



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



2024-0109
Officer Involved Critical Incident – 9714 St Route 93, Pedro, OH
45659

Investigative Activity: Document Review, Review of Records

Date of Activity: 01/11/2024

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Narrative:

On Thursday, January 11, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chad Holcomb received the Use of Force Policy utilized by the Lawrence County Sheriff's Office at the time of this incident. The document received is attached to this investigative report for further review.

Attachments:

Attachment # 01: LCSO Use of Force Policy

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**LAWRENCE COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE**

EFFECTIVE: 02/10/2021

POLICY #: R-14

REFERENCE:

NO. OF PAGES: 14

SUBJECT: Use of Force

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R-14-1 **Purpose**

1. The purpose of this policy is to provide all deputies and officers of the Lawrence County Sheriff's Office with guidelines on the use of force both deadly and non-deadly.

R-14-2 **Policy**

1. It is the policy of the Lawrence County Sheriff's Office that all deputies and officers are expected to use force in a lawful and justifiable manner. This means the unnecessary use of force in an excessive or unreasonable amount, or to use force in a cruel manner, is an unjustified use of force and violates this policy. All deputies and officers are to use force that is **REASONABLE** to perform the various duties required. The guidelines and specific regulations that are identified herein shall be followed.
 - A. Deputies and Officers may never use deadly force to affect the seizure, custody, or apprehension of a person unless the Deputy or Officer can establish probable cause to believe that the person has the imminent ability and opportunity to seriously injure or take a person's life. In such cases the deputy or officer may be permitted, provided it is used in a justified manner.

- B. Nothing in this policy is to be construed to hold a deputy or officer to a higher standard of care when reacting to a life-threatening situation than allowed in the EMERGENCY RESPONSE DOCTRINE.
- C. Deputies and Officers are expected to justify their use of force in any criminal, civil, or administrative proceeding. Article 8 of the Labor agreements is to be afforded to all employees during the course of any investigation. Deputies and Officers who cannot, or will not, comply with this policy will be subject to disciplinary action up to and including termination.
- D. A violation of this policy will only form the basis for sanctions by the Sheriff's Office.

R-14-3 **Ohio Standards**

1. Policy statement for the State of Ohio standard for Use of Force

Employees may only use the force which is reasonably necessary to affect lawful objectives including: Affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

2. Policy statement for the State of Ohio standard for Use of Deadly Force

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances:

- A. To defend themselves from serious physical injury or death; or
 - B. To defend another person from serious physical injury or death; or
 - C. In accordance with U.S. and Ohio Supreme Court decisions, specifically, Tennessee v. Garner and Graham v. Connor.
- 3. All sworn personnel are issued copies of the office's use of force and use of deadly force policy. This policy contains the following on the use of force and use of deadly force:**
- A. Policy statements;
 - B. Training policy;
 - C. Reporting policy;
 - D. Reviews/investigations policy

R-14-4 **Definitions**

- 1. **FORCE:** Any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing. O.R.C. 2901.01(A)(1).
- 2. **DEADLY FORCE:** Any force that carries a substantial risk that it will proximately result in the death of any person. O.R.C. 2901.01(A)(2).

3. **DEADLY WEAPON:** Any instrument, device, or thing capable of inflicting death, and designed or specially adapted, for use as a weapon, or possessed, carried, or used as a weapon. O.R.C. 2923.11(A).
4. **INTERMEDIATE WEAPON:** Shall be defined as the baton, chemical agent (OC, CS, CN spray), or electronic restraining device.
5. **EMERGENCY RESPONSE DOCTRINE:** The Deputy's or Officer's right to use any level of force deemed necessary to protect their life, or the life of another, when faced with bon-a-fide life-threatening situation. This doctrine provides for a lower standard of care in these cases when the following four (4) conditions are satisfied:
 - A. The deputy or officer did not create the emergency situation.
 - B. The deputy or officer was acting under an immediate and direct threat.
 - C. The level and amount of force used was reasonable given facts and circumstances at the time.
 - D. A reasonable and prudent person might have been expected to react similarly under similar conditions.

R-14-5 **Use of Physical Force**

1. It is the policy of the Lawrence County Sheriff's Office that only the amount and degree of force will be used that is reasonably necessary to perform the various duties required of deputies, that is to:
 - A. Protect life and property by effecting arrests
 - B. Retaining arrestees
 - C. Preventing personal injury to themselves and others
 - D. Prevent property damage
2. Each instance of the use of force will require that restraint be exercised so as not to purposely exceed that force necessary as dictated by the particular circumstances faced by the employee.
3. As used in this rule, "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing, and shall include, but not limited to:
 - A. The striking of a person with the hand, intermediate weapon, or any other object.
 - B. The throwing or shoving of a person causing a collision of that person with the ground, another person or object.
4. As used in this rule, "Intermediate Weapon" shall be defined to include baton, chemical agent (OC, CN, CS), or electronic restraining device. The following rules apply:
 - A. Members of the Sheriff's Office will carry intermediate weapons that have authorized by the member's supervisor to be carried.

- B. Employees who have been trained in the use of the ASP baton will not carry any other intermediate weapon except the OC spray and the ASP baton.
- 5. The purpose of a flashlight is to provide light and illumination and is not to be used as a weapon except under extraordinary circumstances.
- 6. When necessary to use force to effect an arrest, subdue or control an arrestee or in any other like situation, the use of force shall be fully documented in writing. The following rules apply:
 - C. The deputy or officer using force shall immediately notify their supervisor of the incident.
 - D. When a member of the Sheriff's Office uses OC spray in effecting an arrest, the procedures contained above shall apply.
 - E. **NECK RESTRAINTS CHOKE HOLDS/CAROTID HOLDS-** Choke holds and carotid holds **are NOT** to be used to bring a person into compliance.

Use of a chokehold by a Lawrence County Sheriff's Office Deputy is prohibited in all cases unless it is the only option available to the deputy to prevent him/herself or another person from immediate risk of death or serious bodily injury.

R-14-6 Procedures:

- 1. Parameters for the use of deadly force:
 - A. The Lawrence County Sheriff's Office policy is not more lenient than the Federal Standard. It is the legal burden imposed in the language of case "Tennessee V. Garner, 741 U.S. 1, 105 S Ct 1964 851 ED. 2d (1985)". This case is historically significant for abolishing the "Fleeing Felon Rule". The following guidelines were established as a result of the mentioned case:
 - A. It is not constitutionally reasonable to use deadly force to prevent the escape of a fleeing felon who poses no danger to others.
 - B. It is not constitutionally unreasonable to prevent the escape of a fleeing felon by using deadly force if:
 - a. The suspect poses a threat of serious physical harm to any person.
 - b. The suspect threatens the deputy or officer with a weapon or there is probable cause to believe that the suspect has committed a crim involving the infliction, or threatened infliction, of serious physical harm.
 - c. Where feasible, some warning should be given.
- 2. The following procedures regarding the use of deadly force are to be adhered to:
 - A. Deputies are authorized to fire their weapons in order to:
 - 1. Protect the deputy or others from what is reasonably believed to be an immediate threat of death or serious physical harm.
 - 2. Prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant threat to human life should escape occur.

3. To destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from the agency (Humane Society, Lawrence County Animal control, Game Warden, etc.) responsible for the disposal of animals. The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others.
- B. Before using a firearm, when feasible, the Deputy shall identify herself/himself and state her/his intent to shoot.
 - C. Deadly Force Restrictions:
 1. Warning shots are prohibited.
 2. Firearms shall be discharged when it is likely that an innocent person may be injured.
 3. Firearms shall not be discharged to solely disable a moving vehicle.
 4. The decision to discharge a weapon at a moving vehicle or from a moving vehicle shall be governed by this policy. The discharge of a weapon will be prohibited if there is an unreasonable risk to the deputy or to the public.
 - D. No distinction shall be made relative to age of the subject demonstrating deadly force. Self-defense and the imminent threat shall be the only policy guideline for employing deadly force.
 - E. For maximum stopping effectiveness and minimal danger to the innocent persons, the deputy should shoot at "center mass".
 - F. All on duty deputies shall be armed with an agency approved firearm.
 1. The firearm will be inspected, fired, and certified safe by an agency certified Range or firearms instructor.
 2. The firearm must be registered with the office by make, model, serial number, and ballistic sample.
 3. Only authorized holsters will be permitted for on-duty use.
 4. Only ammunition issued or authorized by the Sheriff's Office is permitted.
 - G. A secondary (back up) on duty handgun may be authorized but only upon meeting specific Sheriff's Office approval. (i.e., qualified with the weapon and registered with the office.)
 - H. Deputies are encouraged, but not mandated, to carry a handgun while off duty. A deputy who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which they could have taken enforcement action if they were armed.

3. Discussion and examples on the use of deadly force. The Deputy must perceive that these three elements are present before they are in a legal deadly force situation:
 - A. **INTENT**: The person intends to seriously injure or kill the deputy (or another person).
 - B. **OPPORTUNITY**: The person is within range (close enough) to seriously injure or kill the deputy (or another person).
 - C. **ABILITY**: The person has the means (weapon) to seriously injure or kill the deputy (or another person).

R-14-7 **Value of Human Life**

1. The value of human life is immeasurable in our society. Law enforcement has been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must, at all times, be subservient to the protection of life. The deputy or officer's responsibility for protecting life must include their own.

R-14-8 **Shoot to Stop**

1. Members shall not fire their weapons to kill, but rather to **stop the threat** and incapacitate an assailant from completing a potentially deadly act as described in the following sections of this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the deputy should shoot at "center of mass".

R-14-9 **Defense of Life**

1. A deputy or officer may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or (near death) critical bodily harm.

R-14-10 **Use of Non-Deadly Force**

1. Where deadly force is not justified or authorized, the Deputy should assess the situation in order to determine which of the non-deadly force techniques or issued equipment will be best to de-escalate the incident and bring it under control in a safe manner.
2. Deputies and officers are authorized to use the departmental approved non-deadly force techniques for the resolution of incidents as follows:
 - A. To protect themselves or another from physical harm.
 - B. To restrain or subdue a resistive individual.
 - C. To bring an unlawful situation safely and effectively under control.
3. If chemical aerosol agent is used, medical attention shall be given to the recipient.
4. If the use of force is justified, the deputy or officer may utilize non-traditional weapons, as necessary. This includes any object the Deputy or Officer may need in stopping an attack or subduing an individual.

R-14-11

Types of Resistance

1. In a majority of situations, some amount of force will be necessary or needed to arrest an individual or to protect persons and property. This includes the Deputy or the Officer. The amount of force may be as low as verbal commands, or balancing techniques, striking techniques, the use of intermediate weapons or even the use of a firearm. **IN ALL CASES, ONLY "REASONABLE" AMOUNT OF FORCE IS JUSTIFIED. ANY FORCE THAT IS UNREASONABLE WOULD BE UNJUSTIFIED AND MAY AMOUNT TO A CRIMINAL AND/OR A CIVIL VIOLATION.**
2. **When a deputy or officer uses force, it must be reflective of the amount of resistance given by a subject. Resistance is an action by a subject towards a deputy or an officer and can be characterized into three (3) broad areas:**
 - A. **VEBAL RESISTANCE-** Refusal to obey a lawful order or command, verbal threats, or assaults.
 - B. **PHYSICAL RESISTANCE-**Physical actions that are meant to counter a Deputy or an Officers attempt to control, or prevent an escape attempt, but are actions that do not harm them or others.
 - C. **PHYSICAL ASSAULT ACTIONS-** Physical actions with or without a weapon, capable of causing severe physical harm, incapacitation or death of the Deputy or others.
3. **THE DEPUTY'S OR AN OFFICER'S RESPONSE ACTIONS OR CONTROL MEASURES ARE TO REFLECT THE RESISTANCE OF THE SUBJECT, THEREFORE:**
 - A. When the level of resistance is psychological intimidation, non-verbal or physical cues (threats, verbal assaults, taking a fighting stance, clenching fists, etc.), the level of control required should only be the Deputy's or Officer's presence as a symbol of authority. The symbol of authority could be the Sheriff's Office badge, uniform, or the cruiser.
 - B. When the level of resistance is verbal, non-compliance/uncooperative with a deputy or officers verbal commands, the level of control required should be specific verbal requests, order of command or a lesser level of control.
 - C. When the level of resistance is passive resistance, such as refusing to move (dead weight, i.e., sit ins), the level of control required may be soft hand controls with touch pressure (pressure point controls) and requesting back-up.
 - D. When the level of resistance is defensive resistance where the subject may push or pull away from the deputy, the level of control required may be soft, empty hand control, such as the escort position (a gentle hold on the subject's arm, no joint locks or pain compliance). The use of higher or lesser level of control may be required. If the situation escalates, empty hand strikes, kick(s) to the nerve points could be used.
 - E. When the level of resistance is active aggression, such as an assault on the Deputy or other person, the level of control may be empty hand hard counter strike(s); hard intermediate weapon control, which is an intermediate impact weapon; use of chemical aerosol agent or a lesser level of control.
 - F. When the level of resistance is an aggravated active aggression with a deadly weapon against the deputy or other person, the level of force may rise up the force continuum to deadly force.

R-14-12

Reasonable Responses to Individual Actions

1. A confrontation is not static; it is dynamic. It is not just a word or a push. It is a combination of all of the above, in a random, rapid chain of events. There are numerous factors and circumstances that affect the Deputy's or Officer's response to an individual's actions.

A. DEPUTY-OFFICER/SUBJECT FACTORS

1. Age
2. Sex
3. Size
4. Skill Level
5. Multiple Subjects/Deputies-Officers
6. Relative Strength

B. SPECIAL CIRCUMSTANCES

1. Closeness of weapon
 2. Injury or exhaustion
 3. Being on the ground
 4. Distance from the subject
 5. Disability
 6. Imminent danger
2. It is reasonable that a discrepancy in the physical size or a difference in the sex between the individuals involved in a confrontation may require a Deputy or an Officer to use more or less force to control a situation. In a similar manner, it would be reasonable for single Deputy or an Officer to use more force in controlling a situation when confronted by multiple subjects.
 3. A confrontation may include special circumstances that would allow a Deputy or an Officer to increase the use of force. A subject in proximity of a weapon creates an increased danger to the Deputy, an Officer, or others, and must be dealt with immediately. A deputy or an Officer near exhaustion would require increased force. Likewise, a deputy or an officer who is injured, disabled, or on the ground, would be justified to increase the use of force options.

R-14-13 **Safe Handling of Firearms**

1. Except for general maintenance, storage, or authorized training, Deputies shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sanctions of this policy.

R-14-14 **Training**

1. Firearms training will be conducted semi-annually.
 2. Once a year the Lawrence County Sheriff's Office firearms qualification will be the OPOTA mandated course.
 3. Sworn personnel are issued copies of the officer's use of force and use of deadly force training policy.
- A. Revision:** -Following release-of a revision to this policy of all Deputies and Correction Officers shall be assigned this policy, without delay, for review, and read and sign. The policy will be placed into the Policy and Procedure Manual.

- B. **Roll Call Training:** -Whenever changes in the policy occur, all shift supervisors will conduct roll call training to instruct staff on the changes.
 - C. **Annual Training:** -Sworn personnel are annually trained and tested on the office's use of force and use of deadly force policy. Training and testing will include instruction of:
 - 1. The legal requirements;
 - 2. Policy statements;
 - 3. Training policy;
 - 4. Reporting policy;
 - 5. Reviews/investigations policy;
 - 6. Moral responsibilities of carrying a firearm;
 - 7. Firearm safety; and
 - 8. Firearm proficiency.
 - D. **Annual Review:** -All Deputies will review this policy, in its entirety, as part of the OPOTA mandated annual firearms qualification.
 - E. **New Hires:** -The FTO shall provide all Deputies and Correction Officers with specific training on the scope and contents of this policy.
- 4. The firearm proficiency training may include, as closely as possible, those circumstances and conditions that our Deputies are most likely to confront in real-life deadly force situations.
 - 5. All aspects of the firearms training program will include the Deputy's on-duty, off-duty, and secondary weapons.

R-14-15 Firearms Certification

- 1. All deputies shall be "certified" with their primary, secondary and their off-duty weapons. "Certification" shall include:
 - A. Office policy on use of deadly force,
 - B. The legal requirements,
 - C. Moral responsibilities of carrying a firearm,
 - D. Firearm safety, and
 - E. Firearm proficiency.
- 2. Firearms certification shall be required annually. And, in the event of any accidental discharge, the Deputy involved must undergo immediate re-certification training prior to returning to full duty.
- 3. Should a Deputy fail to make certification standards, written notification of such failure shall be forwarded to the Deputy's commanding officer, the training unit, personnel unit, and to the Sheriff.
- 4. The Sheriff may immediately revoke the Deputy's authority to carry a firearm or seek to have the Deputy re-certified.

5. If a Deputy's authority to carry their on-duty weapon has been revoked, they shall be reassigned to non-uniform administrative duty for a period of ten days. Within the ten-day period, the Deputy must report to a certified agency firearm instructor for remedial training and certification.
6. Deputies who fail to achieve certification after attending remedial firearms training may be placed on suspension. After 30 days suspension, if the Deputy has still failed to achieve certification, they may be terminated for failing to maintain standards.

R-14-16 **Firearms Certification Records**

1. The Lawrence County Sheriff's Office (Range Master) shall maintain a permanent certification log for every Deputy authorized to carry firearms. The log shall consist of the following minimum information:
 - A. Deputy's name.
 - B. Certified on-duty weapon, the make, model, caliber and ammunition, serial number of weapons, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - C. Certified off-duty weapon, the make, model, caliber, and ammunition, serial number of weapons, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - D. Certified secondary weapon, the make, model, caliber, and ammunition, serial number of weapons, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - E. Certified shotgun, the make, model, caliber, and ammunition, serial number of weapons, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.
 - F. Certified rifle, the make, model, caliber, and ammunition, serial number of weapons, date, time, results of shooting test, weather conditions, instructor name, curriculum, written test results.

R-14-17 **Reporting Procedures**

1. Deputies and Officers shall notify their supervisor and submit a written report whenever an employee:
 - A. Any incident when force is used or the use of deadly force.
 - B. Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
 - C. Discharges a firearm for other than training or off duty recreational purposes.
 - D. When restraints are necessary to subdue an individual other than with handcuffs.
 - E. When there is any danger to Lawrence County property or damage to civilian property.
 - F. When bystanders complain of the Deputy's or Officer's actions or tactics.
 - G. When a Deputy or an Officer feels it is necessary.
2. The required reports will be completed as soon as possible by the employee in accordance with established procedures. The report will be reviewed by the shift supervisor to determine compliance with office policies and procedures.

R-14-18 **Medical Attention Should be Provided.**

1. If there is any visible injury that the deputy or officer feels may need medical attention.
2. If the individual requests medical attention.
3. If the individual is incapable of communication about their wellbeing.
4. If the individual become unconscious at any time during the deputy's or officer's contact.

R-14-19 **Pictures**

1. Photographs will be taken of any visible injuries to the deputy or officer, civilian or perpetrator.
2. Photographs will be taken before and after treatment when possible.
3. Photographs will be taken of any damaged property.

R-14-20 **Investigative Process**

1. Each use of force and use of deadly force report is reviewed/investigated by a defined level of authority to determine compliance with office policies and procedures as follows:
 - A. The use of force report will be reviewed by the shift supervisor and forwarded to the division commander.
 - B. Deadly use of force or discharge of a weapon the following procedures will be followed.
2. The following procedure shall be used to investigate **every** incident of firearm discharge by a Sheriff's Office employee **except** for target practice, hunting, ballistics examinations, and incidents involving the destroying of an animal.
 - A. **Involved Deputy:**
 1. Whenever a Deputy discharges their firearm, either accidentally or officially, they shall **immediately:**
 - a. Determine the physical condition of an injured person and render first aid when appropriate.
 - b. Request necessary emergency medical aid.
 - c. Notify the Dispatch center of the incident and location.
 - d. The deputy shall remain at the scene (unless they are injured) until the arrival of their supervisor and appropriate investigators. However, if circumstances are such that the continued presence of the Deputy at the scene might cause a more hazardous situation to develop (violent crowd), the ranking supervisor at the scene shall have the discretion to instruct the Deputy to respond to another more appropriate location.
 - e. The Deputy shall protect their weapon for examination and submit said weapon to the appropriate investigator.
 - f. The Deputy shall prepare a detailed report of the incident.
 - g. The Deputy should not discuss the incident with anyone except:
 - Supervisory and investigative personnel,
 - The deputy's privately retained attorney

- The deputy shall be available at all times for administrative interviews and statements regarding the incident and shall remain subject to recall to duty at any reasonable time.

B. Communications:

1. The notified communication personnel shall:
 - a. Dispatch requested medical aid.
 - b. Notify the on-duty uniformed patrol supervisor
 - c. Notify the Sheriff
 - d. Where injury resulted, notify the prosecuting attorney
 - e. Notify the Operations Division Commander.

C. Traumatic Incident Team:

1. The traumatic Incident Team, which will be identified by the Sheriff, shall conduct an administrative investigation of every incident of firearms discharged by an employee, except when such discharge was for firearms training, hunting, ballistic examinations, and incidents involving the destruction of an animal, **AND** no near miss or hit of a human resulted. The Traumatic Incident Team (Unit/Investigator) will conduct an investigation (subordinate to any criminal investigation) to determine:
 - A. Whether the shooting was:
 - Within policy
 - Out of policy
 - Accidental
 - B. Evaluate training considerations:
 - Drawing and exhibiting firearms
 - Firing of weapon
 - Tactics prior to drawing and discharge
 - Tactics during and following discharge.
 - C. The quality of supervision prior to, during, and after the shooting incident. Before interviewing or requesting written statements of the involved member(s), the Traumatic Incident Team Investigator shall advise the member of their rights in an administrative investigation. Those rights include:
 - The right of an investigation which is narrowly defined to the specific shooting incident.
 - The right to know the name of the Deputy in charge of the investigation and the name of the deputy conducting the interview.
 - The right to know if they are suspected of misconduct which, if sustained, could be grounds for administrative action to include dismissal.
 - The right to refuse to answer any questions, but such refusal shall be grounds for disciplinary action including dismissal.
 - That the results of the traumatic incident interview will not be used against the Deputy in any subsequent criminal proceeding.
 - Interviews will be conducted during the Deputy's on duty hours unless off-duty interviews can be justified by the specific situation.
 - The interviewed Deputy shall, upon request, be provided a copy of any statement given by them.

- The Traumatic Incident Team (Unit/Investigator) shall prepare a detailed report of findings for the Sheriff and the Deadly Force Review Board.

D. The Criminal Investigation:

1. The investigation Division will conduct a thorough Investigation of every shooting by a Deputy Sheriff and/or Reserve Deputy Sheriff that results in injury or death.
 - a. The Sheriff or his designee may request an outside agency to conduct the investigation or review of the incident.
2. The investigation shall include the following minimum procedural standards:
 - a. Proceed to the scene immediately upon notification.
 - b. Secure the scene.
 - c. Examine the weapon(s) of all deputies present at the time shots were fired including secondary weapon(s) that may have been fired. The weapon will be held for analysis and the deputy given another weapon to use until the analysis is complete.
 - d. Seize samples of unspent ammunition
 - e. Take possession of the Deputy's body worn camera
 - f. Separate, secure and interview all on-scene witnesses
 - g. Photograph and diagram the scene
 - h. Secure all physical evidence. Have proper medical authorities secure projectiles from the victim's body.
 - i. Secure telecommunication tapes
 - j. Obtain hospital, autopsy, lab and photographic reports
 - k. Before interviewing or requesting written statements of the involved Deputy(s), the investigator shall advise the Deputy of their rights in a criminal investigation.
 - l. The investigation Services Division shall prepare a detailed report of the investigation and submit same to the Sheriff, Prosecuting Attorney, and the Board of Firearms Review.

E. Use of Deadly Force Review Board:

1. The Use of Deadly Force Review Board shall convene and review circumstances attendant to each discharge of a firearm by a member of this office. The board shall consist of:
 - a. A Command Rank Officer as designated by the Sheriff.
 - b. The lead Detective of the agency or senior Sergeant.
 - c. A firearms instructor
 - d. The immediate supervisor of the deputy who discharged their weapon.
 - e. Two members of the same ranks as the member who discharged their weapon. (when possible)
2. The Use of Deadly Force Review Board will evaluate, in explicit and fact-finding fashion, each aspect of a Deputy-involved shooting. Such evaluation will include:
 - a. A thorough review of the criminal investigation report.
 - b. Hearing of direct testimony, if necessary, from deputies and witnesses.
3. The Use of Deadly Force Review Board will develop findings and make recommendations to the Sheriff in the following areas:

- a. Whether the shooting was within policy, out of policy or accidental.
- b. Tactical consideration.
- c. Training consideration
- d. Quality of supervision
- e. Discipline considerations
- f. The post-shooting investigative processes and quality.

R-14-21 **Civil Rights Investigations**

1. The Lawrence County Sheriff's Office will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations which may have occurred.
2. The Lawrence County Sheriff's Office will not order, or request, any of its members who may be suspects to confer with federal investigators without the advice of counsel.

R-14-22 **Administrative leave**

1. Any Deputy or Officer directly involved in a deadly force incident shall be placed on "Administrative Leave" directly upon completion of their preliminary report of the incident. The leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the Deputy or Officer has acted improperly.
2. While on administrative leave, the Deputy or Officer shall remain available at all times for official agency interviews and statements regarding the shooting incident and shall be subject to recall at any time. The Deputy or Officer shall not discuss the incident with anyone except the prosecuting attorney, agency personnel assigned to the investigation, the Deputy's or Officer's private attorney, the Deputy's or Officer's psychologist, their chosen clergy, and the Deputy's or Officer's immediate family.
3. Upon returning to duty, the Deputy or Officer may be assigned to "Administrative Duty" for a period of time as deemed appropriate by the Deputy or Officer, their psychologist, and the Sheriff.

R-14-23 **Legal Representation**

1. The Deputy's or Officer's private attorney should be immediately notified of any Deputy/Officer-involved shooting incident or use of deadly force.
2. The attorney should immediately proceed to the scene of the incident to meet with, and establish, a lawyer-client relationship with that employee.
3. The attorney should assist the Deputy or Officer in drafting a formal statement as to the underlying facts and the reasonableness as perceived by the Deputy or Officer justifying their use of deadly force. The statement should be drafted to insure (if that be appropriate) that legal sufficiency for such use of force is included in the Deputy's or Officer's statement. The deputy of officer should also be advised of their legal and agency rights regarding statements.
4. The attorney should continue to assist the Deputy or Officer during any post-shooting investigation, as well as criminal, civil and federal civil rights actions, including the initial interview conducted by federal agents in a criminal civil rights action.
5. Should the initial lawyer-client interview indicate a violation of the Ohio Revised Code, the attorney should represent the Deputy or Officer accordingly.
6. All communications between the deputy or officer and their attorney are privileged and such must remain confidential and undisclosed unless released by authority of the Deputy or Officer.

R-14-24 **Psychological Services**

1. In all cases where any person has been injured or killed as a result of a firearm discharge or killed due to the actions of a Deputy or an Officer, they will be **required** to undergo a debriefing with the office-furnished psychologist within five days of the incident.

2. The purpose of this debriefing will be to allow the Deputy or Officer to express their feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident.
3. The debriefing shall not be related to any agency investigation of the incident and nothing discussed in the debriefing will be reported to the Sheriff. The debriefing session will remain protected by the privileged Professional Psychologist Code of Ethics.
4. In all cases where any person has been injured or killed as a result of a firearm discharged by a Deputy or killed due to the actions of a Deputy or an Officer, the involved Deputy or Officer, and their family, will have **available** to them the services of the agency psychologist and/or chaplain.
5. The purpose of the psychologist and/or chaplain is to provide the Deputy and the Officer and/or their family with a source of professional consultation to aid them in dealing with the potential moral and ethical after-effects of a shooting incident.
6. The services shall not be related to any office investigation of the incident and nothing discussed will be divulged to the Lawrence County Sheriff's Office. The consultation sessions will remain protected by the privileged relationship.

R-14-25

Submission to County Grand Jury

1. It shall be the policy of the Lawrence County Sheriff's Office that after the Investigation Division completes its investigation of a use of firearms, or other deadly force, incident by a member of the Lawrence County Sheriff's Office resulting in death, a complete copy of the investigation case file shall be submitted to the office of the County Prosecutor for presentation to the County Grand Jury.