



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



2024-1433

Officer Involved Critical Incident - 4802 James Road, North Ridgeville, Ohio

Investigative Activity: Use of Force Policy Received
Involves: North Ridgeville Police Department (O)
Activity Date: 05/20/2024
Activity Location: BCI, 4055 Highlander Parkway, Richfield, OH 44286
Authoring Agent: Special Agent Nicholas Valente #139

Narrative:

On May 20, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente received a copy of the North Ridgeville Police Department's Use of Force Policy from North Ridgeville Police Records Clerk Brenda Girgash. The Use of Force policy was attached to this report for review.

References:

None

Attachments:

1. North Ridgeville Police Use of Force Policy

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NORTH RIDGEVILLE POLICE DEPARTMENT

Policy/Procedure: 2.000

Title: Use of Force

Reviewed: May 1, 2021

I. PURPOSE/SCOPE

The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

II. DEFINITIONS

Force: The application of physical techniques or tactics, issued tools (chemical agents, conducted electrical weapon, less lethal impact projectiles, auto lock batons, the hobble, police canine, firearms, police knife) or other natural weapons to another person.

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

Less Lethal Force: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

Serious Bodily Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, increase in officer numbers, tactical repositioning, etc.

III. USE OF FORCE

Officers shall use only that amount of force that is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose; to protect the officer or another from immediate physical harm, to restrain or subdue an individual who is actively resisting or evading arrest, to bring a potentially unlawful situation safely and effectively under control.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that is objectively reasonable in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion and training in determining the appropriate use of force in each incident.

Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to promptly de-escalate the use of force as the subject de-escalates or comes under police control.

Force will never be used:

- In a punitive or coercive manner.
- Use of physical force shall be discontinued when resistance ceases and the incident is under control.
- Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person.
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves.

IV. USE OF FORCE TO AFFECT AN ARREST

Any officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

V. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

VI. USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers will not use any choke hold or vascular neck restraint or any other technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted, to prevent a person from swallowing evidence or contraband.

VII. DE-ESCALATION

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or a commission of a crime an officer shall do the following:

1. Use de-escalation techniques and tactics in an effort to reduce or eliminate the need for varying levels of force. De-escalation techniques and tactics include but are not limited to the following:
 - Using time, distance and cover
 - Gathering resources (both personal and equipment)
 - Using crisis intervention techniques
 - Gathering information about the incident
 - Assessing risks

2. Allow an individual time and opportunity to submit to verbal commands before force is used.

VIII. DUTY TO INTERVENE/REPORT EXCESSIVE FORCE

Any officer present and observing another officer (from this department or another) using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

An officer who observes another officer use force that exceeds the degree of force permitted by law should promptly report these observations to the following:

*Witness own department members using excessive force:

- If the officer using the excessive force is another patrolman, the shift OIC and the Division Commander shall be notified in writing.
- If the officer using the excessive force is a Sgt., the Lt. and the Division Commander and the Chief of Police shall be notified in writing.
- If the officer using the excessive force is a Lt., the Division Commander and the Chief of Police shall be notified in writing.
- If the officer using the excessive force is the Division Commander, the OIC and the Chief of Police shall be notified in writing.
- If the officer using the excessive force is the Chief of Police, the OIC, the Division Commander and the SSD shall be notified in writing.

*Witness other department members using excessive force:

- If officers of this department witness officers from other departments using excessive force they shall document in writing what occurred and forward it directly to the Captain of Police.

*****All reported excessive force claims will be investigated and documented.**

IX. NOTIFICATION TO SUPERVISORS AFTER APPLICATION OF FORCE

Supervisory notification shall be made as soon as practical following the application of physical force under any of the following circumstances:

- Where the application of force appears to have caused physical injury.
- The individual has expressed a complaint of injury/pain.
- Any application of a less lethal control device (to include but not limited to the following: OC Spray, CEW, LLIP, K-9 apprehension, Baton Strikes, Hobble, natural tools, lateral vascular neck restraint)
- The subject was struck or kicked.
- Where the individual has been rendered unconscious.
- Any attempt at or use of deadly force.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

Supervisor Responsibilities

- When a supervisor responds to an incident where there has been an application of force, the supervisor is expected to:
 - Obtain the basic facts from the involved officers.
 - Ensure that any injured parties receive medical examination and treatment if needed.
 - When possible, separately obtain a recorded interview with the subject upon whom force was applied (reminder that if the subject is in custody Miranda would apply).
 - Ensure that photographs have been taken of any areas involving visible or complaint of pain, as well as overall photographs of uninjured areas.
 - Identify any witness not already included in related reports.
 - Complete supervisor section of "Use of Force Form."

****In the event that a supervisor is unable to respond to the scene of an incident involving the reported use of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

X. MEDICAL ATTENTION AFTER APPLICATION OF FORCE

1. After the incident is brought under control and prior to NRPD arriving on scene, officers shall perform basic first aid (examples: wound compression, applying tunicate bandage, keeping subject still, etc.). The subject **WILL NOT** be left (unless there is another medical reason to do so) in a position where he/she is lying face down/up. Subjects will be rolled onto their side or placed in a sitting position.

2. Medical examination and/or treatment (by NRPD squad) shall immediately be provided when:
 - The subject has obviously suffered a physical injury or has been rendered unconscious.
 - The subject makes a request for medical attention or is complaining of injury/pain.
 - Where there has been an application of a less lethal force tool to include OC spray, CEW, LLIP, ALB, Hobble, K9, LVNR or natural tool.
 - As in any violent/resistant encounter, officers need to be cognizant of persons who may be exhibiting signs and symptoms of Excited Delirium or other drug induced psychoses. Some of the symptoms include: **bizarre or violent behavior, signs of overheating/profuse sweating, disrobing, violence toward/attacking glass, lights and reflective surfaces, superhuman strength and endurance, impervious to pain, self-mutilation, loss of consciousness, disturbance in respiratory pattern**. Any person exhibiting any of these signs/symptoms will be immediately transported to a medical facility for evaluation/treatment.
 - All persons who have been the subject to a force deployment shall be monitored for a period of time with a focus on symptoms of physical distress. Should one or more of the above behaviors manifest, the subject may require immediate medical assistance due to pre-existing conditions, possible overdose, cocaine psychosis, excited delirium, etc.

3. Officers shall insure the persons supplying medical care or receiving custody (county jail) of the person are made aware of the following:
 - The person was subjected to a use of force application.
 - If known, that the person is under the influence of certain drugs (Cocaine, Amphetamines, Barbiturates, PCP, Opiates, Heroin, or high levels of alcohol).
 - If known, the persons has a history of heart problems, lung problems, diabetes, high blood pressure or any other potentially serious medical condition (unless pertinent to the incident these medical issues shall not be listed/mentioned in the report due to HIPAA related issues).

Medical Authority

- **NRFD has sole responsibility for determining medical needs. All recommendations made by NRFD will be adhered to.**
- If cleared by NRFD at the scene, any arrestee involved in a use of force incident **WILL NOT be transported to the jail in a face down/up position.** ***See Policy 2.005 Arrest Procedures, subsection "Transport of Arrestees" for guidance*

Refusal of Medical Attention

- If any of the above (found in number 2 above) occur, a squad will be immediately dispatched. The subject will not be able to refuse medical attention until they make contact with someone in the medical field (paramedics, hospital staff, etc.).
- After a squad is requested and it arrives on scene, if the subject refuses medical attention, such a refusal will be documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. A copy of the NRFD refusal of medical attention form shall be requested and included with the case file.

XI. REPORTING THE USE OF FORCE

It is the policy of this police department that any use of force will be documented. This documentation shall be completed on the following two (2) departmental forms:

- a. NRPD Incident Report – The incident report will fully document and include at least the following:
 - Subject's threats, behaviors, and actions that resulted in the officer's use of force.
 - Each of the officer's applications or reapplication of force and legal justification for same.
 - Each injury or allegation of injury reported by the subject as a result of the use of force.
 - Decontamination procedures used (if applicable).
 - Medical assistance/treatment that was requested/rendered.
 - Medical reports (squad run, hospital records, etc.)
 - Collected/available video (cell phone, business, BWCS, etc.) of incident.
 - Photographs – Visible injuries caused by an officer's use of force shall be photographed. If the subject makes a claim of a physical injury, but the injury is not readily apparent, the area being reportedly injured will also be photographed.
 - Offenses charged
 - Injuries to others (to include pictures/medical assistance/medical reports)

- b. Use of Force Form (See Appendix – C for copy of form) - The officer(s) involved in the use of force incident will be required to fill out the first part of this form. The form will then be forwarded to the OIC who was on duty at the time the application of force was used. The OIC will then complete section two of the form, attach a copy of the police report to it, and then forward it to the Division Commander. The Division Commander will complete section three of the form and then forward it to the Chief of Police for review.

*****Note: Each Officer who applied force to the subject is required to fill out a Use of Force Form.**

All Incident Reports and Use of Force Forms will be reviewed through the chain of command. The purpose of this review is to determine:

- Were departmental rules, policy and procedures adhered to?
- Was there a violation of criminal or civil rights laws?
- Does the officer need additional training/understanding of applicable policy?
- Does departmental policy/current training need revision?
- Is the relevant policy or procedure clearly understandable and effective to cover the situation?

XII. DEADLY FORCE APPLICATIONS

An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:

- a. To protect the officer or others from what is reasonably believed to be an imminent threat of death or serious bodily harm

Defining - Reasonable Belief – When facts or circumstances the officer knows are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances

Defining - Serious Bodily Harm – A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long term loss or impairment of the function of any bodily member or organ.

- b. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended

Warning of Pending Deadly Force: Whenever possible and when such delay will not comprise the safety of the officer or another, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.

Deadly Force Restrictions

- a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
- b. Firearms shall not be discharged at a moving vehicle - Shots fired at a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

Exception - An officer may discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

- c. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

XII. ANNUAL READ AND TESTING

On an annual basis, the Use of Force Policy will be read and tested upon by all Officers of this department. Any portion of the policy that is not understood by the officer shall be brought to their immediate supervisor for clarification.

APPENDIX - A

OC SPRAY

CONDUCTED ELECTRICAL WEAPON

LESS LETHAL IMPACT PROJECTILES

AUTO-LOCK BATON

HOBBLE

CANINE

LATURAL VASCULAR NECK RESTRAINT

Less lethal force options include but not limited to the following:

1. **Oleoresin Capsicum Spray-OC SPRAY**



Trained Officers are authorized to use OC spray when it is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

For training/comparative purposes only, on the Action Response Continuum (found in Appendix – D) OC Spray is analogous to the Conducted Electrical Weapon (CEW), hand/leg striking and baton restraint.

OC Spray will not be used in the following manner;

- In a punitive or coercive manner
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion
- On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves.
- Officers will **NOT** use OC Spray against persons who are solely being passively resistant. (See Appendix E – Dealing with Passive Resisters)
- In any environment where the subject's fall could reasonably result in death or serious injury.

Subject's Warning of OC Spray Application – See Section VII, "De-Escalation," – Subsection 2, of this policy.

OC Re-Application – While there are circumstances under which multiple applications may be appropriate and reasonable, each reapplication must be legally justified. Officers need to be continuously evaluating the situation to determine if subsequent applications are necessary. In an attempt to minimize the number of OC Spray applications needed for subject compliance, officers should use verbal commands ("stop resisting," "lie flat," "put hands behind your back," etc.) and work quickly to "control/cuff" the subject during the window of opportunity the application provides.

When the situation allows officers discharging OC Spray shall aim for the subject's eyebrows and maintain a distance of at least 36 inches from the subject when discharging OC Spray. This distance will limit the possibility of causing injury to the subject's eyes due to the presence of compressed air pressure.

Officers need to be aware of their surroundings when applying OC Spray. Officers need to take into consideration closed ventilation buildings (air circulates throughout the building entire building), crowded enclosed areas, and the innocent overspray that can occur.

Supervisor Notification - See Section IX, "Notification to Supervisor After Application of Force."

After OC Deployment Care - See Section X, "Medical Attention After Application of Force."

Note: To further the decontamination process, use of wet paper towels pressed on the face followed by a dry paper towel (pat dry) has proven to be the most effective way to remove resin/chemicals from the skin. They should be applied numerous times until the resin/chemicals are removed. Do not use the same towels over and over. After the above steps are complete, have the subject wash their face with a non-oil based soap to remove the remainder of the resin/chemicals from the skin and again pat dry. Under normal circumstances, all major symptoms should disappear within 30 to 45 minutes. If symptoms persist again seek medical attention for the subject.

Reporting Deployment of OC Spray – See Section XI, "Reporting Use of Force."

*****Officer Safety** – OC Spray should not be generally used as a substitute when a deadly force option should be considered. In a deadly force situation if an officer does decide to deploy OC Spray they should be backed up with the immediate availability of deadly force.

General Statements

Officers will only carry OC Spray that is issued by this department. No changes, alterations, or modifications shall be made to it. All officers working in a patrol function or on an approved side jobs shall carry OC spray on their duty belt/outside ballistic vest carrier.

Holsters to carry the issued OC Spray will be supplied by the department. No other holsters may be used.

Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry OC Spray.

Officers shall periodically inspect their OC canisters for noticeable wear/damage, content fullness and expiration. If there is any question as to whether the OC canister or its content are serviceable it shall be removed from service and forwarded to the OC training officer.

2. **Conducted Electrical Weapon (CEW)**



Conducted Electrical Weapon (CEW) – *Defined* - this term refers to devices designed to disrupt the human nervous system by means of deploying battery powered electrical energy sufficient to cause either compliance through pain or through neuro-muscular incapacitation to override an individual's voluntary motor responses.

Trained Officers are authorized to use the CEW when it is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

For training/comparative purposes only, on the Action Response Continuum (found in Appendix – D) the CEW is analogous to OC Spray, hand/leg striking and baton restraint.

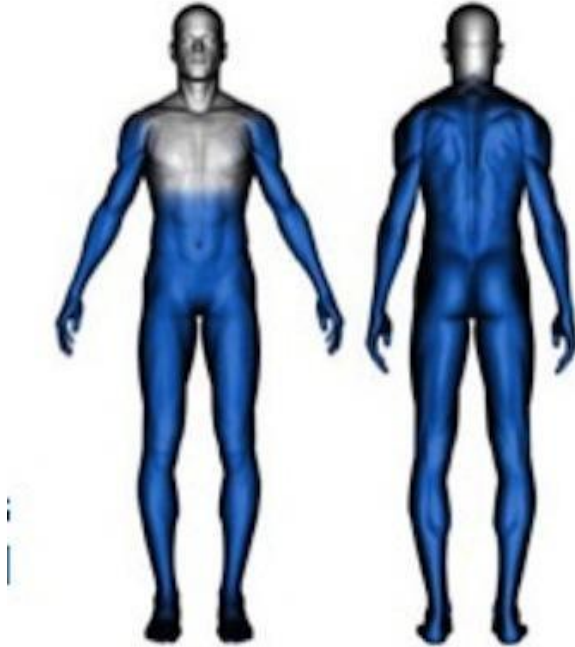
Subject's Warning of CEW Application – See Section VII, "De-Escalation," – Subsection 2, of this policy.

Aiming the CEW- Either the fixed sights or the red dot laser will be the primary aiming device.

Back-up Officer - Officers should, if possible, obtain backup before using the CEW to control the subject for the following reasons:

- 1) Control and Restraint - Begin control and restraint procedures, including during CEW exposure (cuffing under power), as soon as reasonably safe and practical to minimize CEW cumulative effects and the total duration of exertion and stress experienced by the subject. Cuffing under power will also limit the number of exposures that may have to be used.
- 2) If a CEW deployment is ineffective in incapacitating a subject or achieving compliance, an officer will need to consider an alternative control measure in conjunction with or separate from the CEW.

Preferred target areas - To reduce the risk of injury, Officers will make all reasonable efforts when deploying a CEW to aim for the following preferred target areas: The preferred target areas are below the neck area for back shots and the lower center mass (below the chest) for front shots. The preferred target areas increase dart-to-heart distance and reduce cardiac risks. Back shots are preferable to front shots when practical (diagram of preferred areas are depicted below in blue).



Avoid Sensitive areas – When the situation allows avoid intentionally targeting the CEW on sensitive areas of the body such as the face, eyes, head, throat, chest area (area of the heart), breast, groin, genitals, or known pre-existing injury areas.

Officers will use the shortest duration of CEW exposure objectively reasonable to accomplish lawful objectives, and reassess the subject's behavior, reaction, and resistance before initiating or continuing the exposure. Each CEW cycle (five seconds), deployment, or trigger pull must be legally justified. Officers should use a CEW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary and legal. Officers need to realize that the application of a CEW causes physical exertion and each successive CEW application will likely continue physical exertion. If the CEW is discharged multiple times, the officer needs to be aware of, and monitor the subject's condition for signs of continuing physical distress. Multiple CEW deployments against an individual may increase the likelihood of serious injury where the individual is suffering from pre-existing conditions, possible overdose, cocaine psychosis, excited delirium, etc. In an attempt to minimize the number of CEW discharges needed for subject compliance, officers should use verbal commands ("stop resisting," "lie flat," "put hands behind your back," etc.) and work quickly to "cuff under power" during the window of opportunity the five second cycle provides.

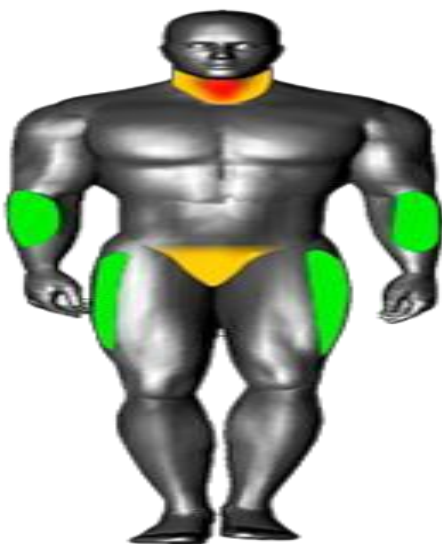
Avoid simultaneous CEW exposures – Do not use multiple CEWs or multiple completed circuits at the same time without justification. Multiple CEWs or multiple completed circuits at the same time could have cumulative effects and result in increased risk. No more than one officer should deploy a CEW against a single individual at the same time.

Drive Stun Mode - The CEW may also be used in a “drive stun” mode. When the CEW is used in the drive stun mode it is subject to the same deployment guidelines and restrictions as that of the CEW in cartridge mode. It is important to note that when the device is used in this manner it is:

- Primarily a pain compliance tool due to lack of probe spread- does not cause incapacitation.
- Minimally effective when compared to conventional cartridge type deployments.
- More likely to leave marks on the subject’s skin.

Drive stun use may not be effective on emotionally disturbed persons or others who may not respond to pain due to mind-body disconnect. Avoid using repeated drive-stuns on such individuals if compliance is not achieved.

Officers will make all reasonable efforts when deploying a CEW in the drive stun mode to aim for and deploy into the suggested pressure point (depicted in green) areas of the body. To avoid injuries, officers shall not intentionally target sensitive areas of the body such as the head, throat, or groin areas (depicted in yellow and red).



The CEW is prohibited from being used in the following manner:

- In a punitive or coercive manner.
- On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves. Officers will NOT use a CEW against persons who are solely being passively resistant (See Appendix E – Dealing with Passive Resisters).
- Flight from an officer, standing alone, is not justification for use of a CEW. Officers should consider the nature of the offense suspected, the level of suspicion with respect to the person fleeing, and the risk of danger to others if the person is not apprehended immediately.
- On a female subject that is pregnant (unless deadly force would be justified) Consideration needs to be given to the danger created by subject falling or the possibility of muscle contractions leading to premature birth.
- On individuals who they are aware of that have medical conditions that would increase the likelihood of injury, unless the encounter rises to the level of a deadly force situation.
- On individuals who are on an elevated surface (examples -balcony, top of stairs, roof, bridge) and could fall and suffer impact injuries to the head or other areas unless the encounter rises to the level of a deadly force situation.
- Officers should avoid using the CEW on individuals who are operating any mode of transportation unless the encounter rises to the level of a deadly force situation.
- Due to the high voltage electronic spark of the CEW, NEVER fire the CEW near flammable materials (such as chemical irritant with an alcohol-based propellant, gasoline, kerosene, or in a natural gas environment).

*****Officer Safety** - A CEW should not be generally used as a substitute when a deadly force option should be considered. In a deadly force situation if an officer does decide to deploy the CEW they should be backed up with the immediate availability of deadly force.

Supervisor Notification - See Section IX, "Notification to Supervisor After Application of Force."

After CEW Deployment Care - See Section X, "Medical Attention After Application of Force."

Officers may remove darts embedded in a subject's skin using the appropriate technique provided the darts are not embedded in soft body tissue (i.e., genitals, breast tissue, or any area above the collar bone). If the darts are embedded in the soft body tissue described above, the NRPD will determine the medical course of action.

Avoid Transporting on Probes - If probes are still embedded in the subject, avoid transporting the subject in a position that would foreseeably further embed the probes in the subject.

Reporting Deployment of CEW – See Section XI, "Reporting Use of Force."

After the probes are removed photographs of the affected area will be taken. Expended cartridges will be disposed of in a safe manner as outlined in training. In those deployments where it may be reasonably assumed the probes and cartridge would be needed as evidence, they will be retained as such and handled per normal evidence processing procedures, keeping in mind the bio-hazard present with such items.

CEW Downloads -When a CEW is successfully discharged (probes/drive stun) on a subject, the CEW will be taken out of service and forwarded to the CEW trainer for download/analysis. The CEW trainer will be responsible for forwarding the data derived from the download to the Captain of Police. The CEW will remain out of service until the CEW trainer and Captain of Police agree that it can be placed back into service.

Safety Considerations

During those times the CEW is not attached to your person, make sure it is stored in a secure locations inaccessible to children and other unauthorized persons to prevent inappropriate access or use.

Use the safety switch- Place the CEW safety switch in the down position when the CEW is not in use. Remember to place the CEW safety switch in the up position when you intend to use the CEW.

Always assume the CEW is loaded and capable of discharging. To help avoid unexpected discharge, ensure no live cartridge is in the CEW when inserting a battery pack, while performing spark tests, maintenance, data downloading, or battery charging.

Be aware of the CEW trigger. Keep your finger off the trigger until it is legally justifiable to use the CEW and you are ready to deploy.

Know how the CEW works. If you have questions do not hesitate to ask. We have an in-house certified trainer.

General Statements

No changes, alterations, modifications or substitutions shall be made to the CEW or the cartridges. All repairs to CEW or accessories shall be completed by a department authorized personnel or vendor. CEW repairs shall be documented and the records shall be maintained by the CEW training officer.

Prior to officers commencing their shifts, the officers shall make sure the CEW is in proper working conditions. Visually inspect the CEW and the cartridges for noticeable wear or damage. If there is any question as to whether the CEW is working properly it shall be removed from service and forwarded to the CEW training officer.

All officers' working in a patrol function or an approved side job will carry a CEW on their person. The device will be carried in an approved holster on the support side of the body or on the exterior of an outside ballistic vest carrier. Officers not assigned to uniformed patrol may utilize other department approved holsters and carry the device consistent with department training.

The CEW shall be carried fully armed with safety on in preparation for immediate use. Only agency approved battery power sources shall be used in the CEW. Officers may purchase a holster not supplied by the department, provided it is authorized by the Captain of Police.

The CEW shall be pointed at the ground in a safe direction with the safety on when handled in other than an operational deployment

TASER/Animals

Discharging the TASER at Animals - The TASER may be used in an attempt to stop an aggressive and or vicious animal that is posing a risk of danger to itself, persons or other companion animals.

3. **Less Lethal Impact Projectiles (LLIP)**



Less Lethal Impact Projectiles- Defined: Those munitions that can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential of causing death. Examples of less lethal impact projectiles include beanbags (currently in use by NRPD), launch able wooden, foam or rubber batons, rubber pellets and other like items.

Trained Officers are authorized to use LLIP's when it is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

For training/comparative purposes only, on the Action Response Continuum (found in Appendix – D) LLIP's are analogous to baton strikes.

Subject's Warning of LLIP's Application – See Section VII, "De-Escalation," – Subsection 2, of this policy.

Training- Only personnel who have successfully completed a departmental approved training course and yearly recertification in the proper use and deployment of LLIP projectiles shall be authorized to use them during actual operations.

In Vehicle Storage/Transportation- The issued shotgun will be dedicated to less lethal projectiles and be stored in the cruiser's gun rack. The shotgun will be marked with an orange fore end and stock. Officers assigned will visually/physically inspect the chamber and magazine each time the weapon comes under their control to ensure the total absence of lethal ammunition. The issued shotgun will not be carried with LLIPs loaded in the weapon. The Officer will keep his assigned LLIPs physically attached to the weapon (an ammunition sleeve will be provided). Upon

receiving any munitions, the person actually carrying/employing them is ultimately responsible for ensuring that these munitions are "less lethal" and used in accordance with this departmental policy. Under no circumstances shall less lethal impact projectiles be kept in a manner which might lead to confusing them with lethal munitions. Under no circumstances shall any person be authorized to tamper with or alter in any manner, any less lethal impact projectiles. Misfires and duds shall be recovered, rendered safe and given to the armorer and or range officer.

Justification for Use - *LLIPs* are intended to provide officers with a less lethal alternative to safely take into custody actively violent persons by allowing members to deliver impact projectiles from an extended range. *LLIPs* should be considered whenever the use of less lethal options would assist in enabling an arrest, restoring order and/or reducing the risk of more serious injury. However, members must recognize that a potential for death or serious physical injury from these impact projectiles does exist and that care must be exercised in their use. This potential is greatly reduced when impacts to the head and neck are avoided and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic and abdominal cavities and the groin.

Subject's Warning of LLIP Use - See "De-Escalation, in Section B, of this policy.

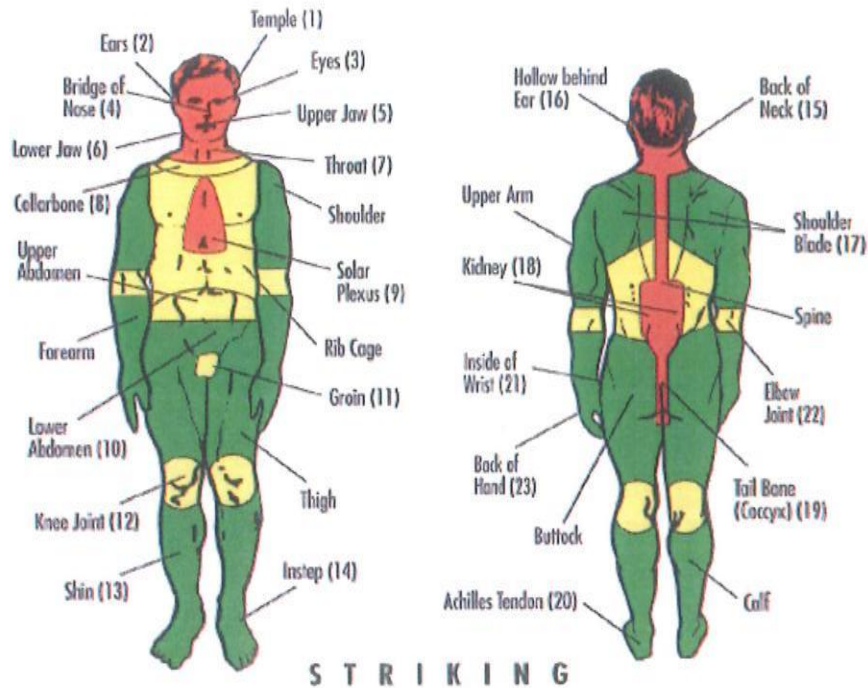
Deployment - When at a scene where *LLIPs* may be deployed, the deploying officer will make every effort to visually and physically inspect the weapons chamber and magazine to ensure that no lethal ammunition is present. When time allows, the officer will also show/verify with another officer that the rounds being loaded into the weapon are less lethal.

When time and other circumstances allow, notification shall be given to all officers on scene that a *LLIPs* is going to be deployed to prevent other officers from believing lethal rounds are being discharged.

*****Officer Safety** - *LLIPs* should not be generally used as a substitute for deadly force. In a deadly force situation, if an officer decides to deploy a *LLIP*, they should be backed up with the immediate availability of deadly force.

LLIPs will be delivered to subject target areas (see color chart below) based on the circumstances, threat assessment, probable severity of injury, safety priorities, escalating and de-escalating happenings, and the level of force legally justified:

- A. **Green Areas** – These areas are considered the primary target areas and will be considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.
- B. **Yellow Areas** – These areas will be considered when an escalation of force above green (areas) is necessary and appropriate. Officers must acknowledge that there is an increase in the potential for moderate to serious levels of resultant trauma.
- C. **Red Areas** – Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary and appropriate. The red area injuries tend to range from serious to long lasting and may include unconsciousness, serious bodily injury, shock or death.



After engaging a target, the officer should evaluate the effectiveness of each round during the volley. While there are circumstances under which multiple deployment of LLIP rounds may be appropriate and reasonable, one must remember each round fired must be legally justified. Compliance and/or incapacitation are the desired goal and alternative target areas/response should be considered when rounds are not effective.

LLIP's are prohibited from being used in the following manner:

- In a punitive or coercive manner.
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion

On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves. Officers will **NOT** use LLIP's against persons who are solely being passively resistant (See Appendix E – Dealing with Passive Resistor).

Supervisor Notification - See Section IX, "Notification to Supervisor After Application of Force."

After LLIP Deployment Care - See Section X, "Medical Attention After Application of Force."

Officers need to be aware in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic and abdominal cavities and the groin.

Reporting Deployment of LLIP – See Section XI, "Reporting Use of Force."

4. **Impact Weapons**



Auto-Lock Batons (ALB) : Auto-Lock batons are impact tools that offer a less lethal method for self-defense, defense of another, or subduing and apprehending subjects who are actively resisting arrest.

Trained Officers are authorized to use ALB's when it is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

For training/comparative purposes only, on the Action Response Continuum (found in Appendix – D) Impact Weapons, like the ALB's are analogous to LLIP's.


Subject's Warning of ALB Application – See Section VII, "De-Escalation," – Subsection 2, of this policy.

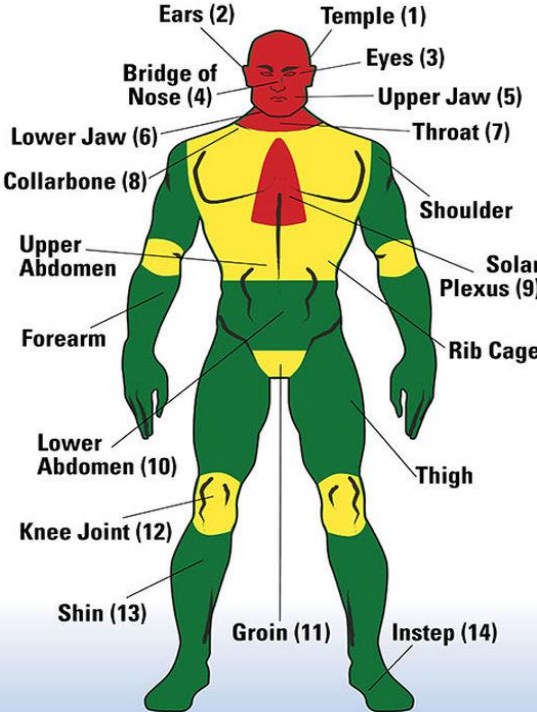
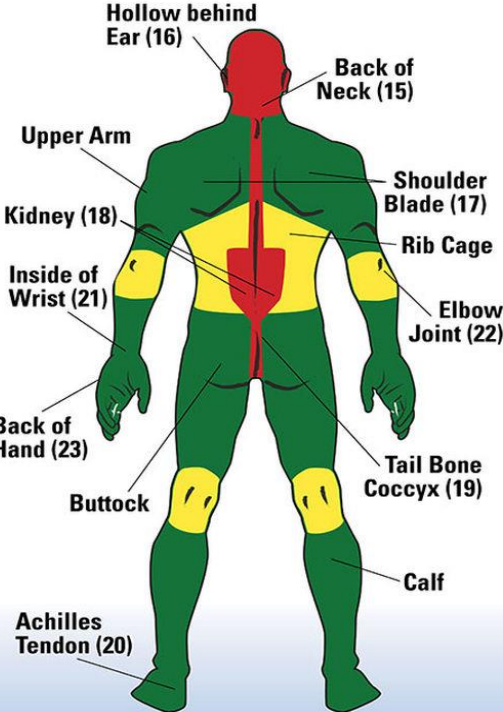
ALB Re-Application – While there are circumstances under which multiple applications may be appropriate and reasonable, each reapplication must be legally justified. Officers need to be continuously evaluating the situation to determine if subsequent applications are necessary. In an attempt to minimize the number of applications needed for subject compliance, officers should use verbal commands ("stop resisting," "lie flat," "put hands behind your back," etc.) and work quickly to "control/cuff" the subject during the window of opportunity the application provides.

Officers should target center mass of a subject's torso, arms, and legs, and avoid the subject's head, throat, neck, heart, spine, and groin, unless threatened with serious physical harm (see chart below for reference).

BATON CHART

Escalation of Trauma By Vital And Vulnerable Striking Areas



STRIKING AREAS

GREEN	YELLOW	RED
<p style="color: red; margin: 0;">REASONING</p> <p style="font-size: 0.8em; margin: 0;">Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur.</p> <p style="font-size: 0.8em; margin: 5px 0 0 0;">Except for the HEAD, NECK, SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.</p>	<p style="color: red; margin: 0;">REASONING</p> <p style="font-size: 0.8em; margin: 0;">Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.</p>	<p style="color: red; margin: 0;">REASONING</p> <p style="font-size: 0.8em; margin: 0;">Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.</p>

When performing Static /Dynamic training techniques utilizing this baton chart as a reference, it is suggested to use training batons while performing any technique. If utilizing a training suit it is also recommended to utilize training batons while performing striking, jabbing techniques.

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Auto-Lock Batons are prohibited from being used in the following manner:

- In a punitive or coercive manner
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves. Officers will **NOT** use Auto-Lock Batons against persons who are solely being passively resistant (See Appendix E – Dealing with Passive Resisters).

Supervisor Notification - See Section IX, "Notification to Supervisor After Application of Force."

After ALB Deployment Care - See Section X, "Medical Attention After Application of Force."

Officers need to be aware in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the chest, back, thoracic and abdominal cavities and the groin.

Reporting Deployment of ALB – See Section XI, "Reporting Use of Force."



POLICE HOBBLE "Max" 2.0

5. The Hobble

Trained Officers are authorized to use the Hobble when it is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The Hobble is considered a less than lethal force option and the timely and appropriate use of it can greatly reduce injuries to both officers and suspects. Any escalated use of force may be thereby avoided.

When employing the hobble officers shall do the following:

- For safety reasons at least two (2) officers will be present prior to any hobbling attempt.
- After employing the hobble all unneeded pressure (hands, arms, knees, etc.) applied on the person's body shall subside and the subject shall be rolled over onto his/her side **(HOBbled PERSONS SHALL NEVER BE LEFT IN A CHEST DOWN POSITION)**.
- After being hobbled the person shall be continuously monitored for any medical related needs. Per medical protocol, NRPD shall be requested to respond to the scene.
- If a hobbled subject is transported to a medical facility an officer will be assigned to ride in the ambulance. The paramedics/hospital staff will have the final say as to whether the hobble will be removed for the purpose of medical treatment.
- At the scene, if it is determined that the hobbled subject does not need medical care, but does need transported to a jail facility, the following shall occur;
 - NRPD Officers can go to fire station #1 and borrow an ambulance for jail transport then return it after its use (ambulance will not be staffed by FD/EMS)
 - A request can be made to NRPD that they drop an ambulance off at the scene and NRPD would return it after use (ambulance will not be staffed by EMS).

When using the ambulance for jail transports one police officer shall drive the ambulance and at least one police officer shall ride in the back (lights and sirens will not be used for a jail transport). The hobbled subject shall be placed on the cot on his or her side and secured using the attached straps. The hobbled subject shall be continuously monitored by the officer in the back of the ambulance for any medical related needs. Any damage done to the squad during these jail transports shall be immediately reported to the OIC.

SOLE EXCEPTION - If a NRPD squad is not readily available for us to transport a non-medical hobbled subject to the jail, the subject may be transported to the jail in the back of a police car. The subject shall be eased into the police car headfirst and laid on his side with his face pointing towards the front of the vehicle. Two officers will be assigned to the transport; one will drive while the other continually monitors the subject for any medical related needs. No parts of the hobble will be secured to the vehicle or left dangling outside the vehicle.

The hobble will not be used:

- As a form of punishment, retribution or intimidation.
- On subjects who can be controlled using less intrusive/restrictive means (to include the elderly/young children).
- On subjects who are known to be pregnant
- On subjects who are known to have serious physical medical needs/issues
- In any fashion that does not follow the training received.

Supervisor Notification - See Section IX, "Notification to Supervisor After Application of Force."

After Hobble Deployment Care - See Section X, "Medical Attention After Application of Force."

Reporting Deployment of Hobble – See Section XI, "Reporting Use of Force."

6. **Natural Tools -Used as Less Lethal**

When legally justified to use force an officer may use items readily at hand as weapons, as a result of rapidly evolving situations. These may be referred to as: environmental weapons, weapons of opportunity, natural weapons close at hand or non-traditional weapons. These "weapons of opportunity" can only be used to the extent that are reasonably necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control.

Natural Tools are prohibited from being used in the following manner:

- In a punitive or coercive manner
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion

On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves. Natural Tools will **NOT** be used against persons who are solely being passively resistant (See Appendix E – Dealing with Passive Resistor).

Supervisor Notification - See Section IX, "Notification to Supervisor After Application of Force."

After Natural Tool Hobble Deployment Care - See Section X, "Medical Attention After Application of Force."

Reporting Deployment of Natural Tools – See Section XI, "Reporting Use of Force."

7. **Police K-9**



PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable. A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine. Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard.

If a warning is not to be given, the canine handler, when practicable, should first advise the

supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the shift OIC. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented on the following forms:

- Canine Use Report
- Use of Force Report Form
- Incident Report

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired. Law enforcement canines are generally exempt from impoundment and reporting requirements. If the canine begins exhibiting any abnormal behavior, the canine shall be made available, upon request, to the board of health for the district in which the bite occurred

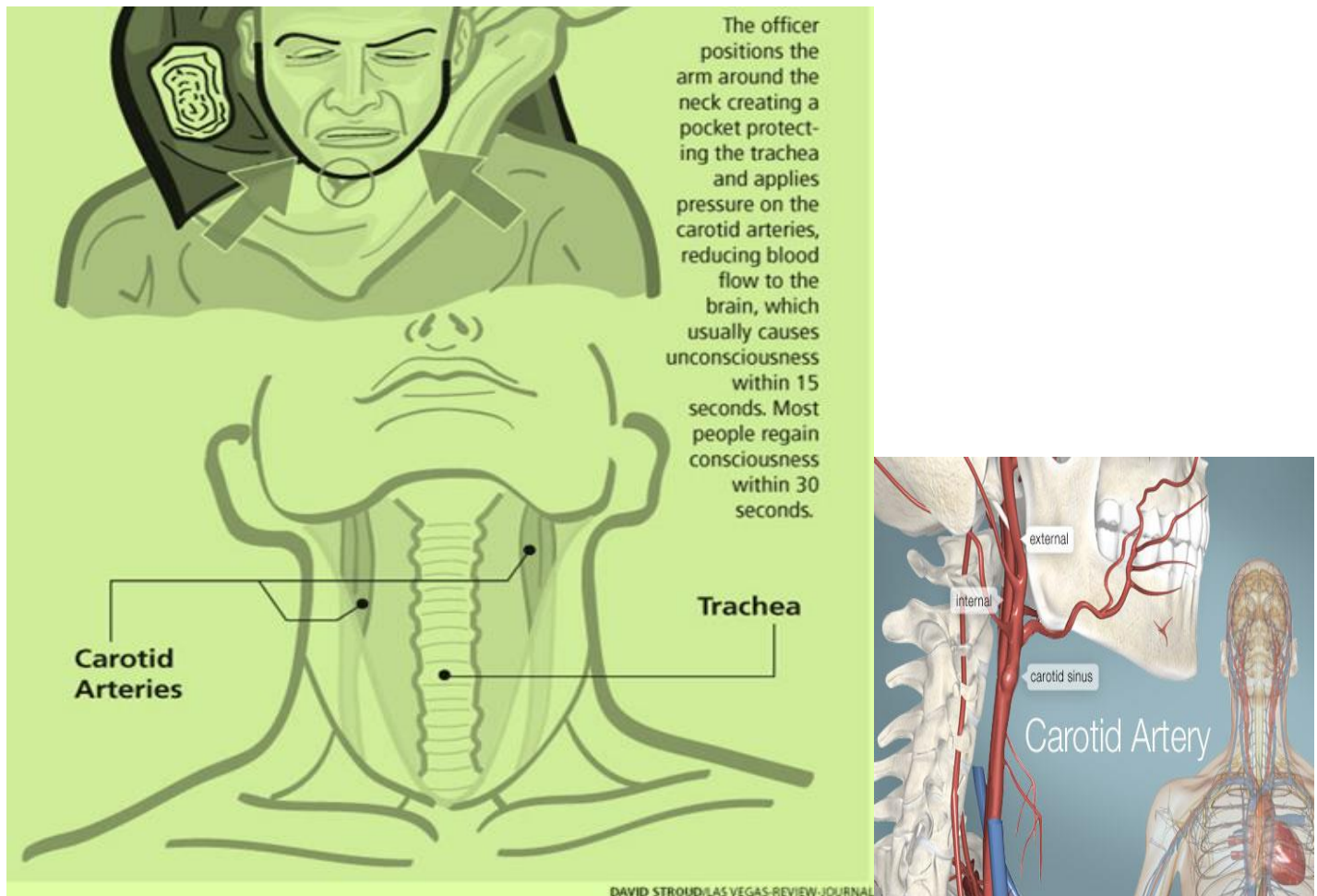
Supervisor Notification - See Section IX, "Notification to Supervisor After Application of Force."

After Natural Tool Hobble Deployment Care - See Section X, "Medical Attention After Application of Force."

Reporting Deployment of Natural Tools – See Section XI, "Reporting Use of Force."

**For entire Canine Policy see policy number 4.006*

8. Lateral Vascular Neck Restraint-LVNR



A Lateral Vascular Neck Restraint employs bilateral compression of the carotid arteries and jugular veins at the sides of the neck, which results in diminished cerebral cortex circulation. This abrupt reduction of blood significantly affects the ability of the cerebral cortex to remain in an "awake state" and leads to unconsciousness. When properly applied, **NO significant frontal pressure or compression will be applied to the delicate structures of the front of the neck**, which might cause secondary injuries or death. Equally important is that the subject also retains the ability to breathe.

The carotid restraint control hold offers an alternative to lethal force, repeated uses of ECWs, impact weapons, and excessive body compression during officer swarms. The hold is effective for officers of all sizes and strengths. It can be effectively applied and control can be gained upon combative individuals, who demonstrate a high tolerance for pain; who are under the influence of drugs; or who are in an excited, agitated, and/or psychotic state.

The carotid restraint control hold can reduce officer injuries as well as serious injuries to subjects and potential for in-custody death by providing an additional force option that does not rely upon electrical load, pain, or blunt force trauma to gain control of the individual.

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 subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

- (b) The carotid control hold may only be used when circumstances perceived by the Officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 1. The subject is violent or physically resisting.
 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
 1. Females who are known to be pregnant
 2. Elderly individuals
 3. Obvious juveniles
 4. Individuals who appear to have Down Syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries.

Respiratory neck restraints are prohibited from being used in the following manner:

- In a punitive or coercive manner
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves.
- **To prevent the swallowing of evidence.**

Supervisor Notification

As soon as the scene has been rendered safe, on scene officers shall notify their OIC that an LVNR has been deployed. The OIC shall respond to the scene and control/investigate same.

After Deployment Care

The medical protocol located in Section F shall be followed.

Reporting Deployment of LVNR

The reporting/documentation requirements located in the Use of Force Policy (Sections E and G) shall be followed when an LVNR has been used.

APPENDIX - B

FIREARMS

RESPIRATORY NECK RESTRAINT

POLICE KNIFE

NATURAL TOOLS

Lethal Force Options include but not limited to the following:

1. **Firearms**



The use of a firearm is probably the most serious act in which a police officer will engage. It is imperative that the officer acts within the boundaries of legal guidelines, ethics, good judgment, and accepted practices; but also be prepared by training and direction to act within the scope of this policy whenever using a firearm in the line of duty.

Supervisor Notification

As soon as the scene has been rendered safe, on scene officers shall notify their Supervisor that a firearm has been deployed. The OIC shall respond to the scene and control/investigate same.

After Deployment Care

The medical protocol located in Section F of this policy shall be followed.

Reporting Deployment

The reporting/documentation requirements located in this policy (Sections E and G) shall be followed when a firearm has been used.

GENERAL INFORMATION IN REGARDS TO FIREARMS

Officer's primary sidearm and rifle will be issued by the department.

Officers may opt to carry a secondary, personally owned firearm, that the department has approved and they have certified with.

Only ammunition approved/supplied by the department will be used in duty issued and secondary-personally owned firearms.

All officers will carry their duty handgun in a department issued holster. Secondary-personally owned firearms will be carried in holsters approved by a range officer.

Officers will not point any firearm at a person unless circumstances create a reasonable cause to believe that it may be necessary to lawfully use the weapon.

Under no circumstances will warning shots be fired.

Every time a weapon is discharged during a tour of duty (exception – dispatching of an injured or nuisance animal), the OIC will be immediately notified and a written report shall be forwarded to the Chief of Police through the chain of command no later than the end of shift.

Every time a weapon is drawn or discharged in an off-duty police situation, the on-duty OIC shall be immediately notified and a written report shall be forwarded to the Chief of Police through the chain of command within eight (8) hours, unless circumstances do not permit. If the discharge occurred in another jurisdiction, and another police agency is involved, the OIC will also request a copy of any documentation from that reporting agency.

FIREARM TRAINING/QUALIFICATION

Under normal circumstances, the range will be open for firearms training quarterly. Unless excused by the Range OIC, Officers are expected to attend at least one range session per quarter. The range officer will maintain a record of all firearms training and testing; however, it is the individual officer's responsibility to ensure all mandatory testing and training is completed annually. Failure to do so may result in discipline and/or loss of authorization to carry the weapon for which testing was not completed.

Duty handgun: Sworn officers are required to meet all state standards with the weapon at least once each calendar year. Failure to do so may result in discipline and/or loss of authorization to carry the weapon for which testing was not completed

Rifles: Officers are required to meet all state standards with the weapon at least once each calendar year. Failure to do so may result in discipline and/or loss of authorization to carry the weapon for which testing was not completed.

-Secondary Firearms: - The firearm must be approved by the range officer and the Chief of Police. An "Authorization to Carry a Secondary On-Duty Firearm" form will be completed. Each calendar year the officer will be required to train and demonstrate proficiency with the weapon. Failure to do so may result in discipline and/or loss of authorization to carry the weapon for which testing was not completed.

See NRPD Policy 4.001 – "On and Off Duty Firearms –Responsibilities and Obligations" for more on *SECONDARY ON DUTY WEAPON/OFF-DUTY FIREARMS/FIREARM QUALIFICATIONS/RANGE SAFETY*.

2. **Respiratory Neck Restraint**



A respiratory neck restraint uses direct mechanical compression or pressure over the anterior (front) structures of the neck. This pressure causes asphyxiation by compressing the trachea and restricting the person's ability to breathe. **This type of hold will not be used by members this agency unless LETHAL FORCE IS JUSTIFIED.**

Respiratory neck restraints are prohibited from being used in the following manner:

- In a punitive or coercive manner
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves.
- To prevent the swallowing of evidence.

Supervisor Notification

As soon as the scene has been rendered safe, on scene officers shall notify their OIC that a respiratory neck restraint has been deployed. The OIC shall respond to the scene and control/investigate same.

After Care:

The medical protocol located in Section F shall be followed.

Reporting

The reporting/documentation requirements located in this policy (Sections E and G) shall be followed.

3. **Police Knife Usage**



-The police knife is intended solely for the purpose of carrying out the general duties and designated specialized assignments of police operations; its use as a weapon is authorized only in exigent circumstances

-Use as a weapon: The police utility knife is not intended for use as a weapon and officers are discouraged from using it in this capacity; however, it may be used under exigent circumstances. Under such circumstances it shall be deemed a use of deadly force and is governed by this department's policies.

Police Knives are prohibited from being used in the following manner:

- In a punitive or coercive manner.
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves.

Supervisor Notification

If a police knife is used as a weapon during an exigent circumstance, as soon as the scene has been rendered safe, on scene officers shall notify their Supervisor that a police knife has been deployed. The OIC shall respond to the scene and control/investigate same.

After Deployment Care

The medical protocol located in Section F of this policy shall be followed.

Reporting Deployment

The reporting/documentation requirements located in this policy (Sections E and G) shall be followed. when a firearm has been used.

General Information

Officers are allowed to carry on their person either a folding blade knife in which the blade mechanically folds into the handle or a fixed blade knife that fits into a protective sheath. The blade for either style knife shall **not** exceed six inches in length. The knife shall be carried in the least obtrusive manner as possible and will not be exposed to the view of the public. Officers shall adequately secure their knives to their persons to limit loss or becoming available to a suspect during an event.

Officers serving in specialized assignments, such as special weapons and tactics, ordnance disposal, and canine units, may carry a utility knife of such quality and design to withstand the rigors and job responsibilities of their assignment as determined by their commanding officer or unit supervisor.

Officers are also permitted to carry a knife described above in their police vehicle. The knife shall be out of view of any back seat passenger and secured to limit loss, theft, or becoming available to a suspect during an event.

Safe handling: Officers shall handle the police utility knife in an appropriate and safe manner so as to ensure the safety of themselves, their fellow officers, and the general public. Officers shall not exhibit or handle the knife in a careless or alarming manner.

Prohibited Uses

Authorized users shall not:

- Display a knife in any offensive or threatening manner without legitimate legal/operational justification
- Display a blade in any event other than an authorized deployment, training or inspection situation
- Carry a knife while handling prisoners in a custodial facility, except when needed for rescues and/or suicide preventions.

4. **Natural Tools –Lethal Force**

When legally justified to use force an officer may use items readily at hand as weapons, as a result of rapidly evolving situations. These may be referred to as: environmental weapons, weapons of opportunity, natural weapons close at hand or non-traditional weapons. These “weapons of opportunity” can only be used to the extent that are reasonably necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control.

Natural Tools are prohibited from being used in the following manner:

- In a punitive or coercive manner.
- On an handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- On any subject who does not demonstrate their intention to use violence or force against the officer, another person or themselves. Natural Tools will **NOT** be used against persons who are solely being passively resistant.

Subject’s Warning of Use of Natural Tools – See “De-Escalation,” Section B, of this policy.

Supervisor Notification

As soon as the scene has been rendered safe, on scene officers shall notify their OIC that a natural tool has been deployed. The OIC shall respond to the scene and control/investigate same.

After Natural Tool Deployment Care:

The medical protocol located in Section F shall be followed.

Reporting Deployment of Natural Tools

The reporting/documentation requirements located in this policy (Sections E and G) shall be followed when a natural tool is deployed.

APPENDIX - C

**North Ridgeville Police Department
Use of Force Form**



NORTH RIDGEVILLE POLICE DEPARTMENT USE OF FORCE FORM

Revised: 10/29/2021

Part One (1) -To be completed by the officer who applied the force:

Officer's Name: _____

Incident Number: _____

Date of Incident: _____

Time of Incident: _____

OIC at the time of Incident: _____

List all other officers who were at the scene when the use of force was applied: _____

What was the legal reason the applied force was used? (Check all applicable reasons.)

- Affecting a lawful arrest or overcoming resistance to lawful arrest
- Preventing the escape of an offender
- Protecting or defending others or themselves from physical harm.

What type of force did you apply? (Check all those that apply.)

<input type="checkbox"/>	Escort Position
<input type="checkbox"/>	Balance displacement
<input type="checkbox"/>	Pressure Points
<input type="checkbox"/>	Joint Manipulation(s)
<input type="checkbox"/>	OC Spray
<input type="checkbox"/>	CEW
<input type="checkbox"/>	LLIP
<input type="checkbox"/>	Police Hobble

<input type="checkbox"/>	Wrestle to ground
<input type="checkbox"/>	Closed Hand Striking Techniques
<input type="checkbox"/>	Baton Strikes
<input type="checkbox"/>	Choke holds
<input type="checkbox"/>	Environmental Weapon (list): _____
<input type="checkbox"/>	Firearms: Drawn from holster _____ pointed _____ fired _____
<input type="checkbox"/>	K-9
<input type="checkbox"/>	Other (list): _____

Explain the subject's behavior that resulted in the force used: _____

Were there repeated applications of force (example – second application of OC spray, a second CEW cycle, multiple LLIP rounds): Yes: No:

If you answered "yes," what were the behaviors exhibited by the subject that required repeated applications of force:

Per policy, was the behavior exhibited by the subject requiring force response detailed in the NRPD Incident report? Yes: No:

Was there any medical treatment/examination rendered as a result of the force applied? Yes: No:
If "yes," detail medical attention received: _____

Per policy was the medical attention detailed in the NRPD Incident Report? Yes: No: NA:

Were medical forms (squad run, hospital records) included with the incident report? Yes: No: NA: Pending:

Was the use of use of force incident captured on your BWC? Yes: No:
If you answered "no," state the reason why: _____

Officer's Signature: _____ Date: _____

Forward this original NORTH RIDGEVILLE POLICE DEPARTMENT USE OF FORCE FORM along with a copy of the incident report to the OIC who was working at the time the force was used. Do not place any copy of the Use of Force form with the case file.

Part Two (2) – To be completed by the OIC who was in charge at the time the application of force was used:

OIC Name: _____

Did you go to the scene in response to this use of force incident? Yes: No:

If "no," explain why: _____

If "yes," upon arrival what actions did you take? _____

Did you speak to all officers who were at the scene when the applied force was used? Yes: No: NA:

If "yes," what officers did you speak with? _____

Were any of the officers interviewed able to supply additional information? _____

Did you view all available BWCS video? Yes: No: NA:

After completing your internal investigation, was there legal justification for the application of force? Yes: No:

If "yes," what was the officer's legal justification for the application of force?

- Affect a lawful arrest or overcoming resistance to lawful arrest
- Prevent the escape of an offender
- Protect or defending others or themselves from physical harm

In "no," explain: _____

After completing your internal investigation, was the amount of force the officer used to affect the lawful objective reasonable? Yes: No:

If "no," explain: _____

After completing your internal investigation, was the force the officer applied indiscriminate, excessive, punitive, and without legal basis to do so? Yes: No:

If "yes," explain: _____

Upon your review of this incident, were the policy/procedures in the Use of Force Policy followed? Yes: No:

If "no," explain: _____

After completing your internal investigation into the use of force, do you feel the officer needs remedial training on the Use of Force Policy? Yes: No:

After completing your internal investigation into the use of force, do you feel the officer needs remedial training on the method of force he applied? Yes: No:

Is there any other training needs? _____

Any additional information/comments/notes: _____

OIC's Signature: _____ Date: _____

Forward this original NORTH RIDGEVILLE POLICE DEPARTMENT USE OF FORCE FORM along with a copy of the incident report to the Division Commander. Do not place any copy of the Use of Force Form with the case file.

Part Three (3) – To be completed by the Captain of Police:

Upon your review of this incident (to include watching of all BWCS video), do you agree with the OIC that there was there legal justification (*Affect a lawful arrest or overcoming resistance to lawful arrest, prevent the escape of an offender, and/or protect or defending others or themselves from physical harm*) for the application of force?

Yes: No:

In “no,” explain: _____

Upon your review of this incident, do you agree with the OIC that the amount of force the officer used to affect the lawful objective was reasonable? Yes: No:

If “no,” explain: _____

Upon your review of the incident, do you agree with the OIC that the force used by the officer was not used indiscriminately, excessively, punitively, and without legal basis to do so? Yes: No:

If “no,” explain: _____

Upon your review of this incident, do you agree with the OIC that policy and procedures were followed in regards to the Use of Force Policy? Yes: No:

If “no,” explain: _____

Upon your review of the incident, do you agree with the OIC’s assessment in regards to the officer’s training needs? Yes: No:

If “no,” explain: _____

If you agree the officer needs training, please specify what type and how the training is going to get completed: _____

**After the training is complete, attach documentation to this form.*

Upon your review of the incident, do you believe that the OIC is in need of use of force training/other training?

Yes: No:

If "yes," explain: _____

If you believe the OIC is in need of use of force training/other training, please specify what type and how the training is going to get completed: _____

**After the training is complete, attach documentation to this form.*

Upon your review of the incident, do you suggest any changes to any of the applicable policies/procedures?

Yes: No:

If "yes," explain: _____

Upon your review of the incident, do you suggest any changes to the way training is being conducted?

Yes: No:

If "yes," explain: _____

Include any additional information/comments/notes: _____

Division Commander's Signature: _____

Date: _____

Forward this original NORTH RIDGEVILLE POLICE DEPARTMENT USE OF FORCE FORM along with a copy of the incident report to the Chief of Police.

Incident Number: _____

Chief Comments: _____

Chief's Signature: _____

Date: _____

This original form will be filed under **NORTH RIDGEVILLE POLICE DEPARTMENT USE OF FORCE FORM** and be kept for the period of retention required.

APPENDIX - D

Action-Response Continuum

For training and comparison purposes only

Action-Response Continuum

Important- The list of officer responses is not intended to be in any specific order, but reflects on the amount of resistance encountered. The officer will choose the necessary response to gain control of the situation based on departmental policy, his/her physical capabilities, perception, training and experience.

Individual's Actions	Officer's Response
Weapon used against officer Attempting to disarm officer Life-threatening weaponless assaults	Deadly force
Striking or kicking officer	Baton techniques Lateral vascular neck restraint Less-Lethal Impact Projectiles
Wrestling with officer Pushing officer	Striking, punching, kicking Aerosols or electrical devices Baton restraints
Pulling away from officer Refusing to move-dead weight	Striking muscle groups Take downs, joint manipulations or pressure points
Not responding to commands Verbal or physical danger cues	Balance displacement Escort position Assistance from other officers Verbal or physical commands Officer presence

Special Circumstances	Officer-Subject Factors
1. Closeness of a weapon 2. Injury or exhaustion 3. Being on the ground 4. Distance from subject 5. Special knowledge 6. Availability of other options	1. Age 2. Sex 3. Size 4. Skill level 5. Multiple subjects/officers 6. Relative strength

APPENDIX - E

Dealing with Passive vs Active Resisters

PASSIVE RESISTORS

Officers need to be able to distinguish between a person who is actively resisting and a person who is passively resisting. A passive resister can be defined as someone who refuses to comply with an officer while showing no physical indications of resistance. An example of a passive resistor is a subject solely sitting on the roadway blocking traffic or a person solely sitting in front of a doorway to block people from entering. Courts have ruled that the use of less-lethal force options, such as OC spray, Taser, batons are excessive when dealing with passive resistors.

When dealing with passive resistors Officers shall do the following:

- a. When practical/possible, increase officer presence to insure safety of all involved.
- b. Attempt to de-escalate the situation and gain compliance through verbal communication/commands.
- c. Advise the resistor that if they fail to comply with the lawful order they will be placed under arrest.
- d. If the resistor refuses to comply officers will use "soft empty hand control methods" (techniques that have minimal probability of injury - guiding, lifting, pulling, weight displacement, placing the subject on the ground, etc.) to get the resistor to do things he is not willing to do themselves (stand up, lay down on the pavement, walk to the police care, etc.).
- e. Physically remove the arrestee from the scene and place him in the squad car.
- f. Transport the subject to the station and follow established process accordingly.

**See Training Key on page 54 for further training in dealing with passive resisters.

Training Key: Written by Michael D. Schlosser, Ph.D., is director of the University of Illinois Police Training Institute.

Passive Resister vs. Active Resister

Being able to identify the passive resister and understanding when the passive resister becomes an active resister is critical for knowing the proper use of force in a given situation. A passive resister can be defined as someone who refuses to comply with an officer while showing no physical indications of resistance.

When discussing the passive resister, the most common example in law enforcement is the "protester." Picture several protesters sitting in front of a building, obstructing the entrance, and requiring others to step over them to enter the building. They have been asked and then told to leave by proper management authorities. You begin by telling a protester that he is under arrest then ask him to stand up and place his hands behind his back. In response, the protester refuses and remains seated on the ground.

It is recommended that you then use the principle of mass to perform the arrest; which is a 2:1 ratio of officers to arrestee. You and your partner set context with the protester and give him options to comply. If the protester remains seated and refuses to comply, you then approach the arrestee with your partner, each taking an arm, pulling the arrestee onto his stomach, placing his hands behind his back, and then put handcuffs on the subject (checking for proper fit and double-locking the cuffs). In this scenario, the protester remains a true "passive resister," so you and your partner have to physically remove the arrestee from the scene and place him in the squad car.

If someone is a true passive resister, you simply need to do for the arrestee what he or will not do himself. If he stands, but refuses to put his hands behind his back, you and your partner do this for him, place him in handcuffs, and escort him to the squad car.

Given this, can you place a passive resister in a control hold? The answer is "yes." You should anticipate that an arrestee may become an active resister and therefore, when placing his hand behind his back, you can choose to use a rear wrist lock (or other common hold) as long as it does not cause any pain. This way, if the arrestee begins to resist, you are in a position to control and can use pain compliance through wrist manipulation, while ordering the arrestee to stop resisting.

Another example arises at a traffic stop when an arrestee refuses to exit the vehicle. Again, you (using the principle of mass) have the right to pull the arrestee from the vehicle. You and your partner each grab an arm and pull the passive resister from the vehicle and onto the ground. It should be noted that this does not give you the right to "slam" the arrestee onto the ground. That being said, there is always a possibility that, in this scenario, the arrestee could receive injuries as a result of being pulled from the vehicle. It is reasonable to believe that the arrestee could be injured and you would be free of any liability based on excessive use-of-force standards.

Once the arrestee is pulled from the vehicle, he is placed in the prone position. You place the arrestee's hands behind his back and handcuff him, again checking the handcuffs for proper fit and double-locking them. If the arrestee continues to be a passive resister, he may have to be physically removed from the area and placed in the squad car.

In all of these scenarios, I recommend making initial contact using wrist and arm control. This will enable you to control the arrestee should he begin to resist. From this controlling position, you have options available to you should the passive resister become an active resister. This includes several tactics, such as standing control holds and takedowns. Remember, it is usually the subject's hands or something in his hands that is most likely to injure you.

Pepper Spray Basics

Officers sometimes use O.C. Spray (pepper spray) for the passive resister, believing this is a minimal level of force. There are court cases worth reading regarding the use of O.C. Spray on passive resisters, including the following two examples. *Headwaters Forest Defense v. County of Humboldt* involved police officers who used pepper spray on protesters who were passive resisters. The court found that a reasonable officer would consider the use of pepper spray against these non-violent protesters as excessive force and not necessary to subdue, remove or arrest the protestors. *Martinez v. New Mexico Department of Public Safety* involved a police officer who arrested a subject on a warrant. The suspect was handcuffed, but refused to get into the squad car. The arrestee was a passive resister and only verbally resistive. The court found that a reasonable officer would consider the use of pepper spray against an arrestee who was handcuffed and not physically resistant as excessive use of force.

Passive Resister to Active Resister

Keep in mind, it takes very little for a passive resister to become an active resister. For example, if you grab hold of an arrestee's arms and the arrestee tenses his arms not allowing you to move them behind his back, he has become an active resister. If you grab hold of an arrestee's arms and the arrestee pulls away from your grip, he has become an active resister. If the arrestee begins to walk away from you after you have given him clear commands that he is under arrest and needs to place his hands behind his back, he has become an active resister. Once the arrestee becomes an active resister, there are many new options available to control and arrest.

Objectively Reasonable

As with all use-of-force encounters, the force officers use to effect an arrest must be based on the "objectively reasonable officer" criteria, considering the "officer's perception at that moment," and the "totality of the circumstances." (*Graham v. Connor*) The amount of force also "requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake."

Verbal Commands

If a non-compliant arrestee is truly a passive resister, he will exhibit no resistive movement. He will not tense up, pull away, walk away, hold onto an object, etc.

The best tactics for a passive resister include, first and foremost, good verbal skills. Explaining to the arrestee what you need him to do and why will work wonders. If that does not work, explaining the consequences of not complying may also help.

Other tactics for the passive resister include officer presence, basic interview stance (hands up and weapon side back), control holds and escort positions (without implementing pain compliance. In other words, simply doing for the arrestee what he will not do for himself.

Remember, if a subject is truly a passive resister, you (using the principle of mass) will be able to place that subject in a position to be handcuffed and removed from the scene. By having the arrestee in a control hold position, you are prepared if the arrestee becomes an active resister.

END OF POLICY