



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



2026-1239
Officer Involved Critical Incident - 31000 Block U.S. Route
250, Uhrichsville, Ohio 44683, Harrison County

Investigative Activity: Review CPD Use of Force Policy
Involves: Cadiz Police Department
Activity Date: 04/07/2026
Activity Location: BCI - Richfield
Authoring Agent: SA John P. Tingley

Narrative:

On Tuesday, April 07, 2026, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley reviewed the Use of Force Policy utilized by the Cadiz Police Department at the time of this incident. The document received is attached to this investigative report for further review.

References:

None

Attachments:

1. CPD - Use of Force Policy

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CADIZ POLICE DEPARTMENT

Policy and Procedures

CHAPTER: 30	SUBJECT: USE OF FORCE
ISSUE DATE: 1/29/2021	EFFECTIVE DATE: 1/31/2021
AMENDS/RESCINDS: Use of Force; Effective February 26, 2022	
REFERENCES:	

Setting the Standard for Ohio Law Enforcement

1.0 Purpose

It is the policy of the Cadiz Police Department to only exercise the authority granted by law. All members shall observe and comply with every person's clearly established rights under the United States and Ohio Constitutions. The department will also adhere to all applicable federal, state, and local laws.

The purpose of this policy is to establish a written directive, which delineates policies and procedures regarding the use of force. This policy provides written guidelines for officers concerning the appropriate use of force including less-than-lethal force and progressing to lethal force. In addition, this policy describes in detail departmental procedures related to authorized weapons, training in their use, use of force reporting requirements and other procedures of the department related to the use of force.

2.0 Scope

This policy applies to all sworn police officers of the Village of Cadiz.

3.0 Definitions:

3.1 Authorized Personal Handgun: A personal handgun which has been approved by the Chief of Police to be carried as an off-duty or secondary weapon (on or off duty) by an officer.

3.2 Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. Choke holds or any holds which restrict the airway will be prohibited except in situations where the use of deadly force is allowed by law and is subject to the following:

- (a) At all times during the application of the choke hold, the response of the individual should be monitored if possible. The choke hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has a choke hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.

- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.

3.2 (d) CAROTID CONTROL HOLD:

A carotid control hold is a technique designed to control an individual by temporarily restricting

blood flow through the application of pressure to the side of the neck and, unlike a chokehold,

does not restrict the airway. The proper application of the carotid control hold may be effective

in restraining a violent or combative individual. However, due to the potential for injury, the use

of the carotid control hold is limited to those circumstances where deadly force is authorized and

is subject to the following:

3.2 (d)(a) At all times during the application of the carotid control hold, the response of the

individual should be monitored. The carotid control hold should be discontinued when

circumstances indicate that the application no longer reasonably appears necessary.

3.2 (d)(b) Any individual who has had the carotid control hold applied, regardless of whether he/

she was rendered unconscious, shall be promptly examined by paramedics or other

qualified medical personnel and should be monitored until such examination occurs.

3.2 (d)(c) The patrolman shall inform any person receiving custody, or any person placed in a

position of providing care, that the individual has been subjected to the carotid control

hold and whether the individual lost consciousness as a result.

3.2 (d)(d) Any patrolman attempting or applying the carotid control hold shall promptly notify a

supervisor of the use or attempted use of such hold.

3.2 (d)(e) The use or attempted use of the carotid control hold shall be thoroughly documented

by the patrolman in any related reports.

3.3 Deadly/Lethal Force: Means any force that carries a substantial risk that it will proximately result in the death of any person.

3.4 Departmental Issued Handgun: The handgun issued to an officer by the department that is owned by the department.

3.5 Firearm: Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable, but which can be readily rendered operable. Firearm also includes weapons loaded with "less-than-lethal" ammunition.

3.6 Force: Conduct on the part of the police employee that is designed to assist the employee in controlling a situation or the actions or behavior of a person or persons.

3.7 Handgun: Any firearm designed to be fired while being held in one hand.

3.8 Imminent: The existence of any condition that is impending, urgent and significant in nature.

3.9 Imminent Danger: Means the existence of any condition that is impending, urgent and significant and which could reasonably be expected to cause serious physical injury/bodily injury to persons.

3.10 Impact Weapon: Weapons designed to incapacitate others to include, but not limited to: flashlights, batons and certain hand and kick techniques.

3.11 Intermediate Force: Any force which is intended to control, stop or incapacitate an offender and generally includes the use of less-than-lethal weapons including but not limited to, batons, oleoresin capsicum (OC) pepper aerosol gas, taser, etc.

3.12 Intermediate Weapons: Weapons designed to incapacitate others to include, but not limited to oleoresin capsicum (OC) pepper aerosol gas, taser.

3.13 Lawful objective: Includes but is not limited to the following: Arrest of an offender; controlling or overcoming resistive behavior; removal of an offender from a situation that presents a risk to public safety and order; defense of self or others from physical harm; serious physical harm or death; preventing the escape from custody of an offender or recapturing an escaped offender.

3.14 Less-than-lethal force: Any force which is intended to control, stop or incapacitate an offender and which has a low likelihood of causing death.

3.15 Less-than-Lethal/Less Lethal: Any force that is less than the amount reasonably expected to cause death or serious physical injury, and which is intended to control, stop, or incapacitate an offender. However, under some circumstances may ultimately result in death or serious physical injury.

3.16 Less-than-Lethal Weapon: Any weapon, other than a firearm, which when used, presents no significant risk of proximately causing the death of another. This includes devices specifically intended to be used as weapons; e.g., ASP Baton, Straight Stick, Oleoresin Capsicum (OC) Spray and devices not intended to be used as weapons, but which are used as a "weapon of immediate need", including, but not limited to, flashlights. A less-than-lethal weapon or "weapon of immediate need" can be used in such a manner as to constitute a lethal weapon based on need and manner of use.

3.17 Lethal force: Any force which carries a substantial risk that it will proximately result in the death of any person. The force used may be a firearm or other instrument or process that could be so employed so as to constitute a substantial risk that it would proximately result in the death of any person.

3.18 Lethal Weapon: Any weapon, instrument, device, or thing capable of inflicting death, and designed or specifically adapted for use as a weapon or possessed, carried or used as a weapon.

3.19 Officer-Subject Factors: Factors that are present in any officer-subject contact, used as a comparison between the officer and subject. This includes, but is not limited to; size, age, sex, skill level, physical condition, multiple subjects and disabilities.

3.20 Physical force: Any violence, compulsion or constraint physically exerted by any means upon or against a person who creates a risk of physical harm to that person (see Ohio Revised Code, section 2901.01A). Force also means conduct on the part of an officer that is designed to assist the officer in controlling a situation or the actions or behavior of a person or persons.

3.21 Physical Harm: Any injury, physical trauma, intense discomfort or acute pain.

3.22 Probable Cause: "When known facts and circumstances are sufficient to warrant a man of reasonable prudence in the belief that an offense has been or is being committed", United States v. Davis (D.C. Cir. 1972), 458 F.2d 819, 821. It is not necessary to present sufficient evidence to warrant a conviction in order to establish probable cause, but more than mere unsupported allegations are required.

3.23 Progressive Force: The escalation of levels of force used by an officer in order to control a situation or the actions of a person or persons, from minimal to maximal, following a reasonable and articulable need to apply higher levels of force.

3.24 Reasonable Belief: When facts or circumstances that the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

3.25 Reasonable Means: When an ordinary and prudent person would consider the methods used by an officer to be sound and logical under similar circumstances.

3.26 Restraining Devices: Restraining devices are tools used by an officer to restrain an arrestee to provide for the protection of both the officer and the arrestee. Included in restraining devices are handcuffs, disposable restraining devices commonly known as "Flex cuffs", "Tuff Ties" or other disposable temporary restraints, "Spit Nets" or other devices designed to prevent an arrestee from spitting, leg restraining straps and maximal restraining devices commonly referred to as "Welch Ties" or other similar devices. Restraining devices are not considered to be weapons.

3.27 Risk: A significant, as opposed to remote, possibility that a certain result may occur, or certain circumstances may exist.

3.28 Serious Physical Harm/Serious Physical Injury/Bodily Injury/Physical Violence: Any of the following in accordance with section 2901.01E of the Ohio Revised Code:

3.28.1 Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

3.28.2 Any physical harm which carries a substantial risk of death;

3.28.3 Any physical harm which involves some permanent incapacity whether partial or total, or which involves some temporary substantial incapacity;

3.28.4 Any physical harm which involves some permanent disfigurement, or which involves some temporary serious disfigurement;

3.28.5 Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.

3.29 Special Circumstances: Circumstances or conditions that are present during an officer subject contact that may require a higher level of force in order to control the situation or subject. This includes but is not limited to situations that place the officer or others in imminent danger, presence of a lethal or other weapon, special knowledge the officer may have about the offender, injury to the officer, attempted disarming of the officer and officer disability.

3.30 Substantial risk: A strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

3.31 Weapon: Any device other than a firearm carried or used to inflict physical harm upon another, including devices not specifically intended to be used as weapons.

3.32 Weapon of Immediate Need: Any device not specifically intended to be used as a weapon, but which may, due to exigent circumstances or an immediate threat of physical harm, serious physical harm or death, be used to counter or prevent an assault on an officer or another. Includes, but not limited to; flashlights, radios and any other authorized equipment when used in a defensive manner or any other object not specifically described which the officer uses in a defensive manner.

4.0 Policy:

It is the policy of the Cadiz Police Department that all persons, regardless of their involvement in a situation, shall be treated with respect, courtesy and the dignity due any human being, to the extent that such treatment is allowed by the subject's actions. Officers shall maintain a professional attitude at

all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive.

It is the policy of the Cadiz Police Department to use only the force necessary to attain lawful objectives. Officers of the Cadiz Police Department will use only the minimum amount of force necessary and reasonable to control a situation, effect an arrest, overcome resistance to arrest or defend themselves from harm. When the use of force is necessary, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the immediate threat the person poses to the employee or others. The use of force by officers of this department will, whenever possible, be progressive in nature. This force may be in the form of advice, warnings, persuasion, verbal encounters, physical contact, use of baton or other less-than-lethal weapons or the use of deadly force. Officers must weigh the circumstances of each individual case and employ only that amount of force which is necessary and reasonable to control the situation or persons. No officer will use unreasonable or excessive force toward any person.

The use of physical force will end immediately when resistance ceases, when resistance has been overcome or when the arrest has been accomplished. Emphasis shall always be upon obtaining control over the resistance situation rather than forcing submission. Officers shall not mentally or physically abuse any person that they contact or take into their custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he or she decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force and the type and extent of force, shall be thoroughly documented in the officer's written incident report.

It is the policy of the Cadiz Police Department that this use of force policy shall adhere to all applicable federal, state and local laws, as well as adherence to constitutional standards as set by the United States Supreme Court.

It is the policy of the Cadiz Police Department to provide training and testing on all aspects of the Use of Force Policy annually.

5.0 Procedures:

5.1 Use of Force Necessary to Accomplish Lawful Objectives: Recognizing the sanctity of human life and the necessity to preserve and protect the well-being of ourselves and others, police officers must ensure that the use of force or lethal force occurs only when all other reasonable alternatives have been exhausted or deemed to be inadequate. Occasionally, in the performance of their duties, police officers may be required to use force or lethal force to effectively perform their responsibilities. Officers must be familiar with the authority and limitations which governs the use of force and lethal force and understand that instruments or processes which constitute force or lethal force may vary

dependent upon the circumstances of each case. An instrument may be lethal or non-lethal, depending on its design or use.

Officers may use force only when necessary to accomplish lawful objectives and then only when all other reasonable means to accomplish the objective have been exhausted or are deemed to be inadequate. Force used must be based on reasonable and articulable facts or beliefs, taking into consideration the totality of the circumstances. This includes officer-subject factors, special circumstances, level of resistance, number of officers and/or offenders present and the availability of other options. Lethal force may be used by officers only when they reasonably believe that the action is in defense of human life, including the officer's own life or in the defense of any person in imminent danger of serious physical injury/violence and all other means have been reasonably exhausted. Lethal force may not be used to prevent the escape or flight of an offender whenever such offender presents no imminent danger to the officer or any other person (*Tennessee v. Garner*).

5.2 Officer's Response to Confrontational Subjects and Use of Force Continuum: Most physical confrontations are dynamic, rather than static and officers must constantly evaluate and respond to rapidly changing situations and factors. In general, use of force will be progressive in nature, beginning at the lowest possible levels (officer presence and verbal command) and escalating or de-escalating as needed in response to the changing situation. Circumstances may dictate that the officer immediately respond at a higher level of force or proceed rapidly from a low to high level of force, bypassing intermediate levels of force or de-escalate force in the same manner. At all times, the officer must evaluate the level of force being used and determine its appropriateness based on the totality of circumstances. Using a greater level of force than is reasonably necessary will not be tolerated, is contrary to policy and may constitute a violation of the civil rights of a subject and state and/or federal law. In general, the Use of Force Continuum is described as follows:

5.2.1 Verbal Control and Force: In dealing with people, each officer must make every reasonable attempt to make his/her contact one which inspires respect and generates cooperation and a feeling of goodwill between the citizens and the department. Officers will be courteous and civil in their relationships with the public. A citizen's encounter with the police can be a frightening/emotional experience and under these circumstances, the risk of misunderstanding is great. The manner and form in which an officer speaks can be an effective means of exerting verbal force in order to control a situation. Verbal control may be in the form of advice, persuasion, admonitions or orders. The volume and tone of the officer's comment may also be an effective tool to assume control over a situation without having to progress to any higher level of force. The use of profanity or disrespectful or argumentative conduct on the part of the officer is never acceptable. By using reasonable and necessary verbal control and force, officers may not have to resort to the use of other higher levels of force.

5.2.2 Physical Force: The majority of arrests handled by officers of this department are made peacefully, where the arrestee is handcuffed, searched and transported without incident. On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed into custody and other alternatives would be inappropriate or have been ineffective. Incidents of this nature require officers to use some level of physical force. Physical force involves actual bodily contact with a person, forcibly subduing that individual until resistance is overcome. Physical force can involve any one or a combination of the wide range of different levels of physical force, listed in order of severity from lowest to highest;

5.2.2.1 Escorts, strength, leverage and balance displacement techniques: Low level force techniques which are designed to permit an officer to move a mildly non-compliant subject without use of strikes, pain compliance techniques or joint locks. In some situations, although there is no real resistance, the

subject may offer some reluctance in complying. Under these circumstances, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force, by definition, would preclude the suspect from experiencing any pain or sustaining any injuries.

5.2.2.2 Takedowns, holds, or come-along techniques: Takedown maneuvers are soft, empty hand compliance techniques that provide an officer with a mechanical advantage for controlling a subject or taking the subject to the ground. Included are techniques such as transport wristlocks, bent or straight arm bars or close quarter personal control takedowns.

5.2.2.3 Control and compliance techniques: Includes physical joint manipulations and use of pressure points, compliance techniques such as arm locks, wristlocks and pressure point applications, which use pain to gain compliance with minimal chance of physical harm. Officers should be aware that pain compliance is not always an effective method, depending upon several factors, including individual pain tolerance, alcohol or drug use which lessens an individual's sensitivity to pain, mental disturbance, which lessens an individual's sensitivity to pain or a response to the pain stimulus from increased adrenaline which lessens the individual's sensitivity to pain while simultaneously increasing the individual's strength and ability to resist the officer.

5.2.2.4 Hard empty hand strikes to large muscle mass areas: These strikes are designed to temporarily interrupt motor function to the target area for the purpose of overcoming active or aggressive resistance or as a method of taking the aggressor to the ground for control. Strikes delivered to these areas can reasonably be expected to result in minor, temporary physical injury and pain. These include empty hand strikes, pushes, knee strikes, or kicks directed to major muscle groups such as the thigh, calf, forearm, biceps or associated nerve motor points such as the area of the common peroneal nerve, tibial nerve, radial and median nerves.

5.2.2.5 Hard empty hand strikes to structural areas: These strikes are designed to temporarily interrupt motor function to the target area for the purpose of overcoming active or aggressive resistance or as a method of taking the aggressor to the ground for control. Strikes delivered to these areas can reasonably be expected to result in minor, temporary physical injury and pain, however since structural areas are involved, more severe results may occur. These include empty hand strikes, pushes, knee strikes, or kicks directed to structural areas such as the knee, elbows and other joints. The use of these levels of physical force requires the use of sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody or innocent bystanders. Physical force excludes the use of weapons or objects, which could be used as weapons, such as batons and other impact weapons. In no instance will employees use physical force in excess of that which is reasonable and necessary to lawfully and properly neutralize an unlawful assault or overcome resistance by a person being taken into custody.

5.2.3 Intermediate Force: Intermediate force involves the use of less-than-lethal weapons against a person and forcibly subduing that individual with the assistance of these weapons until resistance is overcome. Any other less-than lethal object that an officer uses to assist in subduing an individual will

for the purpose of this policy be considered intermediate force; e.g., portable radio, rock, stick, flashlight. The use of intermediate force will be restricted to quelling physical confrontations where lesser verbal or physical force would be or has been ineffective or inappropriate. Officers of the Cadiz Police Department are authorized to carry any of the below listed less-than-lethal weapon upon certification with such weapon and further, each officer shall carry at least one of the below listed less-than-lethal weapons upon certification. Officers shall exercise due care if a decision is made to use a less-than-lethal weapon. Less-than-lethal weapons shall only be those issued and/or approved for use by the department and are generally those commonly accepted for use by law enforcement officers and more specifically, those listed and approved for use as follows;

5.2.3.1 OC Pepper Spray: By definition OC Pepper Spray is considered an intermediate weapon, but officers are authorized to escalate to the use of OC Spray if it is reasonable and necessary in the circumstances. Use of OC Pepper is intended to prevent injury to the person(s) involved, the officer and other persons present. The governing factor in the use of the aerosol is whether its use is reasonable and necessary. OC Pepper Aerosol is intended for use in situations when force is necessary to control belligerent, uncooperative persons or when verbal controls are ineffective and is designed to be used as a viable alternative to physical contact between the officer and suspect. Use of this product may greatly reduce the need for other types of physical force by the officer that could result in serious or potentially lethal injury to the officer, person(s) involved or others present. OC Pepper Spray may be used instead of resorting to any level of physical force if it can be shown that the intent of the officer was to prevent the potential of injury to the officer or suspect if physical force were to be utilized in the case.

5.2.3.2 Taser: The taser is considered an intermediate weapon, but officers are authorized to escalate to the use of the taser if it is reasonable and necessary in the circumstances. Use of the taser is intended to prevent injury to the person(s) involved, the officer, and other persons present. The governing factor in the use of the taser is whether its use is reasonable and necessary. The taser is intended for use in situations when force is necessary to control belligerent, uncooperative persons or when verbal controls are ineffective and is designed to be used as a viable alternative to physical contact between the officer and suspect. Use of the taser may greatly reduce the need for other types of physical force by the officer that could result in serious or potentially lethal injury to the officer, person(s) involved or others present. The taser may be used instead of resorting to any level of physical force if it can be shown that the intent of the officer was to prevent the potential of injury to the officer or suspect if physical force were to be utilized in the case. The word “taser” shall be declared if practical prior to deployment.

5.2.3.3 ASP Baton or Straight Stick: The ASP baton or straight stick are considered intermediate weapons, but officers are authorized to escalate to the use of the ASP baton or straight stick if it is reasonable and necessary in the circumstances. The use of this striking implement shall be restricted to quelling physical confrontations where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.

5.2.3.3.1 Baton and Straight Stick Strike: Techniques may include restraint holds, defensive blocks and strikes directed toward nerve motor points, major muscle mass or center body mass to stop an aggressor's actions or to neutralize an attack.

5.2.3.3.2 Striking Structural Areas: Refers to baton strikes intentionally directed to the subject's face, torso or joint areas. Strikes intentionally directed to these areas present an increased risk of physical

harm, including, but not limited to, fractures, joint separations, soft connective tissue injury and lacerations. Strikes intentionally directed to these areas are an escalation of force from strikes delivered to center mass, nerve motor points and large muscle mass groups. Such strikes may be necessary for an officer to defend himself or herself from extreme aggression or when strikes delivered to less vulnerable areas are reasonably determined to be inadequate.

5.2.4 Lethal Force: As long as members of the public are victims of violent crime and officers, in the performance of their duties, are confronted with deadly force, it will remain necessary for police officers to use deadly force for the protection of society and themselves.

An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling and only as a last resort when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.

Lethal force may be used by officers only when they reasonably believe that the action taken is necessary to protect the officer or another person from the imminent use of force that would likely result in death or serious physical injury and all other means have been reasonably exhausted or would be inappropriate given the threat level confronting the officer. Lethal force refers to the use of firearms with any ammunition including "less-than-lethal" ammunition and strikes with any hard metal or plastic impact instrument directed to the head, neck, throat, groin or other vital body structures. Force is considered to be lethal force whenever the use of a certain technique, weapon or ammunition is substantially likely to cause death, whether or not death actually occurs. It is to be understood that the use of typical less-than-lethal weapons could result in a lethal force situation. Even if lethal force is applied, the precept is not to kill the offender, but to cause the offender to stop the actions that led to the application of lethal force. The use of lethal force when apprehending a "fleeing felon" must meet the same conditions as stated above.

5.2.4.1 Verbal Warning: When officers are about to invoke lethal force, they will, when possible or practicable, issue a verbal warning to the suspect. In this warning, officers will identify themselves as police officers and instruct the suspect to cease or stop whatever action the suspect is doing that has caused the officer to consider the use of lethal force. **5.2.4.2 Shoot to Stop:** Officers will fire their weapons not to kill, but rather to stop and incapacitate an assailant from the actions that led to the determination that the offender presented a lethal force threat to the officer or another. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass" whenever possible.

5.2.4.3 Shooting at or From Moving Vehicles: Officers will not discharge a firearm at or from a moving vehicle except when all other reasonable means have been exhausted and it is necessary for the defense of the officer's life or the life of another person; or the officer has reasonable cause to believe that the suspect poses a significant and immediate threat of death or serious physical harm to the officer or others unless actions are taken to immediately stop the subject. Officers need to consider the risk created by a moving vehicle in which the driver might be incapacitated should they fire at it. Such risks include loss of control over the moving vehicle and the likelihood of a crash. Officers should not expect that firing at the vehicle will render it immobile, even if it sustains potentially disabling damage.

5.2.4.3 Risk to Innocent Bystanders: When officers are about to discharge their firearms, they will be cognizant of their field of fire and will not unnecessarily create a substantial risk of harm to innocent persons. When it appears likely or when a prudent or reasonable person would believe that an innocent

person might be injured, officers will not discharge their firearms. One exception to this would be circumstances in which the suspect's actions create greater risk of harm to innocent persons than the risks posed by an officer firing his/her weapon.

5.2.4.4 Vehicle Pursuits and Roadblocks: Vehicle pursuits and roadblocks may constitute deadly/lethal force. See Chapter 39 of this Policy and Procedure Manual for direction.

5.2.4.5 Choke Holds: Choke holds are to be considered lethal force and are prohibited except in those situations where the use of deadly force is legally justified.

5.3 Escalating Factors to the Progressive Use of Force: Officers are authorized to use a higher degree of force than that delineated in the above procedures, known as the use of force continuum, under any of the following circumstances:

5.3.1 Whenever there is more than a single offender or there are bystanders or companions who may intervene or interfere in the situation;

5.3.2 Whenever there exists the possible involvement of drugs and/or alcohol or the mental capacity of the offender is impaired so as to escalate the level of hostility and aggressiveness toward the officer or other innocent parties;

5.3.3 Whenever there is the presence or proximity of a weapon;

5.3.4 If there are any injuries, physiological capabilities or substantial age, gender and/or size differential which works to the disadvantage of the officer;

5.3.5 Whenever there is an unavailability of back-up or assistance from other officers or there are time constraints (i.e., need for immediate protection of a third party) or whenever the officer is required to make an immediate arrest;

5.3.6 When there is a known history of violent behavior by the assailant;

5.3.7 Whenever there are unusual circumstances or factors beyond the officer's control which introduces a higher-than-normal degree of risk to the officer or others if the continuum were followed.

5.4 Other Considerations in the Use of Force:

5.4.1 Assistance from Other Officers (Requesting Backup): When circumstances permit, an officer may choose to delay or defer action until sufficient officers are present to handle the situation. Frequently, the presence of additional officers is sufficient to prevent an incident from escalating. Further, some situations present too great a risk for a single officer to attempt to handle alone and officer safety concerns demand that an officer wait until there is sufficient assistance.

5.4.2 Disengagement from Confrontation: Officers are authorized and encouraged to disengage from a confrontational situation and retreat to a position of safety whenever, in the officer's opinion, such disengagement may decrease the threat of immediate harm to the officer, the offender or others. The decision of an officer to disengage from confrontation should include consideration of exigent and potential circumstances, including, but not limited to, availability of weapons, seriousness of the violations, physical, emotional and mental condition of the offender and officer, availability of additional officers or assistance and risk to the officer's or public's safety. No arrest or attempt to

control a subject is so important as to make concern for officer or public safety subordinate to arresting or controlling the subject.

5.4.3 Drawing or Exhibiting Firearms: Unnecessarily drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, may create unnecessary anxiety on the part of citizens and may result in unwarranted and accidental discharge of the firearm. Officers should not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm to prevent serious physical harm or death to the officer or another. When an officer does draw or exhibit a firearm while handling an incident, this is to be documented in the police narrative report for that incident.

5.4.4 Display of Less-Than-Lethal Weapons: Officers may display individually issued weapons, such as ASP baton or OC spray whenever an officer feels that such display will have the effect of diminishing aggressive actions in any situation. Such display should also be coupled with verbal direction and/or a warning that if the aggressor does not cease the behavior, the officer will use the weapon. Officers should be aware that the display of a less-than-lethal weapon may have an agitating effect on an offender's aggressive behavior, which may require that the officer actually use the weapon. Officers should not display weapons as a "scare" tactic, but as a method of displaying to the offender that he has to make a choice between decreasing his aggressive behavior or risk having the weapon used against him.

5.4.5 Use of Less-than-Lethal Rounds Fired At large Muscle Masses: Less-than-lethal rounds include the 12 gauge "bean bag" round, 12 gauge "rubber pellet" round or any other ammunition which is expressly designed to be used as a less-than-lethal round in any department issued or approved firearm. These rounds are to be fired at a center body mass or large muscle mass target area. These should not be intentionally fired at the head, neck throat or groin area. Officers are to be aware that despite their design, these rounds have the potential to cause serious bodily harm or death if fired at these areas.

5.4.6 Duty to Intervene: All officers of the Cadiz Police Department, regardless of rank, probationary status, or time in service shall intervene to prevent or stop the known and/or apparent use of excessive force by another officer when it is objectively reasonable to do so. Further, such intervention shall be reported to the chief of police as soon as possible for review.

5.5 Security, Storage and Safe Handling of Firearms:

5.5.1 Various civilians have access to the building on a daily basis. Due to facility design, suspects, victims and witnesses may sometimes be left periodically unattended. Whenever an officer is in the department and removes his/her handgun, the handgun must be secured in a locked area that is not readily accessible to civilians, suspects, victims or witnesses. Other weapons are to be placed in a locked locker, a locked room or in a handgun security locker so that they are not readily accessible to unauthorized persons.

5.5.2 No person other than an Cadiz Police Officer shall be permitted access to any department owned firearm, except for repair or maintenance as approved by the Chief of Police. Officers will secure and store firearms both on and off duty in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm. All departmental firearms kept at home must be secured in a safe place with extra consideration given for inaccessibility to children.

5.5.3 Discharge of a firearm is permitted only when in conformance with this lethal force policy or during firearms training. Officers may discharge their firearm for the purpose of practice or firearms training on the police range or other established shooting ranges or for legitimate recreational or sporting purposes. Officers will exercise all normal safety precautions and obey all appropriate rules or directives while practicing or participating in firearms training on the departmental or other established ranges.

5.6 Weapons Assessment, Implementation and Documentation: As modern technology introduces new techniques, less-than-lethal and/or lethal weapons, the Chief of Police shall review such technology and may implement these modern advances as he or she sees fit, based on accepted professional police practices. No technique, less-than-lethal or lethal weapon shall be implemented without proper training, certification or qualifications as applicable.

5.6.1 Firearms: The Cadiz Police Department authorizes sworn officers to carry the following makes, model and caliber of firearms, both on and off duty:

5.6.1.1 Any reputable firearm manufacture, make and model as approved and signed-off by the departmental firearms instructor. Such firearm shall not have been modified without explicit and written authorization from the Chief of Police.

5.6.1.2 On-Duty calibers shall be as follows:

5.6.1.2.1 9MM

5.6.1.2.2 10 MM

5.6.1.2.3 .40 Caliber

5.6.1.2.4 .45 Caliber

5.6.1.3 Off-Duty calibers shall include as stated in 5.6.1.2, plus:

5.6.1.3.1 .22 Caliber

5.6.1.3.2 .25 Caliber

5.6.1.3.3 .32 Caliber

5.6.1.3.4 .380 Caliber

5.6.2 Ammunition: The Cadiz Police Department authorizes sworn officers to carry such ammunition as authorized by the departmental firearms instructor who shall review available ammunition annually. Such ammunition selection shall be documented on the qualification sheet of the officer and shall establish the only approved ammunition for use in his or her particular firearm until his or her next qualification.

5.6.3 Unsafe Firearms: The firearms instructor for the Cadiz Police Department has the authority to render any firearm unsafe at any time. Such designation shall cause such firearm to be unauthorized for departmental use, both on and off-duty and shall authorize the firearms instructor to issue an authorized firearm to the officer affected with approval of the Chief of Police.

5.6.4 Documentation: The firearms instructor for the Cadiz Police Department shall keep all records of qualifications, approved firearms and ammunition per individual officer within a combined file. The firearms instructor shall also cause each record of qualification, approved firearm and ammunition to be filed in each officer's personnel record each time such officer qualifies.

5.6.5 Qualifications: Officers of the Cadiz Police Department shall qualify at least one time per year. The firearms instructor is authorized to conduct qualifications on a more frequent basis as authorized by the Chief of Police. All such qualifications shall require documentation as per 5.6.4.

5.7 Authorized and Approved Miscellaneous Equipment:

5.7.1 Flashlights: The primary purpose of the flashlight is for illumination, but on occasion, when circumstances dictate, it may be used as a weapon of immediate need either as a parrying (ward-off) device or impact weapon.

5.7.2 Restraining Devices: Handcuffs, plastic-cuffs, "tuff-ties" temporary handcuffs, cruiser leg restraints, belly and/or leg chains as issued or approved by the department.

5.7.3 Maximal Restraining Devices: Although not considered to be weapons, certain maximal restraining devices commonly referred to as "hobbles" or "Welch" ropes create the potential for a condition known as "Sudden In-Custody Death Syndrome" (SICDS). These devices consist of a rope or strap with a loop in one end and a clip in the other end or construction substantially equivalent. Such devices are often used in conjunction with handcuffs or other hand restraints for the temporary restraint of a violently resistive subject for the purpose of restricting movement of the legs and to prevent kicking or flight of a subject. Unless necessary to fully control the subject to prevent injury to an officer or other, the device should be used only to keep both legs restrained together; officers should not secure an end to handcuffs or belts.

Certain "predisposing factors" have been identified in cases involving SICDS. Officers should be aware of these factors and take them into consideration prior to utilizing a maximal restraining device. These factors are as follows:

5.7.3.1 Prior to officer involvement, the subject has engaged in violent, irrational or bizarre behavior, which may be indicative of mental instability and/or drug use (particularly cocaine or PCP or a combination of these and other drugs and alcohol); the subject has engaged in a violent struggle with officer(s) during which the subject may have been pinned to the ground by more than one officer.

5.7.3.2 The subject is obese and has a comparatively large abdomen.

5.7.3.3 The subject is apparently not affected by use of OC spray, taser or other pain compliance techniques and demonstrates a reduced response to pain;

5.7.3.4 Once restrained, the subject is left lying face down on the stomach or is placed in the transport vehicle in a face down position or with the face toward the seat back or side door of the vehicle where air access is reduced or restricted; Officers are to be aware that in some SICDS cases, emergency medical assistance was immediately available when the subject went into either cardiac or respiratory arrest and such assistance was not able to revive the subject. In order to minimize the risks associated with SICDS officers shall do the following if it becomes necessary to utilize a maximal restraint to control a violently resisting subject.

5.7.3.5 As soon as possible, place the subject onto his side rather than leaving him face down;

5.7.3.6 Request emergency medical assistance to transport the subject to a treatment facility;

5.7.3.7 Monitor the subject's physical condition being especially alert for signs of respiratory or cardiac distress;

5.7.3.8 As soon as possible, remove the maximal restraining device and secure the subject with restraint attached to the ambulance cot;

5.7.3.9 At least one officer shall accompany the subject during transport to a medical treatment facility. Should it be necessary for the subject to be transported to a medical treatment facility without assistance from emergency medical personnel, officers shall do the following: If it is not possible to sit the subject upright with seat belt in the car, the subject will be placed in the patrol car lying on one side with his face toward the front of the car;

5.7.3.10 At least one officer shall be assigned to ride with the subject in the patrol car in order to monitor his physical condition, if possible;

5.7.3.11 Avoid placing the subject in such a position where his breathing will be restricted by the car interior;

5.7.3.12 The subject is to be immediately transported to an emergency medical facility for examination or treatment.

5.7.4 Spit Nets: Exposure to infectious pathogens, which may be present in bodily fluids such as saliva, is a risk to all officers. In order to minimize the risks to officers when an arrestee begins spitting, all vehicles used for prisoner transport are equipped with devices known as "spit nets". These devices consist of a mesh hood and a cloth shield with tie strings for securing the hood. The net is to be placed over the head of any subject who is spitting at officers or others. Spit nets may also be applied to persons who have been sprayed with OC spray to minimize officer exposure to mucous secretions caused by the OC. If needed, "spit nets" are applied and secured as follows:

5.7.4.1 The hood is placed over the subject's head with the tie strings toward the front;

5.7.4.2 The tie strings are passed under the subject's arms and through the loops provided on the back portion of the hood;

5.7.4.3 The tie strings are then brought together in the middle of the subject's back and tied together with a square knot;

5.7.4.4 An alternative method would be to secure each tie string to itself after passing it thorough the loops by use of a half hitch or similar tie. This method may be necessary to properly secure the net on larger persons;

5.7.4.5 "Spit nets" should only be applied after other restraining devices (handcuffs, leg restraints, etc.) have been applied.

"Spit nets" should be applied whenever a subject start spitting, even if the vehicle is equipped with a solid cruiser screen to avoid potential exposure to infectious pathogens on cleanup. Spit nets are disposable and not to be re-used.

5.7.5 Cruiser Leg Restraints during Prisoner Transport: Each cruiser is equipped with a restraining strap to be utilized to aid in restraining violently resistive subjects during transport. These restraints are stored in the trunk organizer of all marked vehicles. These restraints are to be applied as a

precautionary measure during prisoner transports whenever an arrestee has demonstrated resistance to arrest prior to being placed in the cruiser. They are also to be utilized to restrain arrestees who have become violent after being placed in the cruiser. These restraints are provided for the purpose of preventing injury to officers, the arrestee and to prevent damage to the vehicle. It is still necessary to apply vehicle occupant restraints (lap/shoulder belts) to arrestees for transport when these devices are used on prisoners by officers. These restraints are applied as follows:

5.7.5.1 The leg belt is fully extended with roller buckle end extended toward the outside of the vehicle;

5.7.5.2 The free (non-buckle) end of the belt is placed under the arrestee's legs just above the knee;

5.7.5.3 The web strap with doorstop is allowed to hang free;

5.7.5.4 The belt is brought back across top of arrestee's legs and passed through the roller buckle, then doubled back, drawing the belt as snug as possible. The hook and loop closure is then utilized to secure the belt to itself;

5.7.5.5 Ensure that the loose end of the belt is underneath the arrestee's legs after application to prevent opening the belt by pulling with the teeth;

5.7.5.6 The web belt with doorstop is then extended to outside of door frame and the cruiser door is closed, trapping the web belt to prevent the arrestee from being able to move legs or kick at officer or vehicle;

5.7.5.7 In order to properly apply this restraining device on a resistive subject, assistance from other officers may be necessary.

6.0 Prohibitions:

6.1 Officers are prohibited from discharging firearms for the purpose of firing "warning shots."

6.2 Officer shall not perform or cause to be performed, any repair, modification or alteration upon any duty or off-duty firearm unless authorized by the Chief of Police and then as only performed by an authorized service agent of the firearm manufacturer.

6.3 Officers are prohibited from carrying or using any weapons on the following list during the performance of their duties. Officers are also prohibited from carrying or using any other weapon not listed, which could be considered as a defensive weapon unless approved by the Chief of Police. This is not an exclusive listing and includes weapons that are substantially the same as those listed but called by other names.

6.3.1 Brass knuckles, slappers, saps: No officer of the Cadiz Police Department will carry or use at any time any weapon of the type commonly referred to as brass knuckles, slappers, saps or sap gloves;

6.3.2 Karate sticks: No officer of the Cadiz Police Department will carry or use any device known as a "Nunchaku, num-chuks" or "karate sticks" while on duty or working any special assignment.

7.0 General Safety Rules

7.1 Before handing any firearm to another authorized individual, the officer shall open the action and unload the weapon. The officer receiving the firearm must double-check it to ensure that the firearm is unloaded and in a safe condition. Safe conditions are as follows:

7.1.1 Semi/automatic: magazine out, slide back, applicable safety mechanisms activated;

7.1.2 Revolver: cylinder released and swung out from the frame;

7.1.3 Shotgun: safety on, unloaded, breech block open.

7.2 For other than training purposes, a firearm shall never be pointed at anyone whom the officer would not have justifiable cause to believe presents an imminent and significant threat of serious physical harm.

7.3 A firearm shall not be pointed in a direction where an accidental discharge could result in injury to any person or property.

7.4 Dry firing may only be conducted on the range or a safe place within the police department for test purposes, only after complete assurance is made that the weapon is empty and pointed in such a direction that no person could be harmed or be alarmed in the event of an accidental discharge.

7.5 Officers should not develop a habit of placing their finger on the weapon's trigger until firing of the weapon appears imminent, nor cocking the weapon unless the officer is about to discharge the weapon.

7.6 Firearms shall not be left unsecured/unattended for any reason. If the need arises, officers may use his/her assigned locker to secure his/her weapon while on duty; lockers must be locked at all times when a firearm is stored in them.

8.0 Departmental Training and Testing on Use of Force, Less-than-Lethal and Lethal Use of Force, Including Weapons Training

The Cadiz Police Department will conduct Use of Force and Lethal Use of Force training and testing, including lethal weapons training on an annual basis. Such training shall be the responsibility of the training officer to schedule, organize and document. Documentation shall be kept within the individual officer's personnel file as well as the departmental training documents. It will not be necessary to conduct training on each less-than-lethal weapon after the initial certification unless otherwise dictated in this policy.

8.1 Certification: Officers of the Cadiz Police Department shall be certified to carry less-than lethal weapons prior to carrying or use of such weapon. Authorized and certified instructors are the only instructors that may train and certify Cadiz Police Officers specific to each less-than-lethal weapon being taught.

8.2 Qualification: Officers of the Cadiz Police Department shall be deemed qualified for lethal weapons (firearms) carry and use when such training has been accomplished by an Ohio Peace Officer Academy Certified Firearms Instructor and record of such annual qualifications/training has been documented.

8.3 Required annual training, less-than-lethal weapon:

8.2.1 Taser

8.4 Required annual training, lethal weapon:

8.4.1 Handgun firearms, on-duty and off-duty;

8.4.2 Shotgun;

8.4.3 Tactical weapons, if assigned to the special response team or otherwise applicable.

8.5 Review of Training Needs: Each December the assigned training coordinator shall assess the training needs of our department and add or modify our current less-than-lethal and lethal weapons training/qualifications procedures based on accepted professional police practices. Such assessment shall be reviewed by the Chief of Police and implemented as deemed necessary.

9.0 Ensuring Appropriate Medical Aid after Use of Force Incidents

When an officer finds it necessary to use force to affect an arrest or for any other purpose, the officer shall determine whether or not the person is injured and arrange for appropriate medical treatment of any injury. This includes, but is not limited to, administering first aid, transporting the person to a hospital or other medical facility, requesting a rescue squad or arranging for other transportation to a hospital or emergency medical facility. In addition, the officer will notify his or her supervisor that force was used and if any injuries resulted from the use of force. Any time a person in custody is injured through no fault of the officer, the officer shall notify his or her supervisor as soon as circumstances allow. When any person complains that an officer has injured him or used unnecessary force against him, the officer is to immediately notify his or her supervisor.

If the person refuses treatment at the hospital, the name of the attending physician, nurse or other hospital employee to whom the refusal was made shall be recorded in the police incident narrative report. Additionally, other witnesses to the refusal (police officers, etc.) shall be listed in the report. If the injured person was offered but refused treatment at a location other than the hospital, the names of witnesses (police officers, civilians, rescue squad personnel, etc.) to this refusal shall be included in the report. If the injured person is unconscious or unable to either consent to treatment or refuse permission for treatment as a result of injuries received in a use of lethal or less-than-lethal force, the person shall be deemed to have not refused to give consent for the treatment of any injury.

Officers involved in or witnessing “Use of Force Incidents” will complete and submit supplementary reports to the initial incident report. The primary officer involved in the use of force shall indicate such use of force, detailing all facts surrounding the use and type on the incident report.

Any time a person has visible injuries, complains of being injured or alleges he or she was injured as a result of force used against him or her by an officer, the supervisor will respond to the appropriate location (scene, police department, hospital, etc.) as soon as possible. In such cases the supervisor, where warranted, shall take necessary photographs of the person's injuries and attach those photographs to the incident report.

9.1 First Aid Specific to O.C. Spray: An individual exposed to OC pepper will be treated as soon as he or she becomes manageable, according to the following procedures:

9.1.1 The general treatment for exposure to OC pepper spray is the application of multiple "Sudecon" decontaminant wipes as directed by the manufacturer, copious amounts of fresh air and flushing with plain water. Officers and other persons exposed to the irritant should avoid the application of any creams, oils or soaps to affected areas as irritation may continue, causing the skin to blister. The exposed individual should be taken to a secure location and permitted to thoroughly wash his or her face and eyes with cold or cool water for several minutes to neutralize the effects of OC pepper. Under no circumstances will warm or hot water be used, since this will intensify the symptoms. If water is not available, the person(s) should be exposed to fresh air.

9.1.2 An officer will not remove contact lenses from the eyes of a person who has been exposed to OC pepper. The person may remove his or her own contact lenses, if necessary. Once removed the contact lenses will be packaged and held until they can be returned to the subject. The owner must be informed that, because he or she was exposed to OC pepper, the lenses are no longer usable and placing them in the eyes will result in a return of the symptoms of the OC pepper exposure. The officer shall indicate in his or her report that the owner was so informed.

9.1.3 Persons who have been sprayed with the aerosol self-defense spray are to be taken to the hospital emergency room for treatment if they so demand.

9.1.4 The Available Rescue Squad shall be called for medical assistance if the individual exposed exhibits breathing difficulties, blistering, if the symptoms of exposure persist or if the officer determines that medical treatment appears necessary.

9.2 First Aid Specific to Taser Deployment:

An individual who has been tased and taser probes remain in the subject shall be treated as follows:

9.2.1 Person with probes lodged in their head, face, eyes, neck or genital area will be transported to the hospital to have them removed by a physician.

9.2.2 Probes that are lodged in areas of a person's body not mentioned in the above section shall be removed by Ada Police Officer who have had the proper removal training.

9.2.3 Removal of the probes that would require the touching and/or exposure of the person's breast or buttocks will be done by a like-gender Cadiz Police Department Officer that has been trained to remove the probes. If a like-gender member is not available, then the person will be transported to the hospital to have the probes removed by a physician or Emergency Medical Services may be called to the scene for probe removal by a trained emergency medical technician.

9.2.4 In any case where a subject suffers or claims to suffer beyond the probe sticks of the taser device by any means, such person shall be afforded immediate and appropriate medical treatment.

10.0 Reporting and Review of Use of Force Incidents

10.1 Verbal Reporting of Use of Force Incidents: All officers who have used intermediate force or hard empty hand strikes as defined in this policy shall verbally report such use as soon as practical after such use. Further, any force that is applied that has caused or is alleged to have caused injury or death shall be verbally reported to a supervisor as soon as practical.

10.2 Written Use of Force Reports: All use of force incidents shall be thoroughly reported within the officer's incident report to include all defined uses of report and actual or claimed injuries. Such report shall be reviewed by the officer's immediate supervisor to ensure that this policy has been followed and excessive force was not used. Reviewing supervisor shall then prepare a "use of force" written report to the Chief of Police for any and all incidents involving the use of intermediate force, hard empty hand strikes or force which results in claimed or actual injury/death.

10.2.1 Any and all officers who have witnessed or participated in the use of force shall detail their involvement as a supplement to the main incident report.

10.3 Discharge of Firearms Report: In all cases of a firearm discharge, other than the humane disposal of an animal, training or recreational purpose, such discharge shall be detailed in the officer's written incident report which shall be forwarded to a supervisor who shall review the report and forward a "use of force" report to the Chief of Police.

10.3.1 Discharging a firearm for the purpose of humanely disposing of an animal shall be logged on the officer's daily activity log.

10.4 Annual Review/Analysis: Each year the Chief of Police shall review all "use of force" reports to ensure proper action by Cadiz Police Department officers. Such review shall be the basis for future training and/or education.

11.0 Administrative Actions

11.1 In cases where an officer has inflicted or alleged to have inflicted serious physical injury or death through the use of force, such officer shall be removed from line-of-duty status until such time as the officer(s) have had the opportunity to:

11.1.1 Participate in post-incident debriefing and counseling through a certified mental health counselor, with preference to counselors that have dealt with law enforcement use of force issues or who have been trained in such issues, and;

11.1.2 Pending administrative review of the incident.

11.2 In some cases and as per request of the officer, his or her family, upon determination by the Chief of Police or the counselor, family counseling may be provided.

11.3 Due to the fact that this administrative action may cause an ill-effect on the officer and/or department, the Cadiz Police Department shall review this portion of our use of force policy annually to ensure that officers understand the intent of this section, to include:

11.3.1 The protection of the community interest when officers may have exceeded the scope of their authority in their actions, or;

11.3.2 To shield officers who have not exceeded the scope of their authority from possible confrontations with the community, and;

11.3.3 To allow "healing" time for the officer throu