

## Section 103 Use of Force

Effective Date: 2-16-2016  
Authority: Chief Jason R Miller  
Review Date: 1-1-2017  
Reviewer: Policy Review Panel, Law Director

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**Purpose:** The purpose of this policy is to provide Coldwater Police Officers with guidelines for the use of deadly and non-deadly force.

(1.1) **Policy:** Employees may only use the force which is reasonably necessary to affect lawful objectives including: affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

The following general principles are to govern the application of the Department's Use of Force Policy:

1. The policy is not to be construed to require officers to assume unreasonable risks. In assessing the need to use force, the paramount consideration should always be the safety of the officers and the public.
2. The reasonableness of a decision to use force under this policy must be viewed from the perspective of the officer on the scene, who may be forced to make split-second decisions in the circumstances that are tense, uncertain, and rapidly evolving.

**Definitions:**

**Deadly Force:** Any use of force that is reasonably likely to cause death.

**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 the light of the known circumstances, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of officers and others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**Safety Priorities System:** This system prioritizes the safety of all persons at or near the scene of a tactical police operation, including civilians and the police. In order to come to a difficult decision regarding the resolution of an incident, these priorities must be established and used.

The Coldwater Police Department Priorities System is established as follows:

1. Hostages
2. Non-involved subjects/civilians
3. Police Officers
4. Offender/Suspect

### 103.1 Use of Force Procedures

- (1.1)
1. Use of Deadly Force
    - a. The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances:
      - i. To defend themselves from serious physical injury or death; or
      - ii. To defend another person from serious physical injury or death; or
      - iii. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.
  2. Deadly Force Restrictions

- a. 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 the deadly force can be used without harm to the officers or others.
  - b. Decisions to discharge a firearm at or from a moving vehicle shall be governed by this use of force policy and are prohibited if they present an unreasonable risk to the officer or others.
  - c. Warning shots are forbidden.
3. Use of Non-deadly Force
- a. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
  - b. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment to:
    - i. Protect the officer or others from physical harm;
    - ii. Restrain or subdue a resistant individual; and/or
    - iii. Bring an unlawful situation safely and effectively under control.
4. Non-deadly Force Applications

Applications of the use of force may range widely from verbal coercion up to but not including the use of deadly force. Therefore, Coldwater officers have at their disposal a variety of techniques and equipment that will allow them to respond appropriately to resistant and dangerous individuals.

These include, but are not limited to, skills in verbal persuasion, unarmed self-defense tactics, use of come along holds, use of restraint and physical compliance measures and the use of Department approved non-deadly weapons such as:

1. 21" or 26" ASP Tactical Baton (Policy and procedures that set forth guidelines in the use of the ASP tactical baton may be found in Section 107)
2. ~~Less Lethal Extended Range Impact Devices (Policy and procedures that set forth guidelines in the use of the Less Lethal Extended Range Impact Devices may be found in XXX)~~
3. TASER (Policy and procedures that set forth guidelines in the use of the TASER may be found in Section 110)

### 103.2 Use of Force Training

1. All sworn officers shall be assigned this policy, without delay, for review.
2. Whenever changes in this policy occur, all officers will be instructed on the changes.
3. At least annually, each officer shall demonstrate proficiency in the Use of Force policy. Training shall include documented testing on the officer's knowledge of this policy.
  - a. Any officer failing to demonstrate the knowledge within this policy shall immediately begin remedial training.
4. All sworn officers will review this policy, in its entirety, at annual firearms qualification.
5. Personnel shall provide all sworn new hires with specific training on the scope and contents of this policy.

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## Section 110 Investigation of Use of Force Incidents

Effective Date: 2-16-2016  
Authority: Chief Jason R Miller  
Review Date: 1-1-2017  
Reviewed By: Policy Review Panel

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### Purpose:

This procedure establishes responsibilities and duties concerning the investigation into the use of force incidents. This includes, but is not limited to, an incident where injuries occur and the use of firearms. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of an officer are in question.

### 110.1 Responsibilities and Duties of Involved Officer

1. When use of force is used, upon first opportunity after the scene is secured, the officer shall immediately:
  - a. When a firearm is involved, holster the weapon, without unloading, or reloading it;
  - b. Determine the physical condition of any injured person and render first aid;
  - c. Request emergency medical aid, if necessary;
  - d. Notify Central Dispatch of the incident and location; and
  - e. Detain all witnesses,
  - f. Contact his/her immediate supervisor.
2. Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the ranking commanding officer at the scene shall have the authority to instruct the officer to move to another, more appropriate location.
3. When a firearm is involved, the officer shall protect his/her weapon for examination and submit it to the appropriate investigator.
4. The officer shall prepare a detailed report of the incident.
5. The officer shall not discuss the case with anyone except:
  - a. Supervisory and assigned investigative personnel;
  - b. The assigned Prosecutor;
  - c. His/her attorney; and/or
  - d. Mental health professional.

(1.3)

### 110.2 Immediate Supervisor Duties

The Immediate Supervisor shall:

1. Proceed immediately to the scene;
2. Secure the scene;
3. Conduct a preliminary field investigation;
4. Render command assistance to the assigned investigator(s);
5. Assist the involved officer(s); and
6. Submit a detailed written report of the results of the preliminary investigation to the Chief of Police.

### 110.3 Investigative Responsibility

1. Investigations of use of force incidents will be directed to the Patrol Sergeant of the Coldwater Police Department unless the Patrol Sergeant was involved in the use of force, the incident would then be directed to the Chief of Police, for assignment.
  - a. The assigned officer will complete an investigation of the incident and report his/her findings to the Chief of Police within 14 calendar days.
2. Investigations of use of deadly force incidents, will be directed to the Mercer County Sheriff's Office or the Ohio Bureau of Criminal Investigation,
  - a. does not apply to animals destroyed for humane purposes;

(1.4)

3. All required reports will be submitted without delay to the Chief of Police in original form;
4. Upon approval of the Chief of Police, any comments given to the news media will be limited to the basic facts of the incident without speculation or expression of opinion.

#### 110.4 Treatment of Officer

1. In every instance in which an officer uses force, where such use results in death or serious bodily harm to another person, depending on the seriousness of the incident, the officer could be immediately relieved of normal duty.
2. The officer shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to normal duty at any time after the preliminary investigation.
3. Assignment to a "relieved of normal duty" status shall be non-disciplinary, with no loss of pay or benefits.
4. Relief from normal duty (the officer may be assigned administrative duties) serves two purposes:
  - a. To address the personal and emotional needs of an officer involved in the use of deadly force in which injury or death occurs; and
  - b. To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.
5. If the preliminary investigation discloses a question about the officer's actions in the incident, then the appropriate guidelines regarding the rights of the accused will be followed.

#### 110.5 Training

1. All sworn officers shall be assigned this policy, without delay, for review.
2. Whenever changes in this policy occur, all officers will be instructed on the changes.
3. At least annually, each officer shall demonstrate proficiency in the Investigation of Use of Force Incidents. Training shall include documented testing on the officer's knowledge of this policy.
  - a. Any officer failing to demonstrate the knowledge within this policy shall immediately begin remedial training.
4. All sworn officers will review this policy, in its entirety, at annual firearms qualification.
5. Personnel shall provide all sworn new hires with specific training on the scope and contents of this policy.

(1.2)

## Section 1101 Statement on Employee Recruitment and Hiring

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Reviewed Date: 1-1-2017  
Reviewed By: Policy Review Panel

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### Policy Statement:

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

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

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

### Policy Review and Testing:

(2.7) Agency personnel involved in the recruitment and hiring activities for sworn personnel shall be issued copies of this agency directive, recruitment plan and EEO plan, at least annually. In addition, employees conducting recruitment and hiring activities shall complete annual proficiency testing over the content of the recruitment and hiring directive and associated materials noted in this directive (e.g. Recruitment Plan, Equal Employment Opportunity Plan).

### Recruitment Plan:

The agency maintains a recruitment plan designed to attract qualified applicants for jobs. This plan includes objectives and strategies for actively recruiting underrepresented minorities and women.

(2.2) Generally, since this agency only accepts OPOTA certified applicants, the Coldwater Police Department's recruitment plan will consist of visiting at least two of the local area's academy classes only when this agency is actively attempting to fill any vacant police officer positions.

### Equal Employment Opportunity Plan:

(2.3) The agency maintains an EEO Plan outlining equitable opportunities for employment and conditions of employment to all employees regardless of race, creed, color, age, sex, religion, national origin, or physical impairment. The agency treats all employees fairly in the selection process (and in other personnel activities) by giving all employees the same opportunities for employment. The agency's equal employment opportunity plan documents the steps the agency intends to take to ensure that there are no artificial barriers that would prevent members of a protected group from a fair and equitable opportunity to be hired, promoted, or otherwise take advantage of employment opportunities.

### Application Process:

#### 1. Employee Recruitment and Hiring Qualifications

Preliminary recruitment and hiring qualifications include:

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- United States Citizen
- Valid Ohio Driver's License or ability to obtain one within 30 days
- 21 years of age or older
- High School Diploma or GED
- Ohio Peace Officer Training Academy(OPOTA) certification
- No Felony Convictions
- Legally able to possess a firearm in the State of Ohio
- No felony drug usage in the previous 2 years
- No drug trafficking incidents

## 2. Application Options

The agency will post a position when a vacancy occurs.

The position will be posted on social media websites, in newspapers and on local job search websites. All applicants that wish to be considered shall submit a handwritten application by the filing deadline.

## 3. Pre-Employment Interview(s)/Conditional Offer of Employment

Applicants will be selected for interview(s) in front of an interview panel based on the applications that are received by the filing date. Generally, the interview panel will consist of the Chief of Police, Patrol Sergeant and a patrolman.

Applicants that are selected will then undergo a Pre-Employment Interview. The Pre-Employment Interview will be conducted by a Police Department Detective.

Applicants will then be offered a Conditional Offer of Employment and asked to sign an Authorization for Release of Personal Information form.

(2.5)

## 4. Computerized Voice Stress Analysis(CVSA)/Background Investigation

All applicants under consideration for police officer will follow the same hiring process for sworn personnel through the CVSA and background stages.

## 5. Psychological Testing

All applicants under consideration for police officer will follow the same hiring process for sworn personnel through the psychological stage.

## 6. Physical/Medical Assessment

All applicants under consideration for the position of full-time police officer will follow the medical procedures provided by Ohio Police & Fire. Part-time police officers will undergo testing deemed necessary by the Chief of Police.

### Selection Process:

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Applicants failing to satisfactorily complete any phase of the selection process will be notified in writing.

### Annual Review:

(2.7)

At least annually the agency shall conduct a documented annual analysis detailing the agency's progress toward recruitment plan objectives which shall include revisions to the plan as needed. Adjustments should be considered whenever necessary to meet the objectives identified in the plan.