_\_\_\_\_

Admitted to Hospital: [ ] Yes [ ] No

If yes, reason for admittance: [ ] Injury [ ] Psychiatric [ ] Other

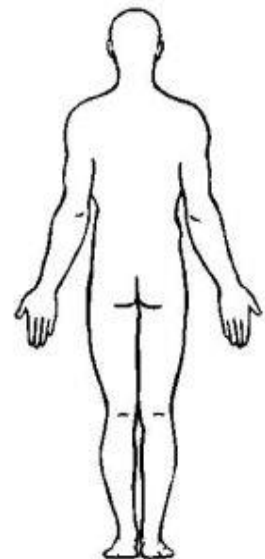
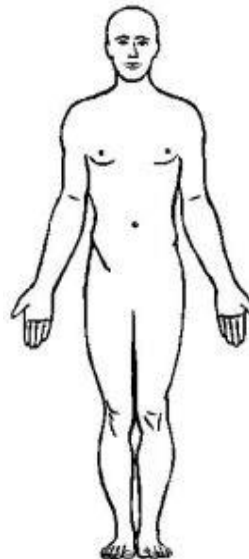
(If treated by EMT/Medic only)

Agency: \_\_\_\_\_

EMT/Medic Name: \_\_\_\_\_

**APPLICATION AREA**

(mark all point(s) of contact(s) with X)



Officer Signature: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Command Officer Signature: \_\_\_\_\_ 9