



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



2023-2730  
Officer Involved Critical Incident – 4312 Helena Avenue,  
Youngstown, OH 44512, Mahoning County

**Investigative Activity:** Document Review  
**Involves:** Youngstown Police Department (O)  
**Date of Activity:** 11/06/2023  
**Author:** SA John P. Tingley, #154

**Narrative:**

On Monday, October 6, 2023, Ohio Bureau of Criminal Investigation Special Agent John Tingley reviewed the Use of Force Policy utilized by the Youngstown Police Department (YPD) at the time of the officer-involved critical incident.

The YPD policy is attached to this Investigative Report for further review.

**Attachments:**

Attachment # 01: 2023-2730 YPD USE OF FORCE POLICY

Youngstown Police Department General Orders Manual - Carl Davis, Chief of Police

## 1.8 Use of Force

All officers are individually responsible and accountable for all Ohio Revised Code sections, Youngstown City Ordinances, and Departmental policies concerning this subject. Annually, all officers shall be tested on the use of force policy and receive a passing score.

### Definitions

*Necessary Force* – That force which is necessary and reasonable in overcoming resistance to arrest, custody, or compliance with a lawful and necessary order.

*Excessive Force* – That force which exceeds what is necessary and reasonable.

Officers shall use only that degree of force reasonably necessary to affect an arrest, maintain custody of an offender, or otherwise execute their official duties. If resistance to custody is encountered or escalates, officers need not retreat from their lawful efforts, but may apply such force as may be necessary and reasonable in causing the offender to submit. This provided no substantial risk of death or serious physical harm to innocent persons results from such forceful efforts.

# Youngstown Police Department General Orders Manual - Carl Davis, Chief of Police

# 1.9 Deadly Force

## Definitions

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

*Serious Physical 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 functioning of any bodily member or organ.

*Deadly Force* – Any force which, when exerted upon or against another person, carries a substantial risk that it will result in death or serious physical harm to any person.

*Choke Holds* - Physical maneuvers that restrict a person's ability to breathe for the purpose of incapacitation.

*Vascular Neck Restraints* - Also known as "lateral neck restraints" are techniques that can be used to incapacitate a person by restricting the flow of blood to the brain.

*Note:* The discharging of firearms, except during the course of proficiency training, is always considered to be a use of deadly force.

A. Deadly force may be used upon or towards another person only after all other alternatives of apprehension have been exhausted and the identity of the perpetrator of an extremely serious, forcible, and violent offense is unknown, and/or:

1) Where an officer honestly and reasonably believes that such force is absolutely and immediately necessary to protect either the officer or another human being against death or serious physical harm, and/or

2) Where an officer honestly and reasonably believes that such force is absolutely and immediately necessary, as there is a substantial risk that the person to be apprehended, or whose escape is to be prevented, will cause death or serious physical harm to another.

B. Officers shall use the greatest possible care when handling firearms and shall not draw

their firearms unless there is reasonable cause to believe said weapons may have to be used in the lawful performance of their duties, nor shall officers point their firearms unless there is reasonable cause to believe they may have to fire.

C. Deadly force may not be used when:

- 1) The above criteria are not met.
- 2) Where the employment of such force, even though it may otherwise be justifiable, may create a substantial risk of death or serious physical harm to innocent persons.
- 3) During misdemeanor arrest situations, except that during such situations there may be a principle of escalation wherein the behavior of a suspect develops into a threat of death or serious physical harm to any person.

D. Where all other circumstances may warrant the use of deadly force, officers must first make a reasonable attempt to make known their official capacity and intention to arrest or recapture, except:

- 1) When the officer honestly and reasonably believes his/her capacity and intention to arrest are, in fact, known by the person to be apprehended, or
- 2) When, in making known such capacity and intention to arrest, the officer honestly and reasonably believes that he/she may thereby create a situation of substantial risk to the well being of either the officer's person or the person of other innocent parties.

E. Choke Holds / Vascular Neck Restraints

1. Officers are prohibited from using choke holds or vascular neck restraints unless the use of deadly force is legally justifiable and/or permitted by policy, both of which are set forth in these General Orders, or in accordance with applicable local, state or federal law.

F. Officers shall not fire warning shots.

G. Officers should not discharge their firearms at or from a moving vehicle, unless immediate life threatening circumstances exist to protect either the officer or another human being against death or serious physical harm.

H. Deadly force may be used to destroy a dangerous animal or one so ill or injured that humane interests require its destruction. Extreme care must be taken to avoid risk of harm to bystanders or property. In such cases, the police shotgun shall be the preferred means of neutralization or destruction if time permits to utilize the weapon, unless immediate and

exigent circumstances present themselves in which an officer's instantly available weapon becomes the most reasonable alternative to neutralize an immediate threat. The appropriate report shall be made without unnecessary delays.

*Note: Officer Surrendering Weapon* – An officer or his/her partner may be at the mercy of an armed suspect who has the advantage, but experience has shown that the danger to an officer is not reduced by giving up his/her firearm upon demand. Surrendering your weapon might mean giving away your only chance for survival; therefore, an officer should use every tactical tool at his/her disposal to avoid surrendering the weapon.

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# 1.10 Non-Deadly Force

Non-lethal weapons will only be used in arrest situations where physical confrontation occurs. Non-lethal weapons improperly applied can result in serious injury or death. Thus, care should be exercised during application and with the same probable cause as that used for arrest. While no two arrests are the same, officers must consider the following factors in combination when they are assessing the need to use force:

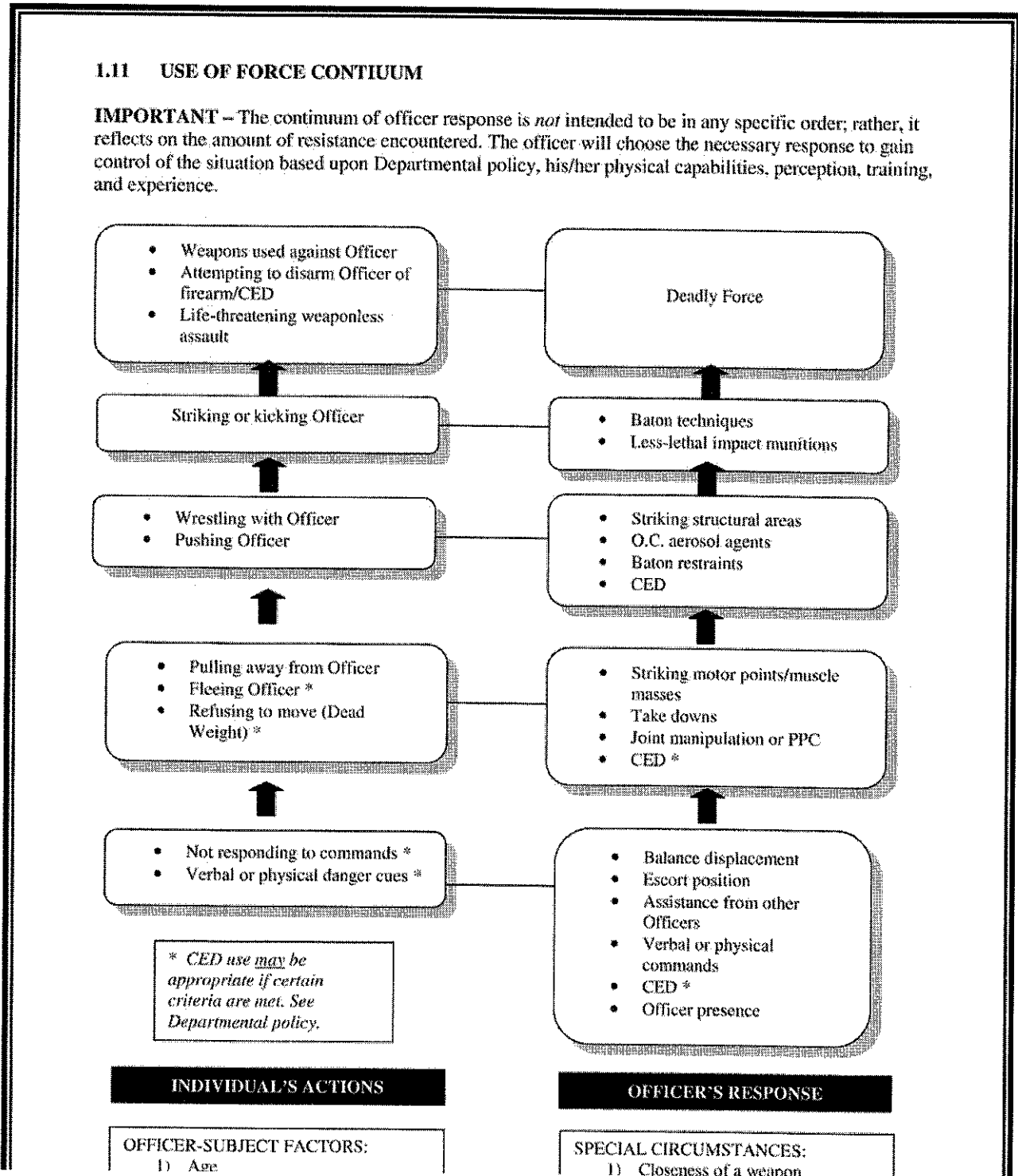
- A. Is the suspect submitting peacefully or is he/she resisting?
- B. Is the suspect armed?
- C. The nature of the crime committed.
- D. Previous arrest record and reputation for violence, if known.
- E. The number of subjects involved and the police support available.

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# 1.11 Use of Force Continuum

IMPORTANT – The continuum of officer response is not intended to be in any specific order; rather, it reflects on the amount of resistance encountered. The officer will choose the necessary response to gain control of the situation based upon Departmental policy, his/her physical capabilities, perception, training, and experience.



- 2) Sex
- 3) Size
- 4) Skill level
- 5) Multiple subjects/officers
- 6) Relative strength

- 2) Injury or exhaustion
- 3) Tactical disadvantage
- 4) Distance from subject
- 5) Special knowledge
- 6) Availability of other options

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# Youngstown Police Department General Orders Manual - Carl Davis, Chief of Police

# 1.12 Personal and/or Off-Duty Firearms

A. All officers assigned to uniform duty, while on-duty, shall carry the departmental issued firearms and at least the amount of ammunition issued with said firearms. Officers assigned to plain clothes duty, while on-duty, may carry their personal firearms. All weapons carried must be approved by the Departments Weapons Officer.

B. All officers who choose to carry off-duty firearms are individually responsible and accountable for all Revised Code sections, City Ordinances, and departmental policies governing the subject. No firearm that has not been inspected and approved by the Weapons Officer may be carried. All such weapons must be registered by serial number and the make, model, & caliber listed with the Weapons Officer.

No officer may carry any firearm with which he/she has not demonstrated minimum proficiency as established by General Order 1.15. Officers shall use the following guidelines in the carrying of off- duty weapons:

1) When operating a departmental vehicle while off-duty, officers must carry a properly registered firearm of a type specified by the department.

2) At other times, officers are permitted to carry firearms while off-duty with the following exceptions:

a. Officers should not carry firearms to places or events at which they anticipate consuming alcoholic beverages.

b. Officers shall not carry firearms to places and/or activities where the weapon's security may have to be compromised by leaving it in un-secure automobiles, lockers, or other temporary storage facilities.

c. All off-duty weapons must be carried concealed and officers will not unnecessarily expose them.

d. In no case will an officer who chooses not to carry a firearm while off-duty be subjected to negative disciplinary action if an occasion should arise in which he might have taken forcible police action had he been armed.

It is the policy of this Department that off-duty officers should refrain from taking forcible action except in circumstances which seriously threaten life, property, or public order. It is

the policy of this department that the most appropriate police action to be taken by off-duty officers in less serious situations or in situations in which forcible police action itself may increase risk to the lives and safety of officers or other innocent persons is to request the assistance of an on-duty officer at the first opportunity. Before taking any action while off-duty, officers should carefully consider the risks to themselves and to others that may be caused by sudden confrontation with armed criminals or suspects. If it is feasible, the off-duty officer should identify himself/herself as a law enforcement officer before taking any action.

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# 1.13 Less Lethal Instruments

Department approved non-lethal instruments are tools that can provide a means by which officers can defend themselves or others from injury and a means of controlling offenders when the officer is facing resistance.

In the event that the use of the below listed weapons is not feasible or practical, officers may use such other control techniques, involving the use of hands and body movements, as may be necessary and reasonable in subduing an offender and affecting an arrest. In the event an officer is attacked and has no time to draw any of the below listed weapons and that officer happens to be holding his flashlight, said officer may use the light on the primary and secondary targets only unless the use of deadly force is justified.

After having made an arrest, the arresting officer(s) shall transport or cause to be transported the prisoner, without delay and by the most direct route, to the place of detention unless that person is in need of medical attention.

The procedures of the carrying and use of such instruments are as follows:

## A. Bean Bag / Foam Impact Rounds

- 1) Only officers that are trained and qualified with bean bag/foam rounds are permitted to use this less-lethal instrument.
- 2) Application of bean bag/foam rounds used against individuals will be at the command of the OIC on scene; unless immediate intervention is needed prior to a supervisor arriving on scene.
- 3) As soon as possible, individuals struck with any bean

bag/foam round should receive medical attention.

## B. ASP (Expandable-Baton)

- 1) The ASP baton shall be optional. It shall be carried in the ASP holster or in a low profile position when the ASP baton is not being used.
- 2) At no time shall an officer unnecessarily brandish or use the ASP as an intimidation device unless the officer is attempting to prevent the further escalation of force.
- 3) All strikes with the ASP baton should be delivered to the following areas:
  - a. Primary Targets – Major muscle mass: Such as forearms, thighs, or calves. These locations should be primary targets because of the low implications of subject injury. ASP baton strikes to these locations normally create severe muscle cramping which inhibits a subject's ability to continue aggression.
  - b. Secondary Targets – Joints or bones: These targets, the elbows, wrists, and knees, have a high probability of creating soft or connective tissue damage or bone fractures when struck with an ASP.
  - c. Deadly Force Targets – Head, neck, throat, and Clavicle: Baton strikes to these areas should not be used unless the officer is justified in the use of deadly force. These striking points have high implications of creating severe injury or death.

## C. Chemical Agents

- 1) Departmental issued O.C. (Oleoresin Capsicum) spray shall be carried in the proper case.
- 2) At no time shall an officer unnecessarily brandish or use the chemical agent as an intimidation device unless the



officer is attempting to prevent the further escalation of force.

3) Application of departmental issued tear gas against large groups of people will be at the command of the Officer in Charge at the scene.

4) As soon as practical, after exposure to a chemical agent, the offender shall be afforded the opportunity to flush the residue from his/her face and, when necessary, the OIC of the station may direct that the offender receive competent medical attention.

5) All issuance of O.C. shall be weighed and documented to Internal Affairs.

#### D. Handcuffs, Flex Cuffs & Transport Cuffs

Although these items ARE NOT WEAPONS, their use is a form of force for the purpose of restraining the movements of a subject in a manner that provides a safe means of transportation of offenders. These restraints also prevent further physical resistance from a subject and are to be used as follows:

1) With the exception of General Order 1.131, all subjects taken into custody should be handcuffed behind their back. This is to ensure the safety of the officer or other citizens. In addition to General Order 1.131, the exceptions to this are:

a. When the subject has an injury that does not permit his/her arms to move behind his back.

b. When the subject's age, physical condition, or physical limitations may also indicate a change in this procedure.

2) Handcuffs are to be double locked unless the arrest environment is tactically unsafe for the officer to take the time.

3) The officer applying restraints is to ensure that

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unnecessary tightness, which may prevent proper blood circulation, does not occur.

4) To ensure proper safety for officers, subjects should be handcuffed before being searched incidental to an arrest.

5) Except under exceptional circumstances, officers shall not handcuff a subject to fixed objects such as posts, vehicles, buildings, etc.

## E. Taser (CEW)

1) Definition – The Taser is a non-lethal Conducted Energy Weapon (CEW) designed to stun/incapacitate subjects by discharging an electronic current in the subject via two wired probes.

### 2) Criteria for Use

a. The CEW shall only be used by officers trained in its deployment and use.

b. Only Departmental authorized CEWs and accessories will be used.

c. The CEW is not a substitute for deadly force.

d. No individual officer shall simultaneously draw and hold a CEW and any firearm.

e. Personnel shall always consider the subject's age, weight/build, and obvious disabilities when considering the deployment of the CEW.

f. The CEW may be used when necessary to overcome physical or threatened physical resistance encountered in the discharge of official duties. The CEW may also be used to subdue persons when a person is assaultive/combative and where the officer or others may be exposed to physical injury. When tactically permitted, officers are advised to announce their intention to utilize the CEW by giving a warning arc (and thus possibly gain compliance) prior to its

warning are (and thus possibly gain compliance) prior to its deployment.

g. When attempts to subdue and control the subject through the use of conventional tactics (verbalization, manual control) are ineffective or it would be unsafe for officers to approach close enough for physical contact.

h. When an officer concludes that a reasonable alternative to lesser response to resistance options will likely be ineffective or greater response options may be inappropriate, given objective circumstances.

i. The fact that a person is fleeing shall not be the sole justification for deploying the CEW. The severity of the offense known at the time, the threat posed to officers or others, the individual's history of violent behavior, the likelihood of successful use, and other options available to apprehend the fleeing individual shall be taken into consideration before deploying the CEW.

j. The CEW may be used to protect a subject when that person is either attempting to injure himself/herself or attempting to commit suicide.

k. The CEW may be used in the drive-stun mode to gain control of suspects according to departmental training.

l. Officers shall energize the offender no longer than necessary to accomplish legitimate operational objectives. Upon firing the weapon, the person should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. An offender should not be simultaneously energized by more than one CEW at a time.

m. The CEW should be fired at the lower center body mass (below the area of the heart) by splitting the beltline, off centerline and at large muscle groups such as the back or legs. The back, below the neck is the preferred target area.

n. The word "TASER" should be announced loudly prior to its use to warn other officers at the scene that the CEW is being discharged, so as not to create confusion when the

CEW is discharged.

Personnel shall always take into account their immediate surroundings and the environment in which the CEW may be deployed. Environments such as a school, church, public function, and so forth in which the CEW is being deployed may have an adverse impact publicly against either the officer or the Department if the CEW is utilized. In these situations, the officer should exercise common sense in employing the least degree of force that may be necessary and reasonable in controlling the person in that particular environment. This is not discouraging and forbidding the use of the CEW in such environments under appropriate circumstances; it is merely a reminder for officers to remain cognizant of how, when, and where they choose to employ the device.

### 3) How to Carry

- a. When an officer is in uniform the CEW shall be carried/secured in the department issued holster, carried on the opposite side of the firearm, beyond the centerline, in a cross-draw fashion, with the safety in the "ON" position.
- b. The CEW should remain holstered at all times unless it is being tested, inspected or when used in accordance with Department policy.

### 4) Readiness and Safety of the CEW

- a. The CEW shall be loaded and unloaded with the safety on and directed away from confined spaces or other personnel.
- b. The CEW's energy level should be checked daily by the officer. This can be accomplished by pointing the CEW in a safe direction, taking the safety of others into account. Press both ARC switches momentarily to display the battery percentage and firmware version on the CID (Central Information Display). Any CEW with 40% or less energy level should not be used for duty until the battery is replaced or recharged.
- c. Officers shall change the Taser 7 battery approximately

every 30 days, regardless of the battery level.

d. Spark tests should be conducted in accordance with manufacturer's recommendations and as follows:

1. Ensure that the safety is in the down SAFE position and pointed in a safe direction. At no point during the spark / function test, will the trigger be engaged, pressing the trigger will cause the probes to be deployed.
2. Press both ARC switches simultaneously for approximately 1 second. (CID will show Firmware version & Battery Percentage)
3. Turn Taser 7 to the on position. (CID will show solid yellow box with battery)
4. Depress the arc switch momentarily, the Taser 7 will arc for five seconds. Ensure proper arcing and CID is functioning.
5. Turn the Taser 7 to the Off Position and back on to return to normal operation.
6. Ensure CID, Lasers and Tilt Select are functioning properly.

e. Active duty cartridges should be checked at the beginning of the shift for integrity. Any cartridges that are damaged or that have expired will be turned into Weapons Officer to be replaced and disposed of.

#### 5) Unauthorized Use of the CEW

- a. The CEW shall never be used near flammable liquids or fumes, blasting caps or explosives or in highly flammable environments such as clandestine labs. Or in any situation where flammable material may be present.
- b. The CEW is not intended for use on any known or obviously pregnant females.

c. The CEW is not intended for use on any subject where severe injury would result in a fall from significant heights or into a hazardous environment. When used in or near any body of water the ability to rescue the subject should be taken into consideration.

d. The CEW will not be deployed from or at a moving vehicle, unless it can be justified in the defense of one's life or that of another under extenuating circumstances.

e. At no time shall the CEW be used for the purpose of punishment or as an interrogative device.

f. The CEW should not be pointed at any person unless the officer involved reasonably believes it will be necessary to use the weapon. The CEW's laser pointing device shall not be intentionally aimed at any person's eyes.

g. An officer using a CEW should avoid pointing or aiming the device at a person's facial area.

h. The CEW should not be used on handcuffed subjects unless the subject is combative and poses a threat of harm to himself/herself, officers, or others. In these cases, the CEW should be deployed in the drive-stun mode and only for the duration required to achieve pain compliance. Any other use must be justified under extenuating circumstances.

i. Medically or mentally compromised people that are not posing a threat to others.

## 6) Post Use Procedures

a. Immediately after use of the CEW or as soon as it is tactically possible officers should restrain the subject.

b. Assess the subject for injuries and if necessary provide appropriate medical attention.

c. Probe Removal – Do not attempt probe removal if the subject is combative or if the location of the barb is in the

face, neck, head, groin, female breasts or deeply embedded. In such cases the subject shall be transported to a medical care facility for probe removal. Officers should inspect the probes after removal to ensure that the entire probe barb has been removed. In the event that any part of the probe is still embedded in the subject's skin, the officer will notify the appropriate medical personnel to facilitate the removal of the object.

d. Use of the CEW shall be fully documented in the necessary police report(s).

e. Officers will notify their immediate supervisor anytime a CEW is used on a subject, the supervisor shall conduct the appropriate investigation to ensure compliance with the Department's Use of Force policy.

f. Supervisors shall respond to the scene where the taser has been deployed and ensure the appropriate medical treatment is provided to any subject injured by the CEW.

g. When severe injury results from the use of the CEW, photographs should be taken of the injured area if possible.

h. After a CEW cartridge has been discharged, the officer shall mark the cartridge as evidence. The cartridge should then be secured in a plastic evidence bag. If the prongs are removed, they are to be placed into the cartridge and secured with tape. The officer shall then mark the evidence bag with a bio-hazard sticker.

i. After deployment officers shall dock the Taser 7 Battery to ensure upload of deployment data as soon as practical. Officers shall obtain another fully charged battery from the dock for replacement. Officers shall obtain replacement cartridges from the Patrol Commander's Office.

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# 1.13.1 Restraint of Pregnant Females

## Definitions

*Charged or convicted female* – a person who is charged with a crime or, with respect to a crime, is being tried, has been convicted of or pleaded guilty, or is serving a sentence and is in custody of any law enforcement, court, or corrections official; this also applies to a delinquent child charged with a delinquent act.

*Emergency circumstance* – sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the charged or convicted criminal female offender who is pregnant for an emergency situation faced by a law enforcement, court or correctional official.

*Postpartum recovery* – the period which can include up to six (6) weeks after live birth.

*Restrain* – use of shackles, handcuffs or other similar appliance or device.

This entire G.O. 1.131 is applicable for use of restraints on females (adults or juvenile), who are pregnant, in labor, delivery, or in any period of postpartum recovery. Knowledge of the pregnancy by the officer can include visible cues, disclosure by the pregnant female or others, or other information that would indicate a pregnancy or postpartum recovery.

If a female arrestee discloses she is pregnant or visibly pregnant, the officer is considered to have knowledge of the pregnancy and therefore, the use of restraints are prohibited unless emergency circumstances present themselves.

A) No officer of this agency - on or after the date on which the female's pregnancy is confirmed to YPD by a health-care professional, having knowledge that a female is pregnant or was recently pregnant (6 weeks postpartum) - shall knowingly restrain the female who is a charged or convicted criminal offender, or is a charged or adjudicated delinquent child.

Any physical restraint of a pregnant female including handcuffs as a routine is prohibited unless an exception exists. The exception may be if the pregnant female presents threat of physical harm to herself, to the officer, to other law enforcement officials or court personnel, or to any other person, presents threat of physical harm to property, presents a security risk or presents a substantial flight risk.

B) Waist restraints shall not be used on a pregnant female; leg and ankle restraints may be used.

C) The restrictions to handcuffing a pregnant or postpartum female apply when:

1) The female meets the definition of "charged or convicted female" as defined in this section, and

2) The female is in YPD custody, and

3) The arrest, transportation, or routine processing/booking of the female has been completed, and

4) The female's pregnancy has been confirmed to YPD by a healthcare professional.

D) It is permissible by law and this policy to restrain a pregnant or postpartum female who is a charged or convicted female (as defined in this section) when:

1) An emergency circumstance exists as defined in this section, and

2) A healthcare professional treating the female has not provided YPD notice that any restraint during a specified period poses a risk of physical harm to the female or her unborn child

E) The following circumstances may be taken into account when considering whether an emergency (as defined in this section) exists:

- The danger or risk posed by the person;
- The nature of the crime(s) or circumstance(s) that prompted the arrest of the pregnant female;
- The person's criminal record;
- The presence of weapons; or
- Current or past indications of flight or violence.

F) If a pregnant female is restrained in an emergency circumstance, a supervisor shall be summoned to the scene to assist in an investigation of the incident/restraint of the pregnant female. As soon as reasonably practicable after applying the restraint, the officer shall notify a health care professional who is treating the person, identify the type of restraint being used, and the duration of its use. Officers shall address any complaints of

pain immediately and contact medical services (ambulance) to the scene.

The 911 Center can make and monitor the notification to the health care professional in order to allow the officer and responding supervisor to monitor the restraint and situation at the scene. If the arrest is made after business hours some medical providers be reached through the Medical Dental Bureau.

The 911 Center, officer and supervisor on the scene shall remain in communication while waiting on the contact with the health care professional treating the female. If the health care professional treating the person judges that restraint of the female poses a risk of physical harm to her or her unborn child, and such notice is received after the application of restraints to the female, the restraints shall be removed.

G) In the event that handcuffs are applied, the restraints shall be the least restrictive available and the most reasonable under the circumstances. If applied, handcuffs shall be placed in the front of her body in such a way that the pregnant female may be able to protect herself and her unborn child in the event of a forward fall. In the event that handcuffs are placed on a female behind her back (i.e. during an emergency circumstances), an officer will maintain constant close contact with the female to prevent a fall. As soon as possible and appropriate, the handcuffs will be transitioned to the front of the female.

H) Required documentation - If a pregnant female is restrained in any manner, the officer shall document the details of the detention and the need for handcuffs (supplemental incident report). If a pregnant female is arrested, the use of handcuffs or other restraints shall be documented in the related arrest report.

Officers shall document the following information in an incident (supplement, arrest) report, as appropriate, when restraints are applied on a pregnant female:

The factors that led to the decision to use restraints;

- Supervisor notification and approval of restraint use;
- The type(s) of restraint used;
- The amount of time the person was restrained;
- How the person was transported and the position of the person during transport;
- Observations of the person's behavior and any signs of physiological problems;
- Any known or suspected drug use or other medical problems;

- If applicable, the name, contact information, manner and content of notification made to the health care professional

If a law enforcement officer restrains a pregnant female under emergency circumstances, the officer shall remove the restraint, at any time while the restraint is in use, when a health care professional whom is treating the woman provides notice to the officer, Department, or court stating the restraint poses a risk of physical harm to the woman or woman's unborn child.

A law enforcement officer, prisoner conveyance officer, court officer shall not restrain a pregnant woman who is a charged or convicted criminal offender, if prior to the use of restraint, a health care professional who is treating the woman provides notice to the officer, Department, court stating that the restraint of the woman poses a risk of physical harm to the woman or the woman's unborn child.

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## 1.14 Reporting the Discharge of Firearms

Whenever an officer discharges a firearm, other than in training or for recreational purposes, he/she shall submit a Supplementary Report (PD-4). The Officer-In-Charge shall, in any instance where a member of this department is involved in any shooting incident, including an accidental discharge but excluding the humane destruction of an animal, contact the Shooting Team immediately.

Officers assigned to the shooting team shall conduct a complete investigation and shall submit a report to the Chief of Police. In the event the shooting involves injury to any person, the Commander of the Criminal Investigative Division shall also be notified so that the appropriate investigation can be immediately assigned.

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# 1.15 Firearms Qualification

Only officers who have qualified with departmental issued or authorized firearms are permitted to utilize said weapons. These weapons include:

- A. - Department issued pistol/sidearm.
- B. - Pump action and/or Semi-automatic 12 gauge shotgun.
- C. - Patrol Rifle.
- D. - 37/40 mm tear gas gun.
- E. - Scope sighted bolt-action rifle.
- F. - Those weapons that meet the specifications outlined in General Order 1.12 and 1.17.

Qualification is obtained through the Planning & Training Unit and includes, but is not limited to:

- 1) Achieving minimum scores on a course prescribed by the Weapons Officer.
- 2) Attaining and demonstrating knowledge of the laws concerning the use of firearms.
- 3) Attaining and demonstrating knowledge of safe handling procedures.

Officers, upon receiving "qualified" status with any departmental authorized firearm, must re-qualify at least annually in order to maintain said status.

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## 1.16 Mandatory Equipment

All officers, while on-duty, are required to carry an authorized firearm, badge, handcuffs and handcuff key. Officers working in uniform must additionally carry a flashlight and O.C. spray, (2) fully loaded ammunition magazines and C.E.W. Officers working plain clothes duties must additionally carry departmental identification.

The Chief, Captains and Lieutenants who work inside may opt not to carry a CEW.

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# 1.17 Duty Weapons

Officers, during their tour of duty, shall carry only such weapons and ammunition as have been issued or approved by the Weapons Officer. Each officer is responsible for the proper care and cleaning of said weapons and should they need repairs, the officer is to immediately report the condition to his immediate supervisor. Issued or approved weapons may not be altered in any way without the approval of the Weapons Officer.

An officer may carry a personally owned secondary handgun while on-duty after obtaining authorization from the Chief of Police or Weapons Officer. The firearm must be inspected and approved by the Weapons Officer. Such authorization will be predicated on the weapon being Y.P.D. approved by make, caliber, and ammunition. The Weapons Officer will examine the firearm for serviceability and safety. The officer must also meet the qualification requirements of General Order 1.15 with said weapon.

Secondary handguns may be used when it is tactically practical.

Weapons for secondary use shall have the following characteristics:

- A. Small and concealable revolver or semi-automatic pistol.
- B. Minimum of (5) cartridge capacity.
- C. Of high quality and functionally reliable.
- D. Caliber:
  - 1) .22LR
  - 2) .25
  - 3) .32
  - 4) .380
  - 5) .38 / .357
  - 6) 9mm
  - 7) .40

8) .45

Officers may carry only the secondary handgun approved by the Chief of Police or Weapons Officer.

All secondary handguns are to be registered by serial number; and the makes, models, and calibers listed with the Weapons Officer.

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## 1.18 Written Reports

In any event where an officer takes physical defensive action against another person including deadly force, or an officer applies force through the use a non-lethal weapon(s), mace or individual physical force. The following shall apply:

- A. Where there is no claimed or apparent injury, the defensive action shall be described in detail in the general body of the Incident Report, Arrest Report or Supplemental Report and a Defensive Action Report shall be completed.
- B. Where injury to any person is apparent or is claimed as a result of the officer's actions, the officer(s) shall describe the incident in detail within the body of the Incident Report, Arrest Report, or Supplemental Report and complete a Defensive Action Report. The officer(s) involved shall immediately notify a supervisor to respond to the scene and complete the necessary investigation and complete the required fields in the Defensive Action Report. The Officer-In-Charge shall review the incident. The OIC shall determine if the officer(s) actions were objectively reasonable and followed the Departments Use of Force policies and procedures. He/She shall then check the appropriate block on the Defensive Action Report.
- C. In all cases where Deadly Force is used (discharging a firearm at a suspect), Internal Affairs will conduct the necessary investigation. In cases where a shooting injures any person, the Commander of the Detective Division shall also be notified to initiate the appropriate investigation. Officers are still required to notify a supervisor to initiate the appropriate investigation.

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## 1.19 Use of Force Review Policy

Copies of all reports describing all incidents in which an officer applied force shall be forwarded to the Office of Internal Affairs for examination. The Staff Inspector shall review and compile an annual report of statistical findings to be forwarded to the Chief of Police.