



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



2024-4082

Officer Involved Critical Incident – (L) 303 S. Main St., Celina,
Ohio

Investigative Activity: Review of Records
Involves: Mercer County Sheriff's Office (O), Celina Police Department (O)
Date of Activity: 01/30/2025
Author: SA Tiffany Najmulski, #49

Narrative:

The Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Doug Burke received the Use of Force Policy utilized by the Mercer County Sheriff's Department and the Celina Police Department at the time of this incident. The documents received are attached to this investigative report for further review.

Attachments:

Attachment # 01: Use of Force
Attachment # 02: 2023 MCSO Use of Force Policy, S Heintz
Attachment # 03: 2020 Use of Force Sign Off
Attachment # 04: Firearms & Ammunition
Attachment # 05: Celina PD Use of Force Policy

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

Search ...

Search



Mercer County Sheriff's Office Policies & Procedures

13.13.15 - Use of Force - Critical Incident Support

October 8, 1993; Revised October 1, 1994; October 28, 2005; March 29, 2016; September 25, 2020; November 12, 2020; November 20, 2020; December 11, 2020;

I. The Purpose of policy is to direct deputies in the appropriate use of force, reporting use of force, and to provide post incident support in critical incident situations.

A. TRAINING / PROFICIENCY TESTING: [Standard: 1.1, 1.1a, 1.1b, 1.1c, 1.2, 1.2a, 1.2b, 1.2c, 1.3, 1.3a, 1.3b, 1.3c, 1.4, 1.4a, 1.4b, 1.4c]

1. All Sworn personnel will be issued copies of this use of force/use of deadly force policy and signed acknowledgement of receipt.
2. All sworn personnel will receive annual training on this use of force policy, which includes proficiency testing. Proficiency testing will commence on January 1 and be completed by January 31. Sworn personnel who are newly hired will receive a copy of this policy and tested for proficiency as part of the Field Training Program.
3. Proficiency testing compliance will be documented.
4. Changes to the policy will require a new copy to be issued, and require a new signed acknowledgement of receipt of the changes.

B. DEFINITIONS

1. **Physical Harm to Persons:** Physical pain, illness, or any impairment of physical or mental condition.
2. **Deadly Force:** Any force carrying a substantial risk that will proximately result in serious physical harm or the death of any person.
3. **Non-Deadly Force:** All uses of force other than those that are substantially likely to cause serious bodily harm or death.
4. **Imminent:** Impending or about to occur or circumstances are such that it is reasonable to believe it is impending or about to occur.
5. **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the deputy using the force is presented.
6. **Serious Bodily Harm/Injury:** Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of function of any part or organ of the body.
7. **Active Resistance:** A subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
8. **Passive Resistance:** A subject who takes no affirmative action to defeat the members' ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
9. **Electronic Control Devices:** Electronic Immobilization Device (EID), Taser, or stun guns that disrupt central nervous system of the body.
10. **Serious Physical Harm to Persons:**
 - a. An action that would cause, promote, or increase any mental illness or condition of such gravity that would normally require hospitalization or prolonged psychiatric treatment.

- b. Physical harm that carries a substantial risk of death.
- c. Physical harm that involves some permanent incapacity, whether partial or total, or which involves some temporary or substantial incapacity.
- d. Physical harm that involves acute pain of such duration resulting in substantial suffering, or which involves any degree of prolonged or chronic pain.

11. **Reasonable Belief:** Belief that a person has committed an act that if true would in law constitute an offense.

C. STATEMENT FOR USE OF FORCE AND USE OF DEADLY FORCE: [Standard: 1.1]

- 1. Deputies may only use the force reasonably necessary to affect lawful objectives. Preservation of human life is of the highest value. Deputies must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. The Sheriff's Office will provide post incident support for Deputies.
- 2. The use of force must be in accordance with United States and Ohio Supreme Court's decisions specifically entitled:
 - a. Tennessee v. Garner
 - b. Graham v. Conner

II. Use of Force: [Standard: 1.1]

A. Deputies may use "reasonable and appropriate physical force" to:

- 1. Maintain order in the Mercer County Detention Facility.
- 2. Affect an arrest or prevent an escape of an arrested person
- 3. Defend himself/herself or a third person from what is reasonably believed to be the use or imminent use of physical force while effecting, or attempting to effect, an arrest or while preventing, or attempting to prevent, an escape.
- 4. Take a person into protective custody for mental health or intoxicated conditions.

B. If active resistance has ceased and control has been gained, a deputy is no longer authorized to use force.

- 1. Medical assistance should be immediately rendered when needed, and reasonable to do so.
- 2. The person should be placed in a recovery position to assist and facilitate breathing.

C. Force Options: Deputies have several force options that will be dictated by the actions of the suspect. In any given situation there could be a range of options that could be used and would be reasonable. These options are not a "ladder" where deputies must follow the options step by step.

- 1. **Command Presence:** The visual appearance of the deputy where it is obvious to the subject, due to the deputy's uniform or identification, the deputy has authority of law. All attempts should be made to de-escalate the situation prior to the use of any force.
- 2. **Verbal Commands:** Words spoken by the deputy directing the subject as to the deputy's expectations.
- 3. **Soft Empty Hand Control:** Deputy's use of hands on the subject to direct the subject's movement, low potential of injury to the subject.
- 4. **Chemical Spray:** Chemical spray can be used to temporarily incapacitate the subject when the subject exhibits some level of active resistance. ** See Pepper Spray policy 8.07
- 5. **Electronic Immobilization Device (EID):** EID's can be used to temporarily incapacitate the subject when the subject exhibits some level of active resistance. ** See Electronic Immobilization Device policy 8.10
- 6. **Hard Hand Control:** Punches, strikes, knee kicks, and elbow strikes have the possibility to create a stunned mental state or motor dysfunction.
- 7. **Impact Weapons:** Are prohibitive under the policies of the Mercer County Sheriff's Office, with the exception of a flashlight. ** See Flashlight policy 8.09
- 8. **Canine:** Use of a canine to bite or hold a subject to prevent escape or to gain control of the subject who is actively aggressing toward deputy(s). An annunciated warning must be given before deploying a canine when reasonable to do so. ** See Canine policy 13.13.17
- 9. **Deadly Force:** Force that creates a substantial likelihood of causing serious bodily harm or death.

a. Kneeling or standing on the back or neck during cuffing of an arrestee is a life-threatening technique and is considered deadly force. Deputies using this technique must be able to articulate the need to use deadly force.

b. Choke holds shall not be used or applied, except in situations where the use of deadly force is permitted by law.

D. Use of Deadly Force. A Deputy is justified in using deadly force:

1. To defend himself/herself or a third person from what is reasonably believed to be the use or imminent use of deadly force.
2. The deputy has probable cause to believe the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death the subject's escape poses an imminent threat of serious bodily harm or death to the other.

E. Firearms Restrictions:

1. When circumstances permit and when reasonably practical, deputies will identify themselves as law enforcement officers and give verbal warning of their intent to use deadly force.
2. Warning shots are prohibited.
3. Discharge of firearms is prohibited when there is unreasonable risk to innocent third parties.
4. Discharge of firearms at an occupied vehicle is prohibited unless deadly force is justified.

III. After any use of force deputies will provide appropriate medical care consistent with their training to any individual. Medical care may include first aid, requesting emergency medical services and/or arranging for transport to a medical facility.

IV. No knock warrants. Use of no knock warrants are regulated by policy 13.13.16.

V. Reporting the Use of Force, Death, and Injuries: [Standard: 1.3]

All use of force that results in any bodily injury or death will be reported to the deputy's immediate supervisor, and the Command Staff of the Sheriff's Office. Written reports will be required to be submitted prior to the end of the deputy's tour of duty. This reporting will include any actions from any law enforcement agency, including the Mercer County Sheriff's Office. Deputies have a duty to intervene if ANY law enforcement officer are using excessive force or a prohibited technique by the Mercer County Sheriff's Office.

A. Whether on or off duty, deputies will report the following:

1. Use of chemical agents (oleoresin capsicum aerosol spray).
2. Use of Electronic Immobilization Device (EID)
3. Hard hand control
4. Intentional or accidental discharge of a firearm (except training and recreational shootings), or approved humane life termination of injured animals.
5. Use of canine, involving bites.
6. Incidents resulting in any physical harm to persons.
7. Firearm incidents not involving a discharge. Employees/deputies aware of an on or off-duty Deputy intentionally pointing or aiming a firearm at another person, and the other person/third party person (citizen) is aware of the firearm being pointed or aimed. *** This does not include the drawing of a firearm and maintaining at a low ready position.*
8. Any incident, arrest, or circumstance, which in the deputy's or a supervisor's opinion involved a physical confrontation necessitating documentation of the incident.
9. Use of Deadly Force, including the use of any technique that involves kneeling on a suspects back or neck.
10. The Chief Deputy can select and assign deputies to review and make recommendations, when incidents involve the use of force.

VI. Use of Force Team: [Standard: 1.4]

A. All reported incidents, resulting in injury, involving use of force or discharge of a firearm will be reviewed by the Office's Use of Force Team. Other incidents deemed necessary by the Sheriff or Chief Deputy shall also be subject to review.

B. The Use of Force Team shall have overall responsibility for coordinating the investigation until its culmination. The team shall consist of the Enforcement Captain, and the Chief Deputy.

C. Any Deputy using force resulting in a death or serious physical harm to persons shall be placed on administrative leave with pay, pending a review of the incident.

D. The Use of Force Team will coordinate the investigation from five major aspects:

1. Violation of any criminal law that could result in criminal prosecution.
2. Violation of any office rules and regulations that could result in disciplinary proceedings.
3. Protecting the rights of any involved Deputy.
4. Protecting the rights of suspects/arrestee
5. Reporting all findings in writing to the Sheriff, Chief Deputy

E. Serious incidents will be referred to an outside agency to review.

VII. Critical Incident Support - *The following shall be policy whenever a critical incident occurs involving any Deputy of the Office.*

A. An attitude of personal concern for the Deputy should be present, to assist in the Deputy's emotional and physical well-being. Supervisors and Deputies who respond to the scene should express genuine concern for the Deputy but avoid discussing the specific incident with the Deputy. Deputies shall not verbalize their opinions concerning justifications of actions, nor discuss the incident with any unauthorized person.

B. The Deputy involved shall be removed from the scene as soon as possible. Another Deputy shall accompany him/her to the Office and should remain with him/her unless he/she desires to be left alone. The Deputy will not be subjected to questioning during this time, except as absolutely necessary to the on-scene investigation.

C. The involved Deputy should not be offered stimulants such as coffee or cigarettes, but if he/she wishes to smoke or drink coffee, do not prevent him/her from doing so. Stimulants may further stress an already stressed system.

D. A reasonable recovery time (normally at least one [1] hour) will be allowed a Deputy before questioning, except for crucial investigative questions.

E. Arrangements to contact the Deputy's family shall be determined by the involved Deputy, whenever possible, advising them of the incident, and the procedures that follow. An open line of communication shall be established between the family and an office representative in order to answer questions, dispel rumors and meet the immediate family needs. If the Deputy is hospitalized, arrangements shall be made to transport the family to the hospital.

F. After the initial recovery time, the Deputy may be formally interviewed. Unless he/she is suspected of criminal wrong, the Miranda warning will not be given.

G. Within twenty-four (24) hours of the incident, the Chief Deputy or designee, shall arrange for a debriefing involving all involved personnel with a mental health professional.

H. Administrative leave of absence with pay is appropriate in matters of post incident trauma. At the discretion of the Sheriff, a temporary duty assignment may be authorized for a period of time determined on an individual basis. Considerations include:

1. Nature, scope, and magnitude of the incident.
2. Status or outcome of the investigation.
3. Quantity and type of media coverage that might further stress the recovery of the Deputy.
4. Psychological adjustment of the Deputy.
5. Reasonable needs of the Deputy's family.
6. Feelings and desires of the involved Deputy.
7. Any other considerations deemed applicable on an individual basis.

I. If the investigation indicates a possible violation of law by the involved Deputy, or if at any point it is deemed the Deputy may be in legal or civil jeopardy, the Chief Deputy will advise the Deputy as soon as possible.

J. During the investigation and for as long as necessary, all telephone calls to the involved Deputy shall be screened by his/her Supervisor or designee. If extensive or adverse media coverage, adverse public statements, or other extra ordinary circumstances aggravate the situation, or if harassing phone calls bother the Deputy or his/her family at home, arrangements shall be made to screen calls. Involved Deputies should be kept out of reach of any anti-law enforcement or radical groups or individuals as much as possible.

K. Arrangements for counseling at Office expense shall be coordinated through the Administrative Division.

L. Supervisors are responsible for dispelling rumors by communicating facts concerning the incident and investigation to subordinates at Deputy's meetings.

[Click Here for Form](#)



Mercer County Sheriff's Office Policies & Procedures

13.13.15 - Use of Force - Critical Incident Support

October 8, 1993; Revised October 1, 1994; October 28, 2005; March 29, 2016; September 25, 2020; November 12, 2020; November 20, 2020; December 11, 2020;

I. The Purpose of policy is to direct deputies in the appropriate use of force, reporting use of force, and to provide post incident support in critical incident situations.

A. TRAINING / PROFICIENCY TESTING: [Standard: 1.1, 1.1a, 1.1b, 1.1c, 1.2, 1.2a, 1.2b, 1.2c, 1.3, 1.3a, 1.3b, 1.3c, 1.4, 1.4a, 1.4b, 1.4c]

1. All Sworn personnel will be issued copies of this use of force/use of deadly force policy and signed acknowledgement of receipt.
2. All sworn personnel will receive annual training on this use of force policy, which includes proficiency testing. Proficiency testing will commence on January 1 and be completed by January 31. Sworn personnel who are newly hired will receive a copy of this policy and tested for proficiency as part of the Field Training Program.
3. Proficiency testing compliance will be documented.
4. Changes to the policy will require a new copy to be issued, and require a new signed acknowledgement of receipt of the changes.

B. DEFINITIONS

1. **Physical Harm to Persons:** Physical pain, illness, or any impairment of physical or mental condition.
2. **Deadly Force:** Any force carrying a substantial risk that will proximately result in serious physical harm or the death of any person.
3. **Non-Deadly Force:** All uses of force other than those that are substantially likely to cause serious bodily harm or death.
4. **Imminent:** Impending or about to occur or circumstances are such that it is reasonable to believe it is impending or about to occur.
5. **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the deputy using the force is presented.

6. **Serious Bodily Harm/Injury:** Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of function of any part or organ of the body.
7. **Active Resistance:** A subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
8. **Passive Resistance:** A subject who takes no affirmative action to defeat the members' ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
9. **Electronic Control Devices:** Electronic Immobilization Device (EID), Taser, or stun guns that disrupt central nervous system of the body.
10. **Serious Physical Harm to Persons:**
 - a. An action that would cause, promote, or increase any mental illness or condition of such gravity that would normally require hospitalization or prolonged psychiatric treatment.
 - b. Physical harm that carries a substantial risk of death.
 - c. Physical harm that involves some permanent incapacity, whether partial or total, or which involves some temporary or substantial incapacity.
 - d. Physical harm that involves acute pain of such duration resulting in substantial suffering, or which involves any degree of prolonged or chronic pain.
11. **Reasonable Belief:** Belief that a person has committed an act that if true would in law constitute an offense.

C. STATEMENT FOR USE OF FORCE AND USE OF DEADLY FORCE: [Standard: 1.1]

1. Deputies may only use the force reasonably necessary to affect lawful objectives. Preservation of human life is of the highest value. Deputies must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. The Sheriff's Office will provide post incident support for Deputies.
2. The use of force must be in accordance with United States and Ohio Supreme Court's decisions specifically entitled:
 - a. Tennessee v. Garner
 - b. Graham v. Conner

II. Use of Force: [Standard: 1.1]

A. Deputies may use "reasonable and appropriate physical force" to:

1. Maintain order in the Mercer County Detention Facility.
2. Affect an arrest or prevent an escape of an arrested person
3. Defend himself/herself or a third person from what is reasonably believed to be the use or imminent use of physical force while effecting, or attempting to effect, an arrest or while preventing, or attempting to prevent, an escape.
4. Take a person into protective custody for mental health or intoxicated conditions.

B. If active resistance has ceased and control has been gained, a deputy is no longer authorized to use force.

1. Medical assistance should be immediately rendered when needed, and reasonable to do so.
2. The person should be placed in a recovery position to assist and facilitate breathing.

C. **Force Options:** Deputies have several force options that will be dictated by the actions of the suspect. In any given situation there could be a range of options that could be used and would be reasonable. These options are not a "ladder" where deputies must follow the options step by step.

1. **Command Presence:** The visual appearance of the deputy where it is obvious to the subject, due to the deputy's uniform or identification, the deputy has authority of law. All attempts should be made to de-escalate the situation prior to the use of any force.

2. **Verbal Commands:** Words spoken by the deputy directing the subject as to the deputy's expectations.

3. **Soft Empty Hand Control:** Deputy's use of hands on the subject to direct the subject's movement, low potential of injury to the subject.

4. **Chemical Spray:** Chemical spray can be used to temporarily incapacitate the subject when the subject exhibits some level of active resistance. ** See Pepper Spray policy 8.07

5. **Electronic Immobilization Device (EID):** EID's can be used to temporarily incapacitate the subject when the subject exhibits some level of active resistance. ** See Electronic Immobilization Device policy 8.10

6. **Hard Hand Control:** Punches, strikes, knee kicks, and elbow strikes have the possibility to create a stunned mental state or motor dysfunction.

7. **Impact Weapons:** Are prohibitive under the policies of the Mercer County Sheriff's Office, with the exception of a flashlight. ** See Flashlight policy 8.09

8. **Canine:** Use of a canine to bite or hold a subject to prevent escape or to gain control of the subject who is actively aggressing toward deputy(s). An annunciated warning must be given before deploying a canine when reasonable to do so. ** See Canine policy 13.13.17

9. **Deadly Force:** Force that creates a substantial likelihood of causing serious bodily harm or death.

- a. Kneeling or standing on the back or neck during cuffing of an arrestee is a life-threatening technique and is considered deadly force. Deputies using this technique must be able to articulate the need to use deadly force.

- b. Choke holds shall not be used or applied, except in situations where the use of deadly force is permitted by law.

D. **Use of Deadly Force.** A Deputy is justified in using deadly force:

1. To defend himself/herself or a third person from what is reasonably believed to be the use or imminent use of deadly force.

2. The deputy has probable cause to believe the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death the subject's escape poses an imminent threat of serious bodily harm or death to the other.

E. **Firearms Restrictions:**

1. When circumstances permit and when reasonably practical, deputies will identify themselves as law enforcement officers and give verbal warning of their intent to use deadly force.

2. Warning shots are prohibited.

3. Discharge of firearms is prohibited when there is unreasonable risk to innocent third parties.
4. Discharge of firearms at an occupied vehicle is prohibited unless deadly force is justified.

III. After any use of force deputies will provide appropriate medical care consistent with their training to any individual. Medical care may include first aid, requesting emergency medical services and/or arranging for transport to a medical facility.

IV. No knock warrants. Use of no knock warrants are regulated by policy 13.13.16.

V. Reporting the Use of Force, Death, and Injuries: [Standard: 1.3]

All use of force that results in any bodily injury or death will be reported to the deputy's immediate supervisor, and the Command Staff of the Sheriff's Office. Written reports will be required to be submitted prior to the end of the deputy's tour of duty. This reporting will include any actions from any law enforcement agency, including the Mercer County Sheriff's Office. Deputies have a duty to intervene if ANY law enforcement officer are using excessive force or a prohibited technique by the Mercer County Sheriff's Office.

A. Whether on or off duty, deputies will report the following:

1. Use of chemical agents (oleoresin capsicum aerosol spray).
2. Use of Electronic Immobilization Device (EID)
3. Hard hand control
4. Intentional or accidental discharge of a firearm (except training and recreational shootings), or approved humane life termination of injured animals.
5. Use of canine, involving bites.
6. Incidents resulting in any physical harm to persons.
7. Firearm incidents not involving a discharge. Employees/deputies aware of an on or off-duty Deputy intentionally pointing or aiming a firearm at another person, and the other person/third party person (citizen) is aware of the firearm being pointed or aimed. *** This does not include the drawing of a firearm and maintaining at a low ready position.*
8. Any incident, arrest, or circumstance, which in the deputy's or a supervisor's opinion involved a physical confrontation necessitating documentation of the incident.
9. Use of Deadly Force, including the use of any technique that involves kneeling on a suspects back or neck.
10. The Chief Deputy can select and assign deputies to review and make recommendations, when incidents involve the use of force.

VI. Use of Force Team: [Standard: 1.4]

- A. All reported incidents, resulting in injury, involving use of force or discharge of a firearm will be reviewed by the Office's Use of Force Team. Other incidents deemed necessary by the Sheriff or Chief Deputy shall also be subject to review.
- B. The Use of Force Team shall have overall responsibility for coordinating the investigation until its

culmination. The team shall consist of the Enforcement Captain, and the Chief Deputy.

C. Any Deputy using force resulting in a death or serious physical harm to persons shall be placed on administrative leave with pay, pending a review of the incident.

D. The Use of Force Team will coordinate the investigation from five major aspects:

1. Violation of any criminal law that could result in criminal prosecution.
2. Violation of any office rules and regulations that could result in disciplinary proceedings.
3. Protecting the rights of any involved Deputy.
4. Protecting the rights of suspects/arrestee
5. Reporting all findings in writing to the Sheriff, Chief Deputy

E. Serious incidents will be referred to an outside agency to review.

VII. Critical Incident Support - *The following shall be policy whenever a critical incident occurs involving any Deputy of the Office.*

A. An attitude of personal concern for the Deputy should be present, to assist in the Deputy's emotional and physical well-being. Supervisors and Deputies who respond to the scene should express genuine concern for the Deputy but avoid discussing the specific incident with the Deputy. Deputies shall not verbalize their opinions concerning justifications of actions, nor discuss the incident with any unauthorized person.

B. The Deputy involved shall be removed from the scene as soon as possible. Another Deputy shall accompany him/her to the Office and should remain with him/her unless he/she desires to be left alone. The Deputy will not be subjected to questioning during this time, except as absolutely necessary to the on-scene investigation.

C. The involved Deputy should not be offered stimulants such as coffee or cigarettes, but if he/she wishes to smoke or drink coffee, do not prevent him/her from doing so. Stimulants may further stress an already stressed system.

D. A reasonable recovery time (normally at least one [1] hour) will be allowed a Deputy before questioning, except for crucial investigative questions.

E. Arrangements to contact the Deputy's family shall be determined by the involved Deputy, whenever possible, advising them of the incident, and the procedures that follow. An open line of communication shall be established between the family and an office representative in order to answer questions, dispel rumors and meet the immediate family needs. If the Deputy is hospitalized, arrangements shall be made to transport the family to the hospital.

F. After the initial recovery time, the Deputy may be formally interviewed. Unless he/she is suspected of criminal wrong, the Miranda warning will not be given.

G. Within twenty-four (24) hours of the incident, the Chief Deputy or designee, shall arrange for a debriefing involving all involved personnel with a mental health professional.

H. Administrative leave of absence with pay is appropriate in matters of post incident trauma. At the discretion of the Sheriff, a temporary duty assignment may be authorized for a period of time determined on an individual basis. Considerations include:

1. Nature, scope, and magnitude of the incident.
2. Status or outcome of the investigation.
3. Quantity and type of media coverage that might further stress the recovery of the Deputy.

4. Psychological adjustment of the Deputy.
5. Reasonable needs of the Deputy's family.
6. Feelings and desires of the involved Deputy.
7. Any other considerations deemed applicable on an individual basis.

I. If the investigation indicates a possible violation of law by the involved Deputy, or if at any point it is deemed the Deputy may be in legal or civil jeopardy, the Chief Deputy will advise the Deputy as soon as possible.

J. During the investigation and for as long as necessary, all telephone calls to the involved Deputy shall be screened by his/her Supervisor or designee. If extensive or adverse media coverage, adverse public statements, or other extra ordinary circumstances aggravate the situation, or if harassing phone calls bother the Deputy or his/her family at home, arrangements shall be made to screen calls. Involved Deputies should be kept out of reach of any anti-law enforcement or radical groups or individuals as much as possible.

K. Arrangements for counseling at Office expense shall be coordinated through the Administrative Division.

L. Supervisors are responsible for dispelling rumors by communicating facts concerning the incident and investigation to subordinates at Deputy's meetings.

This is to certify that on: SEPTEMBER 6TH, 20 23

I SPENCER M. HEINL, was given a copy of the Mercer County Sheriff's Office "Use of Force/ Critical Support" policy. The policy was explained to me, discussed, and I was given the opportunity to ask questions for clarification.

I acknowledge receiving a copy of the complete policy and I understand it in its entirety.

Spencer M. Heinl
(Employee's Signature)

9/6/2023
(Date)

13.13.15 Employee Acknowledgment of Receipt of Use of Force – Critical Support
[Standard: 1.1.a, 1.2a, 1.3a, 1.4a,]

This is to certify that on: SEPTEMBER 10, 20 20

I SPENCER M. HEINL, was given a copy of the Mercer County Sheriff's Office "Use of Force/ Critical Support" policy. The policy was explained to me, discussed, and I was given the opportunity to ask questions for clarification.

I acknowledge receiving a copy of the complete policy and I understand it in its entirety.

Spencer M. Heinl
(Employee's Signature)

9/10/2020
(Date)



Mercer County Sheriff's Office Policy & Procedures

You are here: [Home](#) [Chapter 8: Weapons](#) [8.01 - Firearms and Ammunition](#)

LAST 10 POLICIES MODIFIED

- 14.03.06 - Key Control
- 3.08 - Policy and Procedure Reviews
- 13.13.03 - Submitting Subpoena Requests for Records Through the Mercer County Prosecutor's Office
- 15.01 - Extra Duty and Secondary Employment
- 8.01 - Firearms and Ammunition
- 12.04.05 - Emergency Medical Dispatch (EMD)
- 5.10 - Workplace violence
- 5.04 - Inspection, Release, and Retention of Records
- 5.01 - Safety
- 14.01.09 - Inmate's Personal Property

Filter

Policy	1
Chapter 1: Organization Structure	1
Chapter 2: General	5
Chapter 3: Ethics of Public Employees	10
Chapter 4: Personnel Matters	112
Chapter 5: Miscellaneous Personnel Matters	22

Chapter 6: Appearance and Uniforms	3
Chapter 7: Equipment	17
Chapter 8: Weapons	9
8.01 - Firearms and Ammunition	
8.02 - Issuance of Ammunition	
8.03 - Firearms Qualifications and Training	
8.04 - Firearms Inspection	
8.05 - Range Procedures	
8.06 - R-E-A-C-T Bandit Policy	
8.07 - Pepper Spray	
8.09 - Flashlights	
8.10 - EID -Taser & Ice Shield Policy	
Chapter 9: Protocol in Special Situations	29
Chapter 10: Fitness Room	3
Chapter 11: Administration of Accounts and Special Funds	8
Chapter 12: Central Dispatch	59
Chapter 13: Patrol/Enforcement	71
Chapter 14: Detention Facility	103
Chapter 15: Specialized Assignments/Specialized Units	15
Chapter 16: Community Relations	8
Chapter 17: Reports and Recording Keeping	4
Chapter 18: Ohio Jail Standards	1
Chapter 19: IT Rules & Policies	15





Mercer County Sheriff's Office Policies & Procedures

8.01 - Firearms and Ammunition

8/14/01; Revised 5/17/04; 10/28/05; 9/8/10; 11/30/11; 9/27/12; 6/17/13; 3/25/14; 10/10/14; 12/15/14; 3/4/15; 6/16/15; August 2, 2016; May 14, 2024; October 23, 2024

The objective of this policy is to illustrate the weapons authorized by the Sheriff. The following policy will identify the weapons that shall be carried by sworn personnel both on and off duty. The Sheriff will also identify what ammunition and the courses necessary for annual qualifications.

I. Each full and part time OPOTA certified deputy will be issued (2) handguns. One handgun will be considered a primary handgun and will be a full or midsized firearm. The second handgun will be considered a secondary handgun and will be a compact sized firearm. The secondary handgun can be used for off duty, back up, or for plain clothes details.

A. PRIMARY HANDGUN: This handgun will be used for uniformed, plainclothes, or off duty.

1. Glock 17 in 9mm
2. Glock 45 in 9mm

B. SECONDARY HANDGUN: This handgun will be used for off duty, back up, or plain clothes.

1. Glock 43 in 9 mm.

II. DUTY WEAPONS: All weapons will be county owned and issued, unless otherwise approved by the Sheriff.

A. Uniformed Deputies: The mandatory duty weapon for a deputy is a county owned and issued:

1. Glock 17 in 9mm
2. Glock 45 in 9mm

a. Deputies will be given the option of being issued either of the above listed weapons as their primary handgun.

B. Plain Clothes Deputies: Plain Clothes weapons shall be county owned as defined in (I)(A) or (I)(B). Plain clothes deputies will be given the option of carrying either their primary or secondary handgun while working plain clothes details. Working in plain clothes often requires that the deputy's handgun be concealed, thus requiring a higher level of concealability.

1. When armed, your Official Deputy Sheriff's ID and badge must be carried.

C. Back Up: Deputies are authorized to carry their office issued Glock 43 as a backup weapon either in uniform or in plain clothes.

D. Patrol Rifles: Deputies are authorized to carry one (1) county owned mil-spec AR-15 patrol rifle while on duty either in uniform or plain clothes.

Rifles may not be modified other than what the county provides. The weapon must also meet the below listed criteria:

1. 16" Barrel
2. 5.56 mm Calibre
3. Gas Operated
4. Adjustable Stock
5. Forward Assist
6. Dust Cover
7. Adjustable Front & Rear Sight
8. Tactical Sling
9. (3) 30 Round Magazines
10. Red Dot Sight

E. Off Duty Handgun: Full time and Part time deputies are encouraged to carry off duty weapons within the State of Ohio. Off duty weapons must be county owned. Deputies must follow all applicable laws for concealed carry.

1. Official Deputy Sheriff's ID and badge must be carried at all times.
2. Reserve Deputy Sheriffs are not authorized to carry firearms off duty, under the colors of the Mercer County Sheriff's Office, unless given specific written authorization by the Sheriff.
3. Full time and Part time deputies who carry off duty firearms not approved by the Mercer County Sheriff's Office are carrying them under the CCW law and not under the colors of the Mercer County Sheriff's Office.

F. As a result of the Ohio "CCW" law effective April 8, 2004, your official active Deputy Sheriff Commission qualifies you to carry a concealed weapon. Your Sheriff issued ID card and badge will serve you the same as an Ohio CCW license and permit you to carry a concealed weapon outside your official capacity as stated in ORC section 2923.126.

1. If you choose to carry a concealed weapon outside your official capacity, i.e., outside of the State of Ohio when you are not on official business, or a weapon(s) that does not satisfy this policy, you must:
 - a. carry a personal weapon with your personal ammunition,
 - b. comply with all "CCW" laws, and
 - c. you are personally responsible, pursuant to ORC 2923.129. Your supervisor(s), the County, the Sheriff and the Counties Insurance are immune from any liability and are not accountable for any of your actions.

G. Care and Maintenance:

1. Deputies are accountable for clean and serviceable weapons issued them.
2. No deputy will carry an unapproved, altered or an unsafe firearm while on or off duty.
3. Deputies assigned a county owned firearm are also issued a locking device to be used when off duty at home.

H. Use of Firearms:

1. No deputy shall carry, handle, or use a firearm in an unsafe manner.
2. Deputies are responsible for ensuring issued or personal firearms are safe and secure. No firearm, ammunition or other weapon shall be brought into the security perimeter of the jail without the permission of the Sheriff, Chief Deputy or Chief Corrections Officer.
3. Deputies may discharge firearms in the following situations:
 - a. Condition outlined under the Use of Deadly Physical Force, in the use of force policy.
 - b. At an approved target at an approved firing range,
 - c. For practice or recreational shooting in an area where firing a weapon is safe and lawful.
 - d. To destroy an animal appearing to suffer an apparent fatal wound or sickness. A reasonable attempt shall be made to locate a domesticated animal's owner prior to destroying the animal.
 - e. To destroy an animal obviously mad or vicious that otherwise cannot be prevented from killing or seriously injuring a person.
4. Deputies may not discharge a firearm in the following situations:
 - a. To fire warning shot,
 - b. To halt a person unless he or she poses an immediate threat of death or serious physical harm to another,
 - c. When it appears likely an innocent person might be struck.
5. Surrender of Weapon:
 - a. Deputies are strongly discouraged from surrendering their weapon to anyone who may be holding a hostage or is a suspect of criminal activity. Every situation is different and each deputy involved must make the ultimate decision based on the circumstances surrounding each individual incident.
6. Unauthorized Weapons:
 - a. Deputies shall not use or possess for law enforcement purposes any weapons not issued by the Sheriff's Office.
7. Requirements:
 - a. Each sworn deputy sheriff will annually qualify with all weapons they are permitted to carry providing the weapon(s) comply with this policy.
 - 1) The qualification course will be set by OPOTC and be approved by the Firearms Training Staff and the Sheriff
 - a) Deputies will be permitted two attempts to qualify that day.

b) If the deputy is unable to qualify that day, the deputy will be assigned to remedial training and another qualification date will be scheduled.

2) Those deputies unable to qualify at the end of the final day of qualifications will be subject to administrative and/or disciplinary action(s).

II. SHOTGUNS:

- A. All shotguns will be County owned and issued Remington 12 ga. pump action.
- B. Shotguns will be provided in each Sheriff's Office vehicle's spare shotguns will be stored at the Sheriff's Office.
 - 1. Deputy Sheriff's with vehicles assigned to them are responsible for the maintenance of shotguns assigned to those vehicles.
- C. Requirements:
 - 1. All sworn Deputy Sheriffs are required to qualify with shotguns annually.
 - 2. The qualification course will be set by OPOTC and approved by the Firearms Training Staff and the Sheriff.
 - a. Deputies will be permitted two attempts to qualify that day.
 - b. If the deputy is unable to qualify that day, the deputy will be assigned to remedial training and another qualification date will be scheduled.
 - c. Those deputies unable to qualify at the end of the final day of qualifications will be subject to administrative and/or disciplinary action(s).
- D. All firearms in both marked and unmarked vehicles shall be secured, either in a security rack on the interior of the vehicle, in a case in the trunk, or a firearm safe inside the trunk of the vehicle, at all times when the vehicle is not in use. Vehicles left for service will have all firearms removed not secured in a trunk safe, unless the deputy remains with the vehicle during the service.

III. PATROL RIFLES:

- A. All Patrol Rifles will be County owned and comply with paragraph "D" titled "Patrol Rifle" and approved 5.56 calibre semi-automatic rifles.
- B. County Owned Patrol Rifle
 - 1. Enforcement Deputy Sheriffs will attend the Mercer County Sheriff's Office Patrol Rifle Program.
 - 2. After successfully completing the Patrol Rifle Program, the deputy will be required to qualify with a rifle prior to its use.
 - 3. After qualifying with a Patrol Rifle, the deputy will be issued that rifle.
 - 4. The deputy sheriff will store the County Owned Patrol Rifle in the rifle rack or trunk of their assigned patrol vehicle, along with two (2) additional 30 round magazines.
 - 5. The deputy will verify the status of the sights, contents of the case (if applicable), and the condition of the rifle prior to placing it into storage.
- C. All firearms in both marked and unmarked vehicles shall be secured, either in a security rack on the interior of the vehicle, in a case in the trunk, or a firearms safe inside the trunk of the vehicle, at all times when the vehicle is not in use. Vehicles left for service will have all firearms removed not secured in a trunk safe, unless the deputy remains with the vehicle during the service.
- D. Requirements:
 - 1. Deputies are required to successfully complete the Mercer County Sheriff's Office Patrol Rifle Program, or its equivalent, prior to being considered Patrol Rifle certified.
 - 2. All Patrol Rifle Certified Deputy Sheriffs are required to qualify with their Patrol Rifles annually.
 - 3. The qualification course will be set by OPOTC and approved by the Firearms Training Staff and the Sheriff
 - a. Deputies will be permitted two attempts to qualify that day.
 - b. If the deputy is unable to qualify that day, the deputy will be assigned to remedial training and another qualification date will be scheduled.
 - c. Those deputies unable to qualify at the end of the final day of qualifications will be subject to administrative and/or disciplinary actions(s).

IV. WEAPON LIGHTS

- A. All deputies issued a department issued primary handgun, and/or patrol rifl, will also be issued a Weapon Light for their firearms.
 - 1. A weapon mounted light enhances a deputy's ability to identify and engage threats.
 - 2. A weapon mounted light is NOT an illumination tool; it should be considered part of the weapon system, i.e. handgun/rifle.

3. A deputy should not use the weapon mounted light in any circumstances where the reason for having a weapon drawn is not justified.
(Example: administrative searches, vehicle inventories, routine traffic stops, etc.)
4. Deputies are encouraged to carry an additional flashlight to complete other functions not justified by the weapon mounted light.
5. Each deputy will be trained and instructed in the proper use and activation of the weapon light.
6. Great care should be taken to ensure that the deputy keeps their trigger finger on the outside of the trigger guard at all times, until they are ready to fire, to ensure that negligent discharges do not occur while attempting to activate the weapon light.

V. Weapon Conditions When on Duty

A. Handguns (Glock) (Condition 1)

1. All handguns will be holstered while on duty unless needed.
2. All handguns will be stored in Condition 1.
3. The handguns will have one round in the chamber.
4. The handguns will have their magazines loaded to capacity.

B. Shotguns (Remington) (Condition 3, Cruiser Ready)

1. All shotguns will be secured in their racks, cases, etc. unless needed.
2. All shotguns will be stored in Condition 3; i.e. trigger released on a verified and empty chamber, chamber empty, bolt closed, and the magazine loaded to capacity.

C. Rifle (Smith & Wesson) (Condition 3)

1. All rifles will be secured in their racks, cases, etc. unless needed.
2. All rifles will be stored with the selector on safe, bolt closed on an empty chamber, ejection port cover closed, and a loaded magazine in the magazine well

Next >



Celina Police Department

General Order Number: 1.3

Subject: Use of Force

No. Pages 16

Date of Approval: 12/13/2021

Date of Issue: 12/14/2021 Amends and replaces 1.3 issued 12/29/2020

Effective Date: 12/14/2021

Distribution Department Wide

Issued By: Chief Tom Wale

1.3.1 Types of Force

1.3.2 Deadly Force

1.3.3 Unauthorized Discharge

1.3.4 Less Lethal Options

1.3.5 Medical Treatment after Use of Force

1.3.6 Force Reports

1.3.7 Use of Force Review Policy / Force Review Board

1.3.8 Removal of Employee Pending Administrative Review

1.3.9 Weapons and Ammunition

1.3.10 Demonstrating Proficiency with Weapons

1.3.11 Annual Proficiency Demonstration/ Training

1.3.12 Forcible Handcuffing

1.3.13 Duty to Intervene

1. Law Enforcement Role and Authority

1.3 Use of Force

1.3.1 Types of Force

A. General Policy

1. This policy is for department use only and does not apply in any criminal or civil proceeding. This policy should not be considered as establishment of a higher legal standard of conduct for officers in case of third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.
2. The Supreme Court of the United States (SCOTUS), in its ruling in the case *Graham v. Connor* (1989)(490 U.S. 386, 109 S. Ct. 1865), set the standard which governs the use of force by law enforcement officers as “Objective Reasonableness”. It is the policy of this Police Department that Officers use only that force which is “objectively reasonable” in light of the facts and circumstances which they are confronted with to accomplish a LAWFUL objective.
3. Officers of this department shall not use force:
 - a. As an investigative tool to threaten or attempt to gain information from a person.
 - b. Against a person already in custody and who is under control.
 - c. As retaliation for physical or verbal abuse.

1.3.2 Deadly Force

A. Officers of this Department may use deadly force only when they have probable cause to believe based on the facts and circumstances confronting them that their actions are:

1. In defense of human life, including the officer’s life, or
2. In defense of any person in imminent danger of serious physical harm, or
3. To prevent the escape of a fleeing felon suspect when the requirements of the SCOTUS decision *Tennessee v. Garner* (1985) have been met. Those requirements are:
 - a. The suspect has threatened the officer with a weapon or the officer has probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm, which is imminent or continuing, and the use of deadly force is necessary to prevent the suspects escape, and

b. The Officer gives the suspect some warning of the imminent use of deadly force, if feasible and reasonable.

B. Definitions.

1. Objectively Reasonable – Officers shall evaluate each situation in light of the known facts and circumstances confronting the officer. These may include, but are not limited to: the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others or whether he/she is actively resisting arrest or merely attempting to evade arrest by flight.
“Reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

2. Force: conduct on the part of a police officer that is designated to assist the officer in controlling a situation or the actions or behavior of a person or persons.

3. Physical force: involves actual physical bodily contact with a person and forcibly subduing that individual until resistance is overcome. Physical force excludes the use of weapons or objects, which could be used as weapons such as baton, o.c. spray, etc.

4. Less lethal force: any weapon, other than a firearm, used to control persons or defend an officer from harm. Examples of less lethal force are straight baton, electrical control devices (CEW) and oleoresin capicum aerosol.

5. Serious Physical Injury: A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

6. Reasonable Belief: The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent Police Officer to act or think in a similar way under similar circumstances.

7. Deadly force - the Ohio Revised Code defines deadly force as any force, which carries a substantial risk that it shall proximately result in the death of the person

1.3.2a Choke Holds and vascular neck restraints

Defined: The term *choke hold* is defined as a physical maneuver that restricts an individual's ability to breathe for purposes of incapacitation. *Vascular Neck Restraint* (also known as Lateral Vascular Neck Restraint) is a technique that can be used to incapacitate an individual by restricting the flow of blood to their brain.

A. Choke holds and vascular neck restraints are considered deadly force and may only be used by employees under the following circumstances:

1. To defend themselves from serious physical injury or death; or
2. To defend another person from serious physical injury or death; or
3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

1.3.3 Unauthorized Discharge

A. When Firearms may not be discharged

1. Warning shots may not be fired. It is understood that warning shots differ from cover or suppressive fire, which may be necessary to protect the lives of the Officer or another. Cover or suppressive fire should only be used when other options are not reasonable and only to stop serious physical harm assaults or to prevent the offender(s) from initiating a serious physical harm assault.
2. Officers may fire shots from a moving vehicle ONLY to protect themselves or a third party from death or serious physical injury.

1.3.4 Less Lethal Options (cross reference with 1.3.1.G/H/I)

A. Sworn members of this agency are allowed to carry and utilize certain items to assist them in defending themselves or another from harm and/or affect a lawful arrest. All persons assigned to the Patrol Section are required to be trained in the available less lethal options provided by the Celina Police Department. All persons assigned to the Patrol Section are required to carry at least two of these options made available by the Celina Police Department.

The use of less lethal options by Officers of the Police Department shall be in accordance with the “objective reasonableness” standard set forth in *Graham v. Connor* (490 U.S. 386, 109 S. Ct. 1865) and also in accordance with Police Department Training Doctrine. Refer to the appropriate lesson plans for the Training Doctrine for each option.

Department personnel may have at their disposal certain less lethal weapons:

Conducted Energy Weapon (CEW)

Oleoresin Capsicum Aerosol

Straight Baton / Collapsible Baton

1. Conducted Energy Weapon (CEW)

- a. Conducted Energy Weapon (CEW) are authorized for use by the officers certified in its operation. Use of this device is strictly limited to sworn officers who have received and passed the approved training and annual re-certification program. Certified instructors will conduct such training and the records maintained by the Police Department. The CEW instructors will be responsible for the care, maintenance, and inspection of these weapons prior to each training session. Patrol officers assigned to the CEW will inspect that weapon at the beginning of each duty shift. A record of each cartridge serial number and CEW serial number will be maintained with the officer utilizing that cartridge.
- b. Use of the CEW is prohibited in the following situations:
 - 1. Against persons who may have come into contact with flammable liquids or in environments where flammable liquids or fumes are likely present.
 - 2. Against any person in control of a MOVING bicycle, watercraft, aircraft or motor vehicle.
 - 3. While engaging in horseplay of any kind.
- c. Unless all other means short of deadly force have been attempted, Officers are prohibited from using the CEW in situations involving pre-teen children, known pregnant females, elderly persons or others who might be susceptible to injuries resulting from a fall.
- d. All persons who have been exposed to a CEW activation shall receive a medical evaluation if requested or if the exposed person exhibits any signs of medical distress. If the probes are still embedded *and* special attention is required, they will be removed by paramedics at the scene or by medical personnel at the hospital or at the jail. CEW probes should be treated as a biohazard. All persons who have been subjected to a CEW activation should be monitored regularly while in police custody even if they receive medical care. Photos will be taken of the area(s) of the body in which the probes impacted and any injuries that may have resulted in using the CEW.

2. Oleoresin Capsicum Aerosol (OC)

- a. Oleoresin Capsicum is the authorized Defensive Aerosol to be used by the officers certified in its use. Use of this product is strictly limited to sworn officers who have received and passed the approved training and annual re-certification program. Certified instructors will conduct such training and the records maintained by Research and Development. The OC instructors will be responsible for the care, maintenance, and inspection of these weapons during each training session.
- b. Officers will only use the current Oleoresin Capsicum authorized by the Police Department.

3. Straight Baton/collapsible baton may be carried only after basic training has been obtained by a department certified Instructor.

- a. Officers will receive biennial training and re-certification. An officer may not carry a baton until the officer has completed the basic certification program.
- b. Expandable Batons may be friction or Auto Lock design and will NOT exceed 26 inches in length. Any baton different than described must be approved by the Chief of Police.
- c. After market endcaps must have prior approval of the Chief of Police and the endcap is not pointed (IE. Window Breakers)
- d. Baton can be carried strong side or support side as long baton does not interfere with any other weapons system.
- e. Baton shall only be used as impact weapon on suspects exhibiting Aggressive Active Resistance, which includes any actions the officer perceives to be threatening to the officer or others. This includes assaultive behaviors or verbal or non-verbal pre-attack indicators.
- f. The baton may be used as a non-impact restraining/come along tool for suspects exhibiting low level active resistance to avoid physical control. (IE. Pulling away, holding onto a chair, lying on hands ETC). Officers may also use non-striking pain compliance on suspect exhibiting low-level active resistance.
- g. The baton shall not be used on a passive resistant subject.
- h. Lethal force with the baton is permitted only when the officer reasonably believes the subject is about to inflict death or serious physical harm to the officer or another.
- i. Unless lethal force is justified the officer will not purposely strike the face, head, neck, spine or sternum.

B. Department personnel may have at their disposal certain restraint options used to assist in controlling various situations:

Handcuffs (conventional)

Flex cuffs (plastic zip tie type)

Transport belts

Hobble restraints

Leg shackles

1. Handcuffs are issued to each officer for their use in temporarily restraining persons they have taken into custody. Each officer will receive basic instruction in the proper and legal use of handcuffs prior to assuming street duties.
 2. Flex cuffs are available for situations where large numbers of people may be arrested simultaneously. Officers will follow the same guidelines for using conventional handcuffs when using flex cuffs.
 3. Transport belts are available for use when needed. It is recommended that transport belts be used when transporting prisoners long distances (to and from state correctional facilities and psychiatric centers, etc.).
 4. Hobble restraints are located in each cruiser and are available for use for a prisoner who is trying to kick out the doors and windows of the patrol car.
 5. Leg shackles are also available when transporting prisoners who might propose a flight risk.
 6. The use of handcuffs has been defined as a use of force by the Supreme Court of the United States and other lower courts. As such, the use of handcuffs is subject to the “object reasonableness” standard set forth in *Graham v. Connor* (490 U.S. 386, 109 S. Ct. 1865).
- C. Due to the fact that technology is ever expanding and leaping forward, there may be instances when other items become approved for street use prior to being able to change Department policy. When and if this occurs, the officers approved to use such items shall be properly trained prior to their implementation for duty purposes without exception.
- D. Any equipment not specifically authorized by the Chief of Police will not be carried.

1.3.5 Medical Treatment after Use of Force

- A. Officers will make medical treatment available to all persons who request it or exhibit evidence of injury following any use of force.
- B. If a prisoner is ambulatory and/or still resisting, the prisoner will be transported to the hospital emergency room by at least two officers.
- C. If a prisoner is unconscious, seriously injured, or claims serious injury or incapacitation paramedics will be called to evaluate the prisoner’s medical needs. If paramedics remove the prisoner to the hospital, at least one officer will accompany the paramedics. If manpower permits, 2 officers will accompany the paramedics to the hospital.

- D. Prisoners being transported to the hospital for treatment will be secured with handcuffs and other restraints to the extent that their injury permits.
- E. An on-duty supervisor will be called to the scene any time a use of force results in the need for medical treatment.
- F. In the event an officer must use physical force on a subject and the subject does not appear to be injured or complain of injury, the officer will maintain increased observance of the individual watching for obvious physical changes of the subject. This increased observance of the subject is to aid in guarding against a subject not getting medical aid when needed but not immediately known.
- G. All persons who have been exposed to an CEW activation shall receive a medical evaluation if requested or if the exposed person exhibits any signs of medical distress
- H. Any person who has been exposed to a chemical agent will be given the chance to flush their eyes or will be provided with a cloth to blot the chemical from their eyes and face.

1.3.6 Force Reports

A. Anytime an officer discharges his/her firearm (including accidental discharges, at animals, etc.), other than for training or recreational purposes, the use of such force shall be fully documented in a Departmental Incident Report and on a subject management form. The immediate supervisor will see that the Subject Management Forms are forwarded to the Chief or Assistant Chief who will forward to the Chief.

1. The Chief and/or Assistant Chief will review all Subject Management Forms and related reports to determine compliance with department policies.

B. An officer whose use of force results in an injury or death of another may be reassigned within the Department or temporarily relieved of duty by the Chief of Police pending an administrative review of the case with Departmental Detectives and/or BCI&I and/or any other investigative agency requested by the Chief. The injury will be documented in an incident report.

C. Anytime an officer points a firearm at someone, uses physical force, less lethal or lethal force upon a subject, the officer will document the event in detail on an Incident Report as well as a Subject Management Form. These forms will be forwarded to the shift supervisor for review. If the incident involved, or is alleged to have involved, injuries, substantial property damage, or is of a high profile nature, the shift supervisor may find it necessary to notify the Chief of the situation. The act of handcuffing a compliant subject does not require a separate Incident Report or a Subject Management Form. The immediate supervisor will see that the Subject Management Forms are forwarded to the Chief or Assistant Chief who will forward to the Chief.

D. When force is used as described in section C above a detailed report shall be made. This detail will include any lesser force option considered during the incident, no matter how briefly considered. You shall explain why the lesser force option was not able and/or reasonable to be used. This will include things, such as, de-escalation. De-escalation is a force option by legal standards.

1.3.7 Use of Force Review Policy / Force Review Board

A. Force Review Board

A Force Review Board (hereafter known as F.R.B.) may be established for the purpose of reviewing the circumstances surrounding significant incidents where an officer has used force that has resulted in serious injury, death, or substantial property damage.

1. The Chief of Police will generally exclude the following instances of a discharge of a weapon from F.R.B. review unless there is an accidental discharge, injury, unsafe handling of a weapon, or other unusual circumstance.

- a. Training practice
- b. Recreational use
- c. Destruction of sick or injured animals

2. The membership of the F.R.B. will consist of:

- a. The Chief of Police and Assistant Chief of Police
- b. One or more Sergeant and/or Patrolman and/or detective
- c. A designee picked by the officer(s) involved
- d. The Head Firearms Instructor

B. Convening the F.R.B.: The Chief of Police will determine the need to convene the F.R.B. as outlined in this policy. The F.R.B. shall be convened by the Chairman (as appointed by the Chief of Police) within a reasonable time after a report of a use of force that has resulted in serious injury, substantial property damage, or is high profile in nature has come to his/her attention, but not before all investigative reports are in his possession.

C. Use of Force Hearing

1. The Chairman shall have the responsibility of preparing and presenting the case to the F.R.B.

2. He shall open the hearing by identifying those persons present and give a short statement concerning the force incident.
3. He shall then utilize the Department's detectives and will submit all evidence along with any witnesses. This shall include the personal statement of the officer(s) involved in the use of force incident.
4. The Chairman will then conclude the hearing with a brief synopsis of the case, and forward a report of the F.R.B.'s review findings to the Chief of Police.

E. Recommendations

1. The F.R.B. will make any recommendations they deem necessary for modification or revision of this policy. Such recommendations will be made in writing to the Chief of Police.
2. The F.R.B. is responsible for recognizing when there is a need for additional training and makes recommendations in writing to the Chief of Police.
3. The F.R.B. is also responsible for recognizing when there is change needed in Department policy, training programs, and or equipment concerning the case under their investigation.

1.3.8 Removal of an Employee Pending Administrative Review

A. In order to provide safety for the community and the employees of the Celina Police Department, the Chief of Police will reassign the employee within the Department away from line duty status or temporarily relieve him or her of duty pending an Administrative review and investigation by the Department Detectives and/or BCI&I and/or any other investigative agency requested by the Chief of Police when a use of force or employee actions results in death, serious physical injury to another, or is high profile in nature. The employee will be notified in writing and a copy will be placed in the employee's personnel file.

B. During this traumatic time, an employee may be required to meet with a psychologist and/or psychiatrist before the end of his or her shift, or at the direction of the Chief of Police, to determine the effects of the incident. The employee, however, may request (in writing) to meet with a psychologist and/or psychiatrist through their immediate supervisor.

1.3.9 Weapons and Ammunition

Agency personnel will carry only weapons and ammunition approved and authorized for use by the Chief of Police for either on or off duty purposes.

A. Assignment of Department Weapons

1. Primary sidearm: All Officers are issued department approved sidearms (handguns) . No other handgun is to be carried on duty by Department officers except as approved by the Chief of Police. Officer owned concealed backup handguns will be as approved by the Chief.
2. Electrical Control Device: All officers certified to carry an electrical control devices may be issued one. No other electrical control devices may be carried on duty by Department officers except as approved by the Chief of Police. The only approved CEW's at this point are those manufactured by TASER.
3. Impact Instrument: Officers who are properly trained and certified may carry an expandable ASP style baton.
4. Defensive Aerosol: The Department issues canisters of oleoresin capsicum aerosol to each officer of the police Department. Department personnel will carry only approved defensive aerosols on or off duty.
5. Automatic and other special weapons: Automatic weapons are only as approved by the Chief and may not be deployed except under extreme circumstances.
6. Precision Rifles: The Celina Police Department maintains precision rifles assigned to properly trained personnel.
7. Semi-Auto Rifle: The Celina Police Department has semi-automatic rifles for use by the Patrol Section an (a derivative of the Colt AR-15) in .223/5.56 Remington caliber. They will be carried in a weapon mount in the passenger compartment of the cruiser.

B. Officers shall only use ammunition issued/approved by the Celina Police Department in any Department owned or personally owned firearm that the officer is authorized to carry. New ammunition will be issued by the Firearms Training Supervisor annually or as required. All ammunition carried in on-duty/off-duty personal weapons shall be issued/approved by the Chief of Police and the Firearms Training Supervisor.

C. Review, Inspection, and Approval of All Weapons

1. All weapons carried by Celina Police Officers shall be inspected and approved by a Department specialist for that weapon prior to the officer carrying that weapon.
2. At random, during uniform inspections, Sergeants shall inspect all departmentally owned weapons for cleanliness. Each officer is responsible for the daily inspection of his/her duty weapons for operational readiness. Any problems should be reported at once to the officer's immediate supervisor.

3. Annually, the Department's weapons specialists will inspect and examine each city owned and/or issued weapon for operational readiness and wear. Malfunctioning weapons or those with excessive wear will be taken out of service.

4. Every year a member of the firearm training staff or a Department armorer will inspect any personally owned firearm that is carried on or off duty.

D. Removal of unsafe Weapons

If any of an officer's issued duty weapons is found to be unsafe it will be taken out of service, the officer will be issued another departmentally owned weapon compatible with the one they have surrendered. The unsafe weapon shall not be carried or used until it is repaired or rendered safe, and has been re-inspected by the weapons specialist who took the weapon out of service.

The officer will be required to qualify with newly issued firearms prior to taking active street duty if the make/model is different from the one previously carried.

1. **Personally Owned Weapons:** If a personally owned weapon is found to be in need of maintenance beyond the capabilities of the firearm training and armorer staff, it will be the responsibility of the officer who owns the weapon to have the weapon repaired at his/her own expense. Weapons in need of repair will not be authorized for carry until the weapon has been repaired to the satisfaction of the firearm and/or armorer staff.

E. Weapons Records:

1. Detailed records of individual history will be maintained on all city owned weapons. These records will contain but not be limited to the following:

- a. The weapon's Departmental identification number,
- b. The weapon's manufacturer identification number,
- c. The brand, model, and if applicable caliber of the weapon,
- d. To whom the weapon has been issued,
- e. Dates of issue and return to stock,
- f. Service history of the weapon
- g. Any other information that would seem relative to the weapon specialist.

2. **Personally owned Weapons:** When an officer qualifies with his/her personally owned weapon, the firearms instructor will inspect the weapon and document the following on the qualification form. The form will then be filed in the officer's training file.

- a. The weapon's manufacturer identification number,
- b. The brand, model, and if applicable caliber of the weapon,
- c. The owner of the weapon
- d. Any other information that would seem relative to the weapon specialist.

F. Storage of Agency Authorized Firearms

1. All officers shall take the appropriate measures to ensure their issued and agency approved firearms are secured at all times.
2. Agency issued/approved on duty handguns: officers shall make every attempt to keep their agency issued/approved firearms secure from unauthorized persons while on duty. Officers shall keep their agency issued handguns secured in their holsters, locked in their patrol car trunks at the jail or in gun lockers provided by detention centers.
3. Agency approved off duty handguns shall be kept locked in the gun safer in the locker room or kept secured at their residence when the officer is not carrying the handgun.
4. While off duty, officers are encouraged to keep their agency issued/approved handguns locked in a gun safe, gun cabinet or locked drawer at their residence. If this is not possible, officers are encouraged to keep their issued/approved handguns secured with some form of gunlock.
5. Agency issued/approved shotguns/carbines are to be kept secured in the following manners:
 - a. The issued/approved shotguns/carbines are to be kept secured in the passenger compartment weapon rack or approved locked compartment of the officer's assigned vehicle. They shall be kept in condition 3, which is magazine loaded and chamber empty.
 - b. If the patrol cars are not in control of the police department, ie; at a service facility, garage or other shop, all weapons are to be removed and secured in the approved secure storage at the police department.

G. Personally Owned Weapons: Officers are allowed to use personally owned weapons for duty/off-duty purposes as outlined in this policy, and as approved by the Department's instructor for that weapon and the Chief of Police.

Officers are authorized but not mandated to carry a weapon while off duty. An officer who elects not to carry a weapon while off duty shall not be subject to disciplinary action if an occasion should arise in which he/she could have taken police action if he/she were armed.

1. Lethal Weapons

a. Handguns: Only Departmentally issued handguns are to be carried on duty except as provided for in this General Orders Manual. Any officer who wishes to carry a personally owned handgun for on-duty or off-duty purposes must meet the following requirements prior to being able to do so:

- 1) The handgun must be of a model, make, and caliber that are well known and reputable in the law enforcement community.
- 2) Handguns being used for a back-up weapon or an off-duty weapon must have a firing capacity of five (5) shots or more and a minimum caliber of .380.
- 3) The handgun must be examined and approved by the Department's head firearms instructor.
- 4) The Chief of Police, or his designee, must then approve the handgun for the officer's use.
- 5) Officers must then qualify on a State of Ohio, O.P.O.T.C. approved qualification course with their personally owned weapon. A record of the make, model, caliber, serial number and date of qualification will be kept by the head firearms instructor.
- 6) The officer must then demonstrate their intended mode of carry for the personally owned handguns used as back-up firearms.
- 7) This on-duty/off-duty secondary handgun will be under the same rules of engagement and training and standards, as the Department issued sidearm. Qualifications for the secondary weapon/handgun will be as determined by the range officer following OPOTC guidelines.
- 8) Any time a personally owned handgun is deployed for on-duty/off-duty matters, an incident report will be generated.

b. Rifles: Any officer who wishes to carry a personally owned rifle for duty purposes must meet the following requirements prior to being able to do so;

- 1) The rifle must be of a model, make, and caliber that are well known and reputable in the law enforcement community.
- 2) The rifle must be of a semi-auto design and have a firing capacity of ten (10) shots or more.
- 3) The rifle must be examined and approved by the Department's Head Firearms Instructor.
- 4) The Chief of Police, or his designee, must then approve the rifle for the officer's use.

- 5) Officers must then qualify on a State of Ohio, O.P.O.T.C. approved qualification course with their personally owned weapon. A record of the make, model, caliber, serial number and date of qualification will be kept in the Department Armory.
- 6) The officer must then demonstrate their intended mode of carry for the personally owned rifle. The mode of carry shall be some form of approved rifle case. This rifle, in its approved case, will be kept in the trunk of the police cruiser during that officer's duty hours only. At the end of his or her tour of duty the rifle is to be secured either in the officer Department issued locker or taken to their home for secure storage.
- 7) The officer must have successfully completed their probationary period with the Celina Police Department.
- 8) The officer's rifle will be carried with the chamber empty to help guard against accidental discharges of the firearm.
- 9) This patrol rifle will be under the same rules of engagement, training and qualifications standards, and ammunition requirements, as other Department issued firearms.
- 10) Only Department approved/issued ammunition will be used in the personally owned patrol rifles.

2. Less Lethal Weapons

a. Defensive Aerosols: Only Departmentally issued defensive aerosols are to be carried on duty unless approved otherwise. Any officer who wishes to carry a personally owned defensive aerosol for on/off-duty purposes must meet the following requirements prior to being able to do so;

- 1) The defensive aerosol must be of a brand and make that is well known and reputable in the law enforcement community.
- 2) The defensive aerosol must be examined and approved by the Department's head defensive tactics instructor.
- 3) The Chief of Police, or his designee, must then approve the defensive aerosol for the officer's use.
- 4) This defensive aerosol will be under the same rules of engagement, training, and qualifications standards, as the Department issued defensive aerosols.
- 5) Any time a personally owned defensive aerosol is deployed for on/off-duty matters, a subject management report is to be filed detailing the circumstances calling for it to be brought into service.

b. Impact Instruments: Any officer who wishes to carry a personally owned impact instrument for on/off-duty purposes must meet the following requirements prior to being able to do so;

- 1) The impact instrument must be examined and approved by the Department's head defensive tactics instructor.
- 2) The Chief of Police, or his designee, must approve the impact instrument for the officer's use.
- 3) This impact instrument will be under the same rules of engagement, training, and qualifications standards, as the Department issued impact instruments.
- 4) Any time a personally owned impact instrument is deployed for on/off-duty matters, an incident report is to be filed detailing the circumstances calling for it to be brought into service.

1.3.10 Demonstrating Proficiency with Weapons

A. The Chief of Police will only grant authorization to carry weapons (Department issued or personally owned) to Officers who have demonstrated their proficiency to use those weapons. Proof of proficiency will be the ability to obtain a passing score on a State of Ohio, O.P.O.T.C. approved qualification course or departmentally approved course.

B. Each weapon qualification course:

1. Shall be an approved State of Ohio, O.P.O.T.C. Qualification course and/or a departmentally approved course and lesson plans shall be maintained and up to date.
2. Shall be taught by a certified instructor.

C. Department issued and personally owned weapons requiring an annual demonstration of proficiency are

1. Department issued and personally own firearms.
2. All firearms issued to vehicles
3. Taser

D. Department issued and personally owned weapons requiring a biennial demonstration of proficiency are:

1. Impact instruments
2. Defensive Aerosols

1.3.11 Annual Proficiency Demonstration/Training

Annually each officer will receive in-service training on the Department's use of force policies and procedures. Also annually each officer will demonstrate proficiency with any approved lethal weapons including electrical controlled weapons that the officer is authorized to use.

A. Any weapons instruction or qualification must be conducted by a certified weapons instructor for that weapon. The firearms instructor qualifications must be approved and recognized by O.P.O.T.C.

B. All training, qualifications, or updates shall be documented in detail in the way of lesson plans, handouts, or attendance rosters. Video recording, or other media forms, which may be appropriate can be used as the instructor finds useful.

C. All sworn officers shall be required to qualify with their Department issued weapons each year, in accordance with O.R.C. section 109.801 (A). These qualifications will be under the direct supervision of a certified instructor for that force option that is being tested.

1. In order to qualify to carry an on-duty/off-duty sidearm or approved firearm, an officer shall score a minimum score as mandated by OPOTC on the scheduled firearms qualification sessions. Officers will complete this qualification with the type weapon carried on their regularly assigned duty. This information will appear on the officer's firearms qualification record.

Other less lethal force options shall be scored on a pass or fail basis. This information will be maintained in the Department's training records.

2. If an officer fails to obtain the minimum score during the training session, the officer will be given additional training and two additional opportunities to qualify on the same date. If the officer is unable to qualify after the three attempts for qualification, the Chief may disarm and give the officer an assignment that does not require the carrying of that weapon/force option.

3. Within seven (7) calendar days, the officer will be given additional training and the additional opportunity to qualify. If the officer has still failed to qualify, they will be suspended from duty pending disciplinary action.

D. As a part of annual firearms qualifications all officers will be required to review the most current Use of Force Policy for the Celina Police Department and be tested. Copies of the policy are maintained in the squad room, dispatch and the Chief's office as well as on the public drive of the police department's computer network.

1. Officers will be required to read and review this policy as part of their annual training. Additionally the Chief or his designee may conduct in-service classroom training if the need arises. Training on this policy is also mandated as part of any FTO program for new hires.
2. Officers will be required to take a written test on this Use of Force Policy. Any deficiencies will be addressed by the officer conducting the test until he/she is satisfied that the testing officer understands the policy and procedure.
3. The review and testing process will normally be proctored by department firearms instructor who in turn will submit to the same review and testing by an officer ranked sergeant or higher. A sergeant or higher may take the place of the firearms instructor for this review and testing procedure at the discretion of the Chief.

1.3.12 Forcible Handcuffing

- A. Forcible handcuffing should only be necessary when a person being handcuffed is resisting lawful detention by a law enforcement officer. Care should be taken to avoid or reduce the risk of injury during this process.
- B. Stabilizing a body to handcuff: Whenever you have to stabilize a body to get the person in handcuffs, avoid pinning the center of the back, neck or spine.
 - Pin by the shoulder and/or hips if necessary.
 - Get them off of their stomach as soon as they are secure.
 - Roll them into the rescue position.

1.3.13 Duty to Intervene

All police personnel have a duty to intervene *if* there is obvious excessive force being used by another law enforcement officer *and* there is a reasonable opportunity to intervene. Under these circumstances you *must* intervene. Failure to do so will be considered as complicit in the excessive force violation.

In any case, when any police employee is aware, either with direct or indirect knowledge or information, of excessive force by another police employee, it *must* be reported to the Chief as soon as practicable. Failure to report the excessive force allegation will result in the employee being considered as complicit in the violation.