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

2024-0431
Officer-Involved Critical Incident- 6042 Hutley Rd, Columbus

Investigative Activity:	Document Review; Records Received
Activity Date:	2/7/2024
Activity Location:	BCI
Authoring Agent:	SA Matt Collins, #151

Narrative:

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matt Collins received the Use of Force Policy utilized by the City of Columbus-Division of Police (CPD) prior to the incident through an active MOU. The document previously received is attached to this investigative report for further review.

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Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 2.01
	REVISED Jul. 12, 2020	TOTAL PAGES 14
Use of Force		

Cross Reference: 2.02, 2.03, 2.05
Rule of Conduct 1.08

I. Definitions

A. Use of Force

The exertion of energy or the actions of personnel in the performance of their duties used to direct or control another's movements or actions. A use of force may be implemented to control resistive or aggressive behavior toward the involved personnel, other personnel, third parties, or property.

B. Use of Force Levels of Control

1. Levels of Control used by the Division of Police for reporting purposes are ***as follows***:

Level 0: Officer presence, verbal and non-verbal commands, searching, handcuffing, sparking a taser for compliance, using flashbangs and multiple baton rounds as diversions***, and the use of the Long Range Acoustic Device (LRAD) warning tone***

Level 1: Empty hand control, pressure points, grounding techniques, and joint manipulations

Level 2: Use of chemical spray

Level 3: Use of electronic device (electronic custody belt or ***Conducted Energy Weapon, [CEW] for example, the taser***)

Level 4: Hard empty hand control (strike/punch/kick)

Level 5: Use of impact weapon (baton/flashlight)

Level 6: Police K-9 bite

Level 7: Less lethal weapons (beanbag/multiple baton rounds***)***

Level 8: Deadly force

C. Deadly Force

Any force which carries a substantial risk that it will proximately result in the death of any person.

D. Injury

1. For the purposes of this directive, injuries are classified as ***follows***:

a. Minor Injury

An injury that does not require transport to a medical facility.

b. Serious Injury

An injury that requires transport to a medical facility for treatment.

Note: If a Division supervisor classifies an injury as minor, refusal at the county jail does not require a Use of Force-Injury to Prisoner administrative investigation.

E. Taser Application

One full or partial five-second cycle of the taser.

II. Policy Statements

A. General

1. ***S***worn personnel ***shall attempt to*** de-escalate a situation by using trained techniques, such as building rapport, communication skills, ***maintaining a safe distance, utilizing a barrier***, etc.***, when it is safe to do so.***
2. It is well established that police officers may use force to effect an arrest, to defend themselves, or to defend others. An officer should not desist from any official duty merely because resistance is offered.
3. ***Sworn personnel shall not use more force than is reasonable in an incident.*** Factors to be considered when determining the reasonableness of a use of force ***include***:

a. The severity of the crime at issue.

b. Whether the subject poses an immediate threat to the safety of the officer or others.

c. Whether the subject is actively resisting arrest.

d. Whether the subject is attempting to evade arrest by flight.

4. Sworn personnel shall not use any force for a retaliatory or punitive purpose.

5. Sworn personnel who witness another officer utilize force which is unlawful, excessive, or violates Division policy shall intervene to stop the officer's actions.

6. Force may be used during a medical emergency if:

a. The person experiencing a medical emergency is incapable of making a rational decision under the circumstances and poses an immediate threat of serious harm to him ***or*** herself or others.

b. Some degree of force is reasonably necessary to minimize the immediate threat.

c. The force being used is reasonably necessary under the circumstances.

7. Sworn personnel should take into consideration an unarmed person's known mental health status prior to using force.

8. Officers shall use their training ***and tactics*** to guide them through a use of force incident.

a. The preferred response to resistance and aggression is a trained technique reasonable for the circumstances. However, during a situation involving the infliction or threatened infliction of serious physical harm, the use of an untrained response, may be reasonable to end the threat and survive the encounter. The proper exertion of physical force used to control the subject shall be consistent with Division policy.

b. Chokeholds and neck restraints are prohibited. These untrained techniques are considered a deadly use of force and shall only be used in a life threatening situation and deadly force is justified.

c. When attempting to control a grounded suspect, any pressure used shall be placed on the shoulder or the middle of the back, not intentionally on the neck. If at anytime during the struggle pressure is unintentionally placed on the neck, officers shall readjust their positioning. Once the suspect is handcuffed and compliant, officers shall place the individual in an upright position as soon as it is safe to do so.

9. All uses of force shall be reported consistent with Division policies. Involved personnel shall notify an available on-duty Division supervisor in the following descending order:

a. Their immediate supervisor;

b. Another sworn supervisor within their chain of command; or

c. Any other sworn Division supervisor who may personally conduct the investigation or notify a supervisor in the involved officer's chain of command to conduct the investigation.

10. The Internal Affairs Bureau (IAB) shall forward a monthly report to the Training Bureau that summarizes all Level 2 through Level 8 Use of Force Reports, form U-10.128, received.

11. The Training Bureau shall review the monthly summary of Use of Force Reports received from IAB along with the original Levels 0 and 1 Use of Force Reports to monitor techniques for their effectiveness and to make approved changes in trained techniques and lesson plans.

12. All sworn Division personnel shall receive annual in-service training in the Division's use of force policy.

13. Division supervisors conducting use of force investigations shall photograph involved persons as detailed in the Supervisor's Manual.

14. Restrictions on Supervisors Conducting Investigations

a. Division supervisors who actively participate in or order a use of force shall not conduct any subsequent investigation. This restriction does not apply to tactical situations, ***such as*** those involving SWAT, In-Tac, or field forces.

b. When a Division supervisor is prohibited from conducting the investigation, the involved supervisor's immediate supervisor or, if unavailable, another Division supervisor of a higher rank than the involved supervisor shall be contacted. The contacted supervisor may conduct the investigation or may assign it to an alternate supervisor.

15. If requested, IAB shall conduct an administrative investigation.

Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature. Information compelled from the focus employee in an administrative investigation shall not be shared with, or in any manner released to, any unit conducting a criminal investigation, except as pursuant to the Ohio Public Records Act.

B. Deadly Force

1. Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm.
2. Sworn personnel may use deadly force upon a human being to prevent escape when there is probable cause to believe that the subject poses an immediate threat of serious physical harm to others.
3. Sworn personnel not in a vehicle should avoid ***intentionally*** positioning themselves in ***a direct*** path of a moving vehicle.
   a. Sworn personnel vulnerable to being struck by a moving vehicle should take evasive action.
   b. Sworn personnel may fire a weapon at the driver or occupant of a moving vehicle ***or from a moving vehicle only*** when there is an articulable, reasonable belief that the subject poses an immediate threat of death or serious physical harm to him ***or*** herself or others.
   c. Sworn personnel should not extend their displayed firearm inside the passenger compartment of an occupied vehicle.
   d. Sworn personnel should ***attempt to immobilize a vehicle prior to attempting a trained vehicle extraction technique. Sworn personnel should*** avoid reaching ***inside the passenger compartment of an occupied vehicle***.

   Note: Reaching into an occupied vehicle can place an officer in grave danger.
4. If reasonable, sworn personnel should give a verbal warning of the intention to use deadly force.
5. While sworn personnel have an affirmative duty to use that degree of force reasonable to protect human life, the use of deadly force is not reasonable merely to protect property interests. Only under circumstances where it is reasonable to believe an infliction or threatened infliction of serious physical harm to human life exists is the use of deadly force justified.

6. The use of deadly force by sworn personnel should not create a danger to the public that outweighs the benefits of its use.
7. Sworn personnel shall not fire a warning shot unless there is justification to use deadly force and should ensure ***that***:
   a. There are no bystanders in the line of fire or ***who*** could move into the line of fire; and
   b. The backstop is reasonably likely to contain or stop the discharged bullet.
8. Facts unknown to sworn personnel at the time deadly force is used cannot be considered in determining whether the involved personnel acted in conformity with this policy.
9. Investigations of uses of force resulting in death shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor will determine if the case will be presented to a grand jury.

III. Procedures

A. Level of Control 0 (Sparking a Taser for Compliance) or Level of Control 1 with No Injury

1. Involved Personnel

   Complete a Use of Force Report and forward it to your immediate supervisor by the end of your shift or by the beginning of your next shift if the incident occurred outside of assigned duty hours. If your immediate supervisor is unavailable, forward the report to any on-duty supervisor within your chain of command.

2. Investigating Supervisor
   a. Review and sign the Use of Force Report.
   b. Forward a copy of the report to the immediate supervisor of the involved personnel.
   c. Forward the investigative packet to the:
      (1) Human Resources Bureau if discipline was issued, or
      (2) IAB for filing if no discipline was issued.
   3. Human Resources Bureau
      a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
      b. Forward the remaining investigative packet to IAB.
   4. Internal Affairs Bureau

   Forward the original Use of Force Report to the Training Bureau.

B. Level of Control 0 or 1 with a Complaint of an Injury***, Minor Injury, or Serious Injury*** Caused by the Response

1. Involved Personnel
   a. Cause any needed medical aid to be rendered.
   b. Immediately notify, or cause notification of, an on-duty Division supervisor.
   c. Complete a Use of Force Report and give it to the investigating supervisor.
2. Investigating Supervisor
   a. Review and sign the Use of Force Report.
   b. Minor Injury
      (1) Complete a Data Processing Worksheet, form U-10.164, and attach the Use of Force Report; a copy of the Arrest Information, form U-10.100; and any photographs taken.
      (2) Forward a copy of the report to the immediate supervisor of the involved personnel.
      (3) Forward the investigative packet to:
         (a) Human Resources Bureau if discipline was issued, or
         (b) IAB for filing if no discipline was issued.
   c. Serious Injury
      (1) Complete an Injury to Prisoner administrative investigation and a Data Processing Worksheet. Attach the Use of Force Report and a copy of the Arrest Information form.
      (2) Forward the packet through the chain of command to ***the commander.***
         (a) Commander
            i) Make a final determination for Level 0-1 with serious injury unless deviation from progressive discipline and/or departmental charges are recommended.
               a) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.
            ii) Forward the investigative packet to:
               a) Human Resources Bureau if discipline was issued, or
               b) IAB for filing if no discipline was issued.
3. Human Resources Bureau
   a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.
   b. Forward the remaining investigative packet to IAB.
4. Internal Affairs Bureau
   a. If applicable, record the incident in the involved personnel's IAB database record.

b. Maintain a file copy of the Use of Force Report.
c. Forward the original Use of Force Report to the Training Bureau.

C. Level of Control 2

1. Involved Personnel
   a. Cause any needed medical aid to be rendered.
   b. Immediately notify, or cause notification of, an on-duty supervisor.
   c. Complete a Use of Force Report and give it to the investigating supervisor.
2. Investigating Supervisor
   a. Review and sign the Use of Force Report.
   b. Forward a copy of the report to the immediate supervisor of the involved personnel.
   c. If the subject is being arrested or issued a summons:
      (1) Ensure that the arresting personnel include the facts necessitating the use of chemical spray and details of the decontamination/treatment rendered in the narrative section of the Arrest Information form.
      (2) Include a brief statement indicating justification for the use of chemical spray, the effectiveness of the chemical spray, and details of the decontamination process and treatment rendered on the Use of Force Report.
      (3) Ensure that an "X" is placed in both the "Chemical Spray" box on the top left corner and the "Use of Force" box on the top right corner on the front of the Arrest Information form.
      (4) Complete a Data Processing Worksheet, attach the Use of Force Report and a copy of the Arrest Information form, and forward the packet through the involved personnel's chain of command.
   d. If no arrest is made, add comments to the back of the Use of Force Report, and forward it along with a Data Processing Worksheet through the involved personnel's chain of command.
   e. If circumstances indicate that the use of chemical spray was not within Division policy, complete an investigation as indicated on the Use of Force Report, and forward it along with a Data Processing Worksheet through the involved personnel's chain of command.
   f. For a Level of Control 2 against a handcuffed subject:
      (1) Identify and interview the following:
         (a) Involved Division personnel
         (b) All available witnesses
         (c) The subject upon whom chemical spray was used
      (2) Review and sign the Use of Force Report.
      (3) Complete an administrative investigation.

(4) Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation;and forward the packet through the involved personnel's chain of command.

3. Immediate Supervisor

a. Make a final determination for Level of Control 2 (not against a handcuffed subject) unless deviation from progressive discipline and/or departmental charges are recommended.

(1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.

b. Forward the investigative packet to:

(1) Human Resources Bureau if discipline was issued, or

(2) IAB for filing if no discipline was issued.

4. Commander

a. Make a final determination for Level of Control 2 against a handcuffed subject unless deviation from progressive discipline and/or departmental charges are recommended.

(1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.

b. Forward the investigative packet to***:***

(1) Human Resources Bureau if discipline was issued, or

(2) IAB for filing if no discipline was issued.

c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

5. Deputy Chief

a. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

6. Human Resources Bureau

a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.

b. Forward the remaining investigative packet to IAB.

7. Internal Affairs Bureau

a. Record the incident in the involved personnel's IAB database record.

b. Maintain the original Use of Force Report.

D. Level of Control 3

1. Involved Personnel

   a. Cause any needed medical aid to be rendered.

   b. Immediately notify, or cause notification of, an on-duty supervisor.

   c. Complete a Use of Force Report and a Use of Taser Report, form U-10.128T, and give them to the investigating supervisor.

2. Investigating Supervisor

   a. Identify and interview the following:

      (1) Involved Division personnel

      (2) All available witnesses

      (3) The subject upon whom the taser was used

   b. Review and sign the Use of Force Report and the Use of Taser Report.

   c. Complete the Data Processing Worksheet; attach the Use of Force Report, Use of Taser Report, any photographs taken, and a copy of the Arrest Information form; and forward the packet through the involved personnel's chain of command.

   d. For a Level of Control 3 against a handcuffed subject, when three or more cycles of the taser are applied to one subject, when one taser is applied to multiple subjects during the same incident, or when multiple tasers are applied to the same subject:

      (1) Complete an administrative investigation.

      (2) Attach the administrative investigation to the Data Processing Worksheet, Use of Force Report, Use of Taser Report, any photographs taken, and a copy of the Arrest Information form, and forward the packet through the involved personnel's chain of command.

3. ***Commander***

   a. Make a final determination for Level of Control 3 ***(no serious injury)*** unless deviation from progressive discipline and/or departmental charges are recommended.

      (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.

   b. Forward the investigative packet to***:***

      (1) Human Resources Bureau if discipline was issued, or

      (2) IAB for filing if no discipline was issued.

   c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. Deputy Chief

a. Make a final determination for Level of Control 3 (serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.

b. If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

d. Forward the investigative packet to:

(1) Human Resources Bureau if discipline was issued, or

(2) IAB for filing if no discipline was issued.

5. Human Resources Bureau

a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.

b. Forward the remaining investigative packet to IAB.

6. Internal Affairs Bureau

a. Record the incident in the involved personnel's IAB database record.

b. Maintain the original Use of Force Report.

E. Level of Control 4 ***and 5***

1. Involved Personnel

a. Cause any needed medical aid to be rendered.

b. Immediately notify, or cause notification of, an on-duty supervisor.

c. Complete a Use of Force Report and give it to the investigating supervisor.

2. Investigating Supervisor

a. Identify and interview the following:

(1) Involved Division personnel

(2) All available witnesses

(3) The subject upon whom the use of force was used

b. Review the Use of Force Report.

c. Complete an administrative investigation.

d. Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command.

3. ***Commander***

a. Make a final determination for Levels of Control 4 and 5 (no serious injury) unless deviation from progressive discipline and/or departmental charges are recommended.

(1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the deputy chief.

b. Forward the investigative packet to ***the:***

(1) Human Resources Bureau if discipline was issued, or

(2) IAB for filing if no discipline was issued.

c. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

4. Deputy Chief

a. Make a final determination for Levels of Control 4 ***and 5 (serious injury)*** unless deviation from progressive discipline and/or departmental charges are recommended.

b. ***If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.***

c. Forward the investigative packet to***:***

(1) Human Resources Bureau if discipline was issued, or

(2) IAB for filing if no discipline was issued.

d. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

5. Human Resources Bureau

a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.

b. Forward the remaining investigative packet to IAB.

6. Internal Affairs Bureau

a. Record the incident in the involved personnel's IAB database record.

b. Maintain the original Use of Force Report.

F. ***Level of Control 6 and 7***

1. Involved Personnel

a. Cause any needed medical aid to be rendered.

b. *Immediately notify, or cause notification of, an on-duty supervisor.*

c. *Complete a Use of Force Report and give it to the investigating supervisor.*

2. *Investigating Supervisor*

a. *Identify and interview the following:*

(1) *Involved Division personnel*

(2) *All available witnesses*

(3) *The subject upon whom the use of force was used*

b. *Review the Use of Force Report.*

c. *Complete an administrative investigation.*

d. *Complete a Data Processing Worksheet; attach the Use of Force Report, a copy of the Arrest Information form, and the administrative investigation; and forward the packet through the involved personnel's chain of command to IAB.*

3. *Deputy Chief*

a. *Make a final determination for Levels of Control 6 and 7 unless deviation from progressive discipline and/or departmental charges are recommended.*

(1) *If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.*

b. *Forward the investigative packet to:*

(1) *Human Resources Bureau if discipline was issued, or*

(2) *IAB for filing if no discipline was issued.*

c. *Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.*

4. *Human Resources Bureau*

a. *Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.*

b. *Forward the remaining investigative packet to IAB.*

5. *Internal Affairs Bureau*

a. *Record the incident in the involved personnel's IAB database record.*

b. *Maintain the original Use of Force Report.*

G. Use of Force Resulting in ***Death or*** Serious Physical Harm ***Likely to Cause Death***

1. Involved Personnel
   a. Cause any needed medical aid to be rendered.
   b. Immediately cause Communications Bureau personnel to be notified.
   c. Secure the scene.
2. Communications Bureau
   a. Dispatch personnel to render assistance or to secure the scene.
   b. Notify the Columbus Division of Fire and those listed on the Emergency Notification Guide.

   Note: The Investigative Duty Desk will contact ***an on-duty Assault/ Homicide Section supervisor***.

3. Assault/Homicide Section Supervisor

   a. Notify the independent agency.
   b. Function as the Division liaison to the independent agency, as outlined in the Assault/Homicide Section SOP.
   c. Complete the required administrative paperwork, for example, Use of Force Report and Data Processing Worksheet and forward as outlined in the Assault/Homicide Section SOP.

4. Officer Support Team

   Provide the involved personnel with any assistance, information, or other support they may desire.

Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Therefore, Officer Support Team members are cautioned not to discuss the incident.

5. Firearms/Police-Involved Death Review Board
   a. Review all information concerning the incident.
   b. Determine whether the police action was within Division policy.
   c. Prepare and forward a summary of the findings, together with the original investigative packet, the Use of Force Report, and the Data Processing Worksheet, through the involved personnel's chain of command to the deputy chief.

   Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and route it through the involved personnel's chain of command to the Chief of Police.
6. Immediate Supervisor
   a. Review the investigative packet and make recommendations.
   b. Forward the investigative packet through the chain of command.

7. Chain of Command

   Review the investigative packet and make recommendations.

8. Deputy Chief

   a. Review the investigative packet.

   b. Make a final determination concerning the incident unless deviation from progressive discipline and/or departmental charges are recommended.

   Note: If the recommendation of the deputy chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Chief of Police.

   (1) If deviation from progressive discipline and/or departmental charges are recommended, forward the investigative packet to the Discipline/Grievance Section for a just cause review, then to the Chief of Police.

   c. Forward the investigative packet to***:***

   (1) Human Resources Bureau if discipline was issued, or

   (2) IAB for filing if no discipline was issued.

   d. Cause the involved personnel to be notified of the final determination when no discipline or progressive discipline not resulting in departmental charges is the result.

9. Chief of Police

   a. Make the final determination when a recommendation to bypass progressive discipline is made.

   b. Make a final determination if there are dissenting opinions between the Firearms/Police-Involved Death Review Board and the involved personnel's deputy chief.

   c. Cause the involved personnel to be notified of the determination.

10. Human Resources Bureau

   a. Record discipline into the Discipline Tracking System and file in the employee's Master Personnel File.

   b. Forward the remaining investigative packet to IAB.

11. Internal Affairs Bureau

   a. Record the disposition of the incident in the involved personnel's IAB database.

   b. Maintain the original Use of Force Report.

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Discharged Firearms		

Cross Reference: 2.01, 2.03, 2.06, 4.02, 4.08, 7.04, 8.06
Rule of Conduct: 1.19, 1.20, 1.21, 1.46

I. Introduction

This directive establishes procedures for all sworn personnel involved in incidents of discharged firearms while on or off duty.

II. Policy Statements

A. Sworn personnel shall report all incidents of discharged firearms, whether on or off duty, other than those done in the course of training, testing, or legal recreational purposes.

B. Scene Security

Sworn personnel shall protect the scene as any other serious crime scene in accordance with the "Serious Crime Scenes, Threatened Officer Protection, and Guard Duty" directive. Only personnel assigned to investigate a police-involved shooting shall be permitted within the protected area of the shooting scene. The exception will be the Chairperson or the responding member of the Firearms/Police-Involved Death Review Board or his or her designee, who shall be shown the scene at the first reasonable opportunity.

C. ***The Chief of Police will request an independent agency to conduct a criminal investigation of*** the following incidents:

1. The discharge of a firearm by sworn personnel or Columbus Division of Fire (CFD) ***personnel duly authorized to carry a firearm*** that results in human injury or death, excluding the unintentional discharge by sworn personnel in which non-life threatening injury is caused to said personnel.
2. Any use of force resulting in ***the*** death of a human ***or injuries likely to cause the death of a human***.
3. The death of ***or life-threatening injury to*** a person while being taken into custody, while in custody, or while being detained by sworn personnel ***or an authorized Division of Fire investigator***.
4. The use or attempted use of a stopping tactic, or a police-involved vehicular pursuit, which results in a fatality or injuries likely to cause death.

D. Critical Incident Response Team (CIRT) should investigate the following incidents:

1. The intended discharge of a firearm by sworn personnel or CFD Fire Investigator(s) ***that does not strike any person*** when the discharge:

a. Was intentionally directed at a person, or

b. While not intentionally directed at a person, could be reasonably construed as such.

2. The unintentional discharge of a firearm by sworn personnel or CFD Fire Investigator(s) ***that does not strike any person*** when the discharge occurred during a confrontation with a suspect and could be reasonably construed as being directed at the suspect.

3. Any incident in which sworn personnel sustain serious physical harm or death at the hands of another.

4. The use of a firearm within the City limits by a law enforcement officer from a foreign agency.

5. The use or attempted use of a stopping tactic or a police-involved vehicular pursuit ***by a foreign agency*** which results in a fatality or injuries likely to cause death, ***provided no Division personnel were actively engaged in the stopping tactic or pursuit.***

6. Any other incidents as ordered by the Major Crimes Bureau Commander, the Criminal Investigations Subdivision Deputy Chief, or the Chief of Police.

E. A member of the Firearms/Police-Involved Death Review Board shall respond to any police action resulting in death***,*** when CIRT has been activated***, or an independent agency has been requested.***

F. For incidents involving serious physical harm or death outside the City of Columbus, the law enforcement agency in whose jurisdiction the incident occurred shall conduct the criminal investigation and their individual policies shall dictate any subsequent review, unless other arrangements are made between the other jurisdiction ***and an independent agency*** at the time of the incident.

G. If CIRT conducts a criminal investigation involving a fatality or if criminal charges will be filed, the investigative packet shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor shall determine if the case will be presented to a Grand Jury.

H. When CIRT is conducting a criminal investigation concerning personnel involved in a use of firearms incident, and evidence exists that personnel are under the influence of alcohol or drugs, the CIRT supervisor shall request consent to retrieve body fluids for laboratory analysis or shall obtain a search warrant if probable cause exists.

I. When reasonable suspicion is present that personnel involved in a non-criminal use of firearms incident may be under the influence of alcohol or drugs, the investigating supervisor shall contact the Human Resources Manager or his or her designee to proceed with reasonable suspicion testing as outlined in the applicable collective bargaining agreement.

J. The Internal Affairs Bureau may be directed to open a concurrent administrative investigation of incidents involving the discharge of a firearm resulting in the injury or death of a human. Any statements or evidence obtained as a result of an order to comply with questioning during an administrative investigation shall not be shared with or used in any criminal investigation or proceeding involving the personnel ordered to answer questions.

K. When a firearm is unintentionally discharged on a Division of Police firing range and there are no resulting injuries, Ordnance Unit personnel shall determine the appropriate course of action.

L. Use of Firearm Against Dangerous Animals

1. ***Sworn personnel being threatened or attacked by a dangerous animal should attempt to use trained techniques and/or intermediate weapons before using a firearm to protect themselves or another person. If these attempts fail to halt the animal's attack, and when left with no alternative other than to use a firearm, sworn personnel should determine whether the backstop is able to control and contain any projectiles that may not find their intended mark or that may ricochet. Consider the presence of individuals and their actions relative to the proximity of the dangerous animal. Grassy and/or dirt areas are the preferred location for a backstop.***
2. ***Sworn personnel shall not fire or deploy a weapon at a dangerous animal unless the animal poses an imminent threat to personnel or others, use of the weapon is reasonable, and the risk to human life is minimized.***
3. ***Sworn personnel shall not use a firearm to prevent or disrupt an animal attacking another animal.***

Note: Pets are deemed to be property, and a firearm is not to be used to protect property.

III. Procedures

A. Discharged Firearm Resulting in No Injury/Death

1. Involved Personnel

   Immediately cause Communications Bureau personnel to be notified.

2. Communications Bureau Personnel

   a. Dispatch personnel to render assistance and/or to secure the scene as necessary.

b. Make notification as required by the Emergency Notification Guide.

B. Discharged Firearm for the Humane Destruction of a Seriously Injured Animal

1. Patrol Sergeant

a. Complete the Discharged Firearm Report, form S-70.100.

Note: For firearm discharges by supervisors, another patrol supervisor shall review and sign.

(1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This shall serve as notification of the incident.

(2) Route a copy through the chain of command to the involved personnel's commander.

b. Forward the investigation through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

2. Commander

Forward the Discharged Firearm Report to the ***Firearms Review Board Chairperson.***

C. Discharged Firearm Against a Dangerous Animal, Unintentional Discharge by Sworn Personnel Resulting in a Non-life Threatening Injury to Themselves, or Unintentional Discharges Not Investigated by CIRT

1. Investigating Lieutenant

Note: The lieutenant in the chain of command of the involved personnel shall investigate the firearm discharge. If the chain of command lieutenant is not on duty, a lieutenant from the involved bureau or a patrol zone lieutenant shall conduct the investigation.

a. Complete an administrative investigation.

b. Complete the Discharged Firearm Report.

(1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This shall serve as notification of the incident.

(2) Include a copy in each investigative packet.

c. Forward the original investigative packet and three copies through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

Note: The purpose of routing the investigative packet through the involved personnel's chain of command is to review the investigation for completeness. No recommendations should be made by the investigating supervisor or the chain of command until the incident has been reviewed by the Firearms/Police-Involved Death Review Board.

D. Discharged Firearm Resulting in Human Injury/Death

1. Involved Personnel

a. Immediately cause any needed medical aid to be rendered.

b. Immediately cause Communications Bureau personnel to be notified.

2. Communications Bureau Personnel
   a. Dispatch personnel to render assistance and/or to secure the scene as necessary.
   b. Make notification as required by the Emergency Notification Guide.
3. Officer Support Team
   a. Provide the involved personnel with any assistance, information, or other support as needed or requested.

   Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Officer Support Team members are cautioned not to discuss the incident.
4. Critical Incident Response Team
   a. Conduct a criminal investigation ***when assigned.***

   Note: The involved personnel may invoke their constitutional rights at any time during the criminal investigation.

   b. Complete a Discharged Firearm Report.
   (1) Email the form to DischargedFirearms@columbuspolice.org.
   (2) Include a copy in each investigative packet.

   c. Forward the completed investigative packet as follows:
   (1) The original to the Homicide Unit
   (2) Three copies to the Firearms/Police-Involved Death Review Board Chairperson
   (3) One copy to the county prosecutor

   Note: If the suspect in a non-fatal case is not charged criminally, no copy will be sent; however, the case will be reviewed with the Legal Advisor and/or Prosecutor's Office.
5. Internal Affairs Bureau
   a. Conduct a concurrent administrative investigation when directed.

   Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature.

   b. Forward a copy of the completed investigation to the involved personnel's deputy chief.

E. Post Investigation Review
1. Firearms/Police-Involved Death Review Board
   a. Review all information concerning the incident.
   b. Determine whether the discharge of the firearm was within Division policy. Render a finding in accordance with the Firearms/Police-Involved Death Review Board SOP.

c. Prepare and forward a summary of the findings together with the original investigative packet to the recording secretary, who will the forward the documentation through the involved personnel's chain of command to the commander or deputy chief.

Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and the majority finding and route it to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the Chief of Police.

2. Chain of Command

a. Review the investigative packet.

b. Render a finding of one of the following:

(1) Intentional and in violation of policy

(2) Intentional and not in violation of policy

(3) Unintentional and in violation of policy

(4) Unintentional and not in violation of policy

c. When appropriate, make recommendations regarding necessary corrective action.

3. Commander or Deputy Chief of Involved Personnel

a. Review the investigative packet and render a finding in accordance with III,E,2,b.

(1) Commanders: Investigations involving discharged firearm against a dangerous animal

(2) Deputy Chiefs: Investigations involving intentional discharge of a firearm, unintentional discharge by sworn personnel resulting in a non-life threatening injury to themselves, and unintentional discharge not investigated by CIRT

Note: If the recommendation of the commander or deputy chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Deputy Chief or Chief of Police as applicable.

b. If the discharge of the firearm was intentional and not in violation of policy, or unintentional and not in violation of policy:

(1) Cause the involved personnel to be notified of the final determination.

(2) Forward the packet through the Firearms/Police-Involved Death Review Board Chairperson to the Internal Affairs Bureau to be filed.

c. If the discharge of the firearm was intentional and in violation of policy, or unintentional and in violation of policy, determine if progressive discipline should be followed or if a deviation from progressive discipline is appropriate.

(1) If recommending deviation from progressive discipline, forward the packet to the Discipline/Grievance Section for review, then to the Chief of Police.

(2) If the discipline does not warrant deviation from progressive discipline, forward the packet through the involved personnel's chain of command for the issuance of discipline, then through the Firearms/Police-Involved Death Review Board Chairperson to the Human Resources Bureau for entry into the Discipline Tracking System and to the Internal Affairs Bureau for storage.

4. Deputy Chief or Chief of Police

a. Make a final determination if there is a dissenting opinion.

b. Make a final determination on any request to deviate from progressive discipline.

c. Cause the involved personnel to be notified of the final determination.

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Firearms Regulations		

I. Definitions

A. Primary Service Firearm

1. The Division-issued Smith & Wesson model ***M&P9 M2.0*** 9mm full-size semi-automatic pistol.
2. ***The Division-issued Glock model G17 Gen5 9mm full-size semi-automatic pistol used only by sworn personnel in SWAT and In-Tac Unit assignments.***

B. Alternate Firearm

A Division-issued or privately owned firearm authorized for carrying instead of the primary service firearm, provided applicable Division qualification standards are met. A list of Division-approved firearms is available at the Ordnance Unit.

C. Off-Duty/Back-Up Firearm

A Division-issued or privately owned firearm authorized for carrying during non-work hours or in addition to the primary service firearm/ approved alternate firearm during work hours, provided applicable Division qualification standards are met. A list of Division-approved firearms is available at the Ordnance Unit.

II. Policy Statements

A. Sworn personnel shall annually meet Division qualification standards with any firearm they intend to carry while on or off duty. This does not apply to personal rifles, shotguns, and/or handguns used only for recreational purposes.

B. Sworn personnel shall use Division-approved firearms only when reasonable and within policy.

C. Sworn personnel shall not carry personally owned shotguns or rifles on duty or while working special duty ***except as stipulated otherwise in this directive and other applicable Division publications.***

D. Carrying Loaded Firearms

Note: This policy does not apply to personal rifles, shotguns, and/or handguns used only for recreational purposes or for personnel traveling directly to or from duty locations.

1. Within the City of Columbus
   a. Full-time sworn personnel shall carry a loaded authorized firearm at all times with the following exceptions:
      (1) When it would be a violation of law
      (2) When it would be impractical
      (3) When ordered not to by a competent authority, such as a court, or not permitted to by Division policy or restrictions

   Note: Justification for not carrying a firearm shall be required. In the State of Ohio, an establishment serving the public cannot prohibit or restrict sworn personnel from carrying an authorized firearm on the premises.
2. Outside of the City of Columbus
   a. On-duty sworn personnel shall carry a loaded authorized firearm at all times with the following exceptions:
      (1) When it would be a violation of law
      (2) When it would be impractical
      (3) When ordered not to by a competent authority, such as a court, or not permitted to by Division policy, travel regulations, or restrictions

   Note: Justification for not carrying a firearm shall be required. In the State of Ohio, an establishment serving the public cannot prohibit or restrict sworn personnel from carrying an authorized firearm on the premises.
   b. Off-duty sworn personnel are authorized (but not required) to carry a firearm unless one of the exceptions listed in Section II,D,2,a applies.

E. When required or authorized to carry a firearm, sworn personnel shall carry and use only those firearms and ammunition that have been approved by the Chief of Police, and with which they have satisfied the qualification standards established by the Division of Police and the Ohio Peace Officers Training Commission.
   1. By March 1st of each year, Ordnance Unit personnel shall review the Approved Firearms & Ammunition List and send it through the chain of command to the Chief of Police for final approval.

F. Sworn personnel in uniform shall carry only the Division-issued full-size primary service firearm as the primary firearm unless otherwise authorized by the Chief of Police.
   1. Sworn personnel who are currently issued both full-size and compact service firearms may carry the compact on the duty belt while in uniform, provided they have qualified on the state-mandated (OPOTA) course. For example, a detective issued both firearms may wear the compact while working special duty if the detective has qualified with it on the OPOTA course.
   2. Sworn personnel at the rank of lieutenant or above, when wearing the blouse, may carry an authorized alternate firearm in a concealed manner.

G. Sworn personnel shall not carry a loaded firearm within a court building or courtroom when attending court on any personal/private matter unless prior approval is obtained from the Judge, Magistrate, or Jury Commissioner (if on jury duty).

H. Sworn personnel shall be given the opportunity to qualify up to three authorized alternate or off-duty/back-up firearms. An annual maximum of up to 450 rounds shall be provided by the City for the purposes of qualifying with those approved firearms. Once personnel have qualified, no more rounds shall be allocated for that firearm.

I. ***Practice Round Allotments***

1. For the primary service firearm, sworn personnel shall be allotted a weekly maximum of 50 practice rounds provided by the City.

2. For authorized alternate or off-duty/back-up firearms, a semi-annual maximum allotment of 50 practice rounds shall be provided by the City.

Note: The practice rounds available are .45, .40, .38 Special, and 9mm ammunition only.

3. For authorized patrol rifles, a biweekly maximum allotment of 60 practice rounds of 5.56mm ammunition shall be provided by the City.

J. On-duty sworn personnel shall carry primary or alternate firearm(s) authorized for carry in a concealed manner except when in uniform, inside a police facility, or otherwise readily identifiable as an officer.

K. On-duty sworn personnel shall carry off-duty/back-up firearm(s) authorized for carry in a concealed manner.

L. Carrying or using a firearm while under the influence of alcohol or drugs, or consuming alcohol at a D-permit establishment or in an open-air arena for which a permit of that nature has been issued, is a violation of law.

Note: The Ohio Department of Commerce, Division of Liquor Control, maintains a database of permit holders on its website (https://com.ohio.gov/liqr).

M. Sworn personnel off duty, out of uniform, and carrying an authorized firearm shall have it within their immediate control unless it would be a violation of law or this directive.

N. Only Ordnance Unit personnel may repair or alter any ***authorized*** firearm ***carried for a law enforcement purpose***.

O. Sworn personnel may use an approved rail-mounted light and holster for the primary service firearm, both on and off duty, upon training and qualification conducted by Ordnance Unit personnel.

P. Testing, evaluating, and any required “breaking in” of all firearms, chemical agents, intermediate weapons, and any accessory to these weapon systems are to be conducted under supervision by the appropriate Training Bureau personnel. Requests for any new firearms, chemical agents, intermediate

weapons, and accessories to these weapon systems will include the recommendation of Training Bureau personnel prior to being submitted to the Chief of Police for final approval.

Q. Sworn personnel working in plainclothes shall carry the primary service firearm or an authorized alternate firearm when on duty or working special duty unless otherwise approved by the Chief of Police.

R. Sergeants and officers returning to a uniformed assignment shall return any Division-issued alternate firearm to the Ordnance Unit.

S. Sworn personnel working in units with specialty firearms shall return all issued firearms to the Ordnance Unit when the officer to whom the firearm is issued departs the unit ***(unless the new assignment uses the same firearm and prior notification is made to the Ordnance Unit)***, relinquishes the firearm for any reason, or is otherwise ordered. Any supervisor with an issued shotgun shall return the shotgun to the Ordnance Unit upon transfer to a non-uniformed assignment.

T. Shotgun

1. Sworn personnel shall annually complete a familiarization class with the shotgun ***during the shotgun qualification phase. Sworn personnel in SWAT Unit, In-Tac Unit, and uniformed assignments shall annually qualify with the shotgun.***
2. Only sworn personnel who have qualified with the shotgun shall be permitted to carry one.
3. Personnel who have not qualified with a shotgun shall not deploy, carry, or use the shotgun except under the most critical circumstances.

U. Patrol Rifle

1. Only sworn personnel trained and certified as a Patrol Rifle Officer (PRO) shall carry the patrol rifle.
2. Sworn personnel shall refer to the ***"Equipment" section of the Patrol SOP*** for further instructions.
3. PROs who transfer from Patrol to a non-***Patrol assignment*** may ***continue carrying*** their ***Division-issued or approved personally owned*** patrol rifle ***on duty in accordance with all PRO Program policies*** when written permission is given from the involved personnel's deputy chief.
4. ***Sworn p***ersonnel who have not qualified with a patrol rifle shall not carry, ***deploy,*** or use the patrol rifle except under the most critical circumstances.
5. ***Sworn personnel shall not deploy the patrol rifle while working special duty except when its use is reasonable and in response to a critical incident.***

6. ***Any violation from the patrol rifle policies established in this directive and other applicable Division publications shall result in immediate removal from the PRO Program and may result in disciplinary action.***
7. ***Ordnance Unit personnel shall notify the involved personnel's chain of command when personnel are removed from the PRO Program.***

V. Authorization to carry an alternate firearm may be terminated at any time.

W. Failure to Qualify with a Firearm

1. Failure to qualify with the primary service firearm by satisfying the firearms qualification standards as established by the State of Ohio:
   a. Sworn personnel who fail to qualify with the primary service firearm in three attempts during the first qualification session of each required course/phase shall receive from Ordnance Unit personnel a written order from the Chief:
      (1) To surrender their primary service firearm***,***
      (2) Not to wear their uniform***,***
      (3) Not to take any police action on or off duty***,***
      (4) Not to work special duty***,***
      (5) Not to carry any firearm on duty***, and***
      (6) The date of their next qualification session.
   b. Ordnance Unit personnel shall place the original written order in the employee's firearms file and shall email copies of the order to the involved employee's bureau commander/manager and deputy chief.
   c. The immediate supervisor of sworn personnel failing to qualify shall be immediately notified. The supervisor of uniformed personnel driving a marked police vehicle shall make arrangements to have the officer and marked police vehicle transported to the duty station.
   d. Sworn personnel who have been required to surrender their primary service firearm due to the failure to qualify may contact their deputy chief and request that the Chief of Police return the firearm to them.
   e. Sworn personnel shall be allowed a total of three qualification sessions of three attempts each. Personnel failing to qualify by the completion of these sessions shall receive a written order advising them that they have seven days in which to qualify on their own time. Failure to qualify during that time shall be cause for disciplinary action.
   f. Sworn personnel beginning a qualification session shall not cease their attempt(s) until minimum qualification standards are met. If circumstances dictate that sworn personnel need to mark off during a qualification session, upon reporting for regular duty, sworn personnel shall immediately schedule a time to qualify and will be allotted the remaining number of attempt(s) in the original qualification session.

g. Sworn personnel who fail to qualify in three attempts during the first qualification session shall be provided remedial training prior to any further attempts to qualify. This training can range from verbal instruction up to and including regimented firing of the qualification course. The contents of the remedial training will be at the discretion of Ordnance Unit personnel based on the needs of each involved person. Sworn personnel that have failed to qualify by the conclusion of the first session will be scheduled to attend firearm technical skills development.

2. Failure to Qualify with a Division-Approved Alternate and/or Off-Duty/ Back-Up Firearm
   a. Sworn personnel who fail to qualify in three attempts during the first qualification session with their Division-approved firearm are prohibited from carrying the firearm until qualifications are met.
   b. Sworn personnel who fail to qualify with their Division-approved firearm shall surrender the firearm to Ordnance Unit personnel if the firearm is City-owned.
   c. Sworn personnel shall be allowed a total of three qualification attempts per day during normal Ordnance Unit hours until qualifications are met.
3. Failure to Qualify with the Shotgun
   a. Sworn personnel who fail after three attempts during the first qualification session are prohibited from carrying a shotgun.
   b. Sworn personnel who do not qualify shall receive from Ordnance Unit personnel a written order from the Chief of Police that prohibits them from carrying the shotgun.
   c. The original order shall be placed in the employee's firearms file and copies shall be forwarded by email to the involved employee's bureau commander/manager and deputy chief.
   d. Sworn personnel who fail to qualify with the shotgun shall surrender the shotgun to their immediate supervisor. The supervisor will reassign the shotgun to an officer who is qualified.
   e. Training shall be provided prior to requalification. Sworn personnel shall be allowed a total of three qualification attempts per day during normal Ordnance Unit hours until qualifications are met.
4. Failure to Qualify with ***a Division-Approved*** Patrol Rifle
   a. Sworn personnel who fail to qualify in three attempts during the first qualification session ***with their Division-approved*** patrol rifle ***shall not*** carry***, deploy, or use*** the patrol rifle ***while on duty*** until qualifications are met.
   b. Sworn personnel who fail to qualify with their ***Division-approved*** patrol rifle ***in subsequent qualification sessions*** shall ***not carry, deploy, or use the patrol rifle while on duty*** until qualifications are met.

c. Sworn personnel shall be allowed a total of ***six qualification sessions, consisting of three attempts per session,*** during normal Ordnance Unit hours until qualifications are met.

d. Sworn personnel who fail to meet the patrol rifle qualification requirements outlined in this directive shall:

(1) No longer carry, deploy, or use the patrol rifle while on duty;

(2) Be removed from the PRO Program;

(3) Reapply for and successfully pass the entire PRO Program class in order to receive authorization to carry, deploy, or use the patrol rifle while on duty.

5. Failure to Pass the Policy Exam

a. Sworn personnel who fail the policy exam shall immediately receive remediation and retraining prior to retaking the exam.

b. Sworn personnel who fail the policy exam on the second attempt may be relieved of assignment, provided additional training, and/or subjected to progressive discipline.

X. Carrying Firearms Aboard Aircraft and into Secured Areas in Airports

1. Sworn personnel shall only be authorized to carry a firearm aboard an aircraft when there is an operational need to immediately be prepared for duty and have the firearm readily accessible.

2. Policies adopted by the Federal Aviation Administration (FAA) impose certain restrictions on sworn personnel traveling with a firearm. These policies are outside the control of the Division of Police and the Columbus Regional Airport Authority Police. In addition to FAA policies, individual airlines may have established restrictions that must be followed.

3. Sworn personnel shall have in their possession:

a. The completed Flying Armed Original Letter of Authority, form I-20.132, containing the National Law Enforcement Telecommunications System (NLETS) identifier.

b. A copy of the NLETS teletype provided by the Records Section.

c. Division-issued badge and identification card.

d. Valid State of Ohio Driver License.

Note: Present these items at the airline counter and at any additional verification checkpoints. Sworn personnel will be required to sign a log before entering a secured area of the airport. Screeners are required to verify proof of identification and may deny access to secured areas or aircraft until the Division can be contacted.

4. While performing official police duties, on-duty sworn personnel may carry a firearm into secured areas of airports, provided they sign the required log and provide proof of identification to the screeners designated by the airport.

5. To avoid problems or delays, sworn personnel transporting a firearm in checked baggage should contact the airline in advance to determine the proper procedures.
6. Off-duty sworn personnel shall not carry a firearm on their person into secure areas of airports or aboard an aircraft.

III. Procedures

A. Firearms Qualifications

1. Ordnance Unit
   a. Formulate firearms training and qualification standards.
   b. Advise bureau commanders/managers of firearms training and qualification schedules.
2. Bureau Commander/Manager
   a. Ensure all sworn personnel under your command are scheduled for each phase of qualification.
   b. After each phase, review the circumstances of each individual who has failed to successfully complete the particular phase.
   c. Recommend appropriate remedial training or disciplinary action.
3. Sworn Personnel
   a. Attend firearms qualification phases as scheduled.
      (1) If there is a legitimate conflict preventing attendance, advise the bureau commander/manager who approved the schedule.
      (2) If there is no legitimate reason for failing to appear at the scheduled time, reschedule qualification times on your own time within 30 calendar days.
      (3) Failure to qualify when physically able may result in discipline and being relieved of your firearm at the end of the year.

B. Obtaining Authorization to Carry a ***Division-Approved*** Alternate and/or Off-Duty/Back-Up Firearm ***or Patrol Rifle***

1. Sworn Personnel
   a. Complete a Firearms Qualifications form, S-70.102, listing the information specific to the ***Division-approved alternate and/or off-duty/back-up*** firearm ***or patrol rifle***. Forms are available from the Ordnance Unit.
   b. Submit the ***Division-approved alternate and/or off-duty/back-up*** firearm ***or patrol rifle*** to Ordnance Unit personnel for inspection.
   c. Qualify with the firearm on the OPOTA pistol ***or patrol rifle*** qualification course.

2. Ordnance Unit
   a. Issue authorization for a Division-approved ***alternate and/or off-duty/back-up*** firearm ***or patrol rifle*** as appropriate.
   b. Maintain a list of personnel who have qualified with a ***Division-approved*** alternate and/or off-duty/back-up firearm ***or patrol rifle*** and the specific type.

C. Obtaining Temporary/Replacement Firearms
1. Contact the Ordnance Unit to schedule a time for the issuance of a temporary firearm, or
2. If the Ordnance Unit is closed, obtain a replacement firearm from the Headquarters Operations Unit Sergeant ***(except for specialty firearms issued to personnel in tactical units)***. The replacement firearm shall be used only until a temporary firearm can be obtained from the Ordnance Unit.
   a. Contact the Ordnance Unit the first day it is open to schedule a time to be issued a temporary firearm, and function-fire the firearm to confirm operability and targeting with at least 15 rounds.
   b. Immediately upon completing the operability and targeting protocol, return the replacement firearm to the issuing unit.
3. Immediately return the temporary firearm to the Ordnance Unit when your issued firearm is returned.

D. Sworn Personnel Requesting Permission to Fly Armed
1. Involved Personnel
   a. Obtain the training required by the Transportation Security Administration (TSA).
   b. Provide the airline with advance notice of your intent to fly armed.
   c. Complete the Flying Armed Original Letter of Authority and forward it to the deputy chief through the chain of command. A deputy chief requesting permission to fly armed will forward the Flying Armed Original Letter of Authority to the Chief.
   d. If the request to fly armed is approved, contact a Records Technician Supervisor at least 48 hours prior to departure, if possible, to obtain a NLETS teletype. The teletype contains a unique alphanumeric identifier for both departing and returning flights and any applicable layovers.
2. Deputy Chief or Chief
   a. Review the Flying Armed Original Letter of Authority to determine if the request meets the criteria required to fly armed.
      (1) If the request meets the criteria required to fly armed, sign the form and return it to the involved employee through his or her chain of command.
      (2) If the request does not meet the criteria to fly armed, deny the request and return it to the involved employee through his or her chain of command.

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Chemical Agents and Intermediate Weapons Regulations		

I. Definitions

A. Conducted Energy Weapon (hereafter referred to as taser)

An intermediate weapon not intended to replace firearms or self-defense techniques. The taser is designed to temporarily immobilize a violent or potentially violent subject. When applied correctly, the taser generates an electrical current that disrupts the neuromuscular and sensory nervous system, incapacitating the subject.

B. Close-Quarter Probe Deployment

A method in which the user deploys the taser on a subject in "Probe" mode, then places the taser at another position on the subject's body as distant as possible from the initial contact point, and rocks the taser forward and backward.

C. Drive-Stun

A function in which the taser is held directly against the subject's body, causing localized pain, but does not override the subject's motor responses.

II. Policy Statements

A. Chemical ***Irritants***

1. Sworn personnel shall carry only those chemical ***irritants*** that have been authorized by the Chief of Police. ***CS Gas, commonly referred to as Tear Gas, is prohibited for use to disperse crowds. CS gas may be deployed by SWAT personnel during barricade situations.***
2. Sworn personnel shall not carry chemical spray until training and qualification standards have been satisfied. Sworn personnel shall demonstrate proficiency with chemical spray once each calendar year.
3. Sworn personnel may use chemical spray to protect themselves or another person from harm, to effect the arrest of or gain control of a physically aggressive/resistive subject, to prevent escape, or to prevent or stop the commission of a criminal offense.
   a. Sworn personnel should not use chemical spray on handcuffed subjects unless they pose a danger to themselves, officer(s), or the public.
   b. Supervisors investigating incidents in which chemical spray has been used against a handcuffed person shall comply with the applicable procedures detailed in the Supervisor's Manual and the "Use of Force" directive.

4. The use of a chemical ***irritant*** deployed by a 37mm or 40mm gas gun or ***a*** chemical ***irritant*** grenade being thrown or rolled requires the approval of a lieutenant or higher authority.
   a. A SWAT lieutenant may designate a lower-ranking SWAT officer to give such an order, ***except in crowd control situations***.
   b. A sergeant acting as a zone lieutenant should not give such approval.
5. ***Sworn personnel shall not*** use their Division-issued chemical spray to disperse a congregation of individuals ***unless the congregation is engaging in aggressive or violent actions towards officers or others***. Prior to deployment of the chemical spray ***on or against an aggressive or violent crowd***, at least three notifications should be made ***when possible*** to the participants in the crowd advising them that they are committing a violation of law and are to disperse, and that chemical spray will be used if they fail to comply with the order. ***Failure to leave a street or to move, by itself, shall not justify the use of chemical spray against a non-aggressive, non-violent crowd.***
   a. The notifications should be made in a manner which the participants in the crowd should reasonably be able to hear and understand.
   b. The notifications and subsequent deployment of chemical spray in crowd control situations should be audio/video-recorded when possible.
   c. Sworn personnel may use chemical irritants to clear a congregation of people from a controlled-access highway or to prevent a congregation of people from entering a controlled-access highway.
6. Sworn personnel encountering a group of people, some of whom are engaged in unlawful conduct, shall be guided by the "Use of Force" directive when determining whether to use chemical spray. If chemical spray is used, it should be directed at the persons participating in the violent conduct, not at the group in general. The encounter should be audio/video-recorded when possible.
7. Sworn personnel deploying a chemical ***irritant*** shall make a reasonable effort to decontaminate exposed persons once the situation is under control. Decontamination may include exposure to fresh air, flushing the eyes with fresh water, or seeking medical attention.

B. Intermediate Weapons
1. Sworn personnel shall carry only those intermediate weapons authorized by the Chief of Police. The approved intermediate weapons are:
   a. A flashlight not to exceed 15" in length
   b. The issued tactical baton
   c. The approved taser

2. Sworn personnel shall not carry an intermediate weapon until training and qualification standards for that weapon have been satisfied. Sworn personnel shall requalify once each calendar year with each intermediate weapon they are authorized to carry.
3. Sworn personnel may use an intermediate weapon to protect themselves or another person from harm, to effect the arrest of or gain control of a physically aggressive/resistive subject, or to prevent or stop the commission of a criminal offense.
4. Sworn personnel should not use an intermediate weapon on handcuffed subjects unless they pose a danger to themselves, officer(s), or the public.
5. Intermediate weapons are not a substitute for deadly force.
6. It is recommended that sworn personnel have an approved intermediate weapon and a restraint device available when in possession of a firearm while off duty.
7. Sworn personnel shall complete a Use of Force Report, form U-10.128, when an intermediate weapon is used on a subject.
8. Sworn personnel shall complete the Personal Advanced Taser Agreement, form J-10.112, and obtain approval from the Defensive Tactics Unit (DTU) prior to carrying a personally owned taser. Personally owned tasers may be carried while working regular duty, special duty, or off duty as an intermediate weapon. Division-owned tasers that are not personally assigned shall only be used for regular duty.
9. Sworn personnel shall not target the head, face, neck, or groin with the taser in probe mode.
10. Sworn personnel should not intentionally target the chest area above the sternum when deploying the taser in probe mode when possible.
11. Sworn personnel may target the neck or groin with the taser in drive-stun mode.
12. Sworn personnel should consider training and the following when determining whether to use the taser:
    a. Subject's age
    b. Subject's weight
    c. Subject's obvious physical disabilities
    d. Subjects who are in a position where a fall may cause substantial injury or death
    e. Whether the subject is exhibiting signs or symptoms of mental illness
13. Sworn personnel should not use the taser in drive-stun mode for pain compliance if it is likely to be ineffective due to intoxication or signs or symptoms of mental illness.
14. Sworn personnel should not use the taser on small children, infirm or elderly individuals, obviously pregnant females, or subjects who are in control of a motor vehicle.

15. Sworn personnel shall not deploy the taser on subjects known to have come in contact with flammables or in environments where flammables are obviously present.
16. Sworn personnel shall not use the taser on a fleeing subject who committed a minor misdemeanor as a primary offense, unless the subject is posing an articulable threat to the officer or to another citizen.

Note: Failure to Comply and/or Obstructing Official Business violations arising solely from the act of fleeing from a minor misdemeanor are not justification for using the taser.

17. Sworn personnel shall properly store the taser when it is not in use. Once the taser is issued, sworn personnel shall not leave the taser unattended.
18. Sworn personnel shall not change or modify the taser.
19. Sworn personnel shall contact a DTU supervisor for replacement of any taser that is not safe or functioning properly. Only a DTU supervisor shall repair the taser or accessories.
20. Sworn personnel shall not remove the Digital Power Magazine (DPM) from the taser unit. Once the DPM read-out reaches 20% or less, personnel should have the DPM replaced. The DPM shall only be replaced by a DTU supervisor.
21. Taser unintentional discharges
    a. Sworn personnel shall notify an on-duty supervisor and record the incident on the Taser Log Sheet, form S-70.113.
        (1) If a subject is struck, sworn personnel shall complete a Use of Force Report and follow the applicable procedures outlined in the “Use of Force” directive.
        (2) If no subject is struck, sworn personnel shall ensure that the probes and cartridges are destroyed.
        (3) The supervisor shall conduct an administrative investigation when an incident occurs at a location other than a police facility, or at a police facility when a suspect or arrestee is present.
22. Taser deployment
    a. Sworn personnel choosing to deploy a taser shall confirm that the weapon selected is a taser and not a firearm.
    b. Only cartridges marked “25 FEET” or “XP” shall be used in the taser.
    c. When feasible, sworn personnel should communicate to the subject that the taser is going to be deployed to attempt to gain compliance. This can be communicated to the subject by removing the air cartridge, displaying the laser on the subject, and “sparking” the taser unit.

    Note: When the taser is “sparked” for compliance, sworn personnel shall complete a Use of Force Report.

    d. If possible, personnel should give the loud verbal command “Taser! Taser! Taser!” prior to firing the taser.

e. Sworn personnel may use the taser in the drive-stun mode to gain control of suspects displaying active resistance. The drive-stun mode shall not be used with a live air cartridge in place.

f. Sworn personnel should attempt to control and handcuff the subject under power during the window of opportunity the taser cycle provides.

g. Sworn personnel should consider moving on to another force option if unable to control and handcuff under power.

23. Taser post-use

a. Any subject upon whom the taser is used, in either probe or drive-stun mode, shall be examined by EMS personnel and shall remain under observation by sworn personnel until slated or released.

b. Sworn personnel shall request an EMS unit to respond to the scene to remove any probes that have penetrated the skin or to care for wounds caused by probes that penetrated but fell out. Sworn personnel shall not remove the probes.

(1) If the subject is transported to a medical facility, sworn personnel shall ride in the medic unit and remain with the subject until further medical attention has been offered.

(2) Sworn personnel shall call EMS personnel to the scene if any signs or symptoms of medical distress become evident.

c. Sworn personnel shall provide the subject with the Taser Aftercare form, S-70.112.

d. Sworn personnel shall treat the taser cartridge, wires, and probes as evidence and shall secure and submit them to the Property Control Unit for two years. This does not apply to unintentional discharges when no subject is struck or when used against an animal. Probes that have penetrated the skin should be treated as a biohazard and proper universal health precautions should be taken when handling and packaging them.

24. Taser dataport

a. Only zone lieutenants, a DTU supervisor, and Internal Affairs Bureau supervisors shall access the taser's USB dataport.

b. Taser dataport settings shall only be set or adjusted by a DTU supervisor.

25. Each unit assigned a taser shall maintain a Taser Log Sheet that shall include:

a. Tasers assigned to the unit;

b. Taser cartridge serial numbers assigned to the unit; and

c. Spent taser cartridge serial numbers with the date fired, the officer's name and badge number, and the taser serial number from which it was fired.

26. When the Taser Log Sheet indicates four cartridges remain assigned to a unit, the first shift supervisor shall obtain replacements through DTU.

27. Completed Taser Log Sheets shall be forwarded to DTU for retention.