



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



2022-0407
Officer Involved Critical Incident – 1783 Penfield Rd, Columbus
(L)

Investigative Activity: Case Opening, Initial Briefing
Involves: JaJuan Ball (S)
Date of Activity: 02/24/2022
Activity Location: – 1783 Penfield Rd, Columbus, OH 43227, Franklin County
Author: SA James Poole

Narrative:

On Thursday, February 24, 2022, the Ohio Bureau of Criminal Investigation (BCI) was requested by the Columbus Division of Police of (CPD) to conduct an independent investigation of the facts and circumstances surrounding an Officer-Involved Critical Incident which occurred in the area of 1783 Penfield Rd., Columbus, Ohio. BCI Special Agent Poole (SA Poole) responded to assist, arriving at approximately 0530 hours. Also responding from the BCI Special Investigations Unit were Special Agents James Mulford (SA Mulford), Shane Hanshaw (SA Hanshaw), Jonathan Scale (SA Scale) and Special Agent Supervisor Kevin Barbeau (SAS Barbeau). Additionally, the BCI Crime Scene Unit was requested to process the scene by documenting and collecting pertinent evidence which included Special Agents Mathew Austin (SA Austin) Chad Holcomb (SA Holcomb) and Special Agent Supervisor Joshua Durst (SAS Durst).

The critical incident involved a subject, Jajuan Ball, and CPD Officers [REDACTED] Trip, [REDACTED], [REDACTED], [REDACTED], [REDACTED], Christopher Choy, and Sergeant Franklin Lucci. The incident resulted in a vehicle crash where Jajuan Ball sustained mortal injuries.

SAS Barbeau spoke to CPD Sgt. Terry McConnell, who explained CPD officers were engaged in a vehicle pursuit with a subject from a domestic complaint. While the involved party was fleeing, he was involved in a traffic crash where his vehicle went off the roadway and struck two (2) occupied homes. CPD officers located the driver, who was ejected and transported to Grant Medical Center. The involved party died from unknown injuries. It was reported CPD officers' cruisers did not physically engage with the involved party's vehicle.

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A copy of the CPD Use of Force Policy and CPD Pursuit Policy are attached below.

Attachments:

Attachment # 01: DD 5.02 Vehicular Pursuits

Attachment # 02: CPD Use of Force Policy

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Columbus Police Division Directive	EFFECTIVE	NUMBER
	Aug. 01, 1987	5.02
	REVISED	TOTAL PAGES
	Jul. 12, 2020	9
Vehicular Pursuits		



Cross Reference: 5.01, 5.04, 7.02, 10.02, 10.15, Ohio Revised Code

I. Definition

A. Vehicular Pursuit

The following of a motor vehicle whose operator is attempting to elude or flee from a police officer after having received an officer's visible and/or audible signal to stop the vehicle.

II. Policy Statements

- A. A respect for human life shall guide officers in determining whether to engage in or terminate a vehicular pursuit. Officers shall act within the boundaries of legal guidelines and Division policy when engaging in a vehicular pursuit.
- B. Sworn personnel shall terminate a pursuit if the immediate danger of initiating or continuing the pursuit is greater than the immediate or potential danger to the public if the suspect remains at large.
- C. Reasons for Vehicular Pursuits
 1. Sworn personnel may only engage in vehicular pursuits when:
 - a. There is reasonable, articulable suspicion:
 - (1) The driver or occupant attempted, threatened, or inflicted serious physical harm to a person; or
 - (2) The driver or occupant displayed, threatened to use, or used a deadly weapon; or
 - (3) The driver or occupant committed, or has an active felony warrant for, an offense involving serious physical harm to a person; or
 - (4) The vehicle contains evidence of a crime involving serious physical harm to a person.
 - b. The driver's actions create an immediate danger to human life that is greater than the potential danger of pursuing the suspect. Fleeing, in and of itself, does not constitute a danger to human life for the purpose of this section.
- D. Circumstances Excluded as Vehicular Pursuits
 1. The interim period when an officer may be utilizing Emergency Vehicle Operations (EVO) in an attempt to catch up to a suspect vehicle in an effort to give an initial signal to stop.

2. The interim period after an officer first initiates a signal to stop the vehicle, and the operator does not immediately respond but demonstrates no evidence of eluding or fleeing.
- E. Sworn personnel engaged in a vehicular pursuit shall have their emergency equipment activated.
- F. A supervisor shall be assigned to manage a pursuit as soon as possible by either acknowledging the dispatcher's request or by taking responsibility on the air. The managing supervisor, once identified, shall manage the incident until its conclusion.
- G. When a pursuit is not permissible or has been terminated, sworn personnel shall deactivate EVO equipment and obey all traffic laws.
- H. If a passenger is onboard a police vehicle, and unless exigent circumstances dictate, participating in a vehicular pursuit is not authorized unless the passenger is a:
 1. Sworn law enforcement officer,
 2. Columbus City official or employee riding in an official capacity,
 3. Columbus Division of Police **Cadet or Public Safety Corps Member** or
 4. Adult civilian who has signed a Citizen Ride Along Request/Release, form U-10.119.

Note: If possible, involved sworn personnel with a civilian passenger shall relinquish involvement to another unit as soon as safe and practicable.

- I. Up to three police vehicles (a primary, second, and third unit) may initially become actively involved in a pursuit unless otherwise specifically authorized or prohibited by the supervisor assigned to manage the pursuit. The purpose of the second and third units is to provide backup for the primary unit.
- J. Sworn personnel shall not relinquish control of Division-initiated pursuits to any other law enforcement agency while within the city limits of Columbus.
- K. Sworn personnel shall not become involved in a vehicular pursuit initiated by a foreign agency unless assistance is specifically requested by the initiating agency and the pursuit conforms with Division policy. A Division supervisor shall manage the Division's involvement in such a pursuit.
- L. Sworn personnel shall not engage in a vehicular pursuit of a driver traveling the wrong way on the freeway unless:
 1. The use of deadly force is justified; or
 2. Other resources and/or strategies can not reasonably be utilized.
- M. Sworn personnel should only respond to the area of a vehicular pursuit on their precinct. If responding, officers shall use EVO when violating traffic laws.

Note: Freeway units may only respond to the area of a vehicular pursuit on the zone where they are currently patrolling.

N. Authorized Vehicles

1. A marked police vehicle with operable lights and siren should be used when participating in a vehicular pursuit. Marked cruisers shall take precedence over any other marked unit.
2. Under exigent circumstances or when authorized by a sworn supervisor, sworn personnel may use other police vehicles to participate in a vehicular pursuit. Vehicles without emergency equipment shall relinquish involvement to a vehicle with emergency equipment as soon as safe and practical.
3. Sworn personnel, such as SWAT, operating any unit other than a marked cruiser shall relinquish their involvement to personnel in a marked cruiser and disengage from the pursuit as soon as safe and practical, unless authorized by the managing supervisor.

O. Documentation and Review

1. A zone or traffic lieutenant shall conduct an administrative investigation of a vehicular pursuit, including each unit actively engaged and any stopping tactics used or attempted during the pursuit, that does not result in a fatality or injuries likely to cause death.
2. ***A vehicular pursuit which results in a fatality or injuries likely to cause death shall be referred to an independent agency for investigation.***
3. The Critical Incident Response Team (CIRT) ***may*** investigate ***a foreign agency's*** vehicular pursuit that results in a fatality or injuries likely to cause death ***provided no Division personnel are actively engaged***, and the Accident Investigation Unit (AIU) shall process the scene.
4. The SWAT Section Lieutenant should conduct an administrative investigation of vehicular pursuits initiated by and/or involving SWAT units.

III. Procedures

A. Vehicular Pursuit

1. Primary Unit
 - a. Upon initiating a pursuit, immediately advise the dispatcher of the:
 - (1) Cruiser/call number,
 - (2) Reason for the pursuit,
 - (3) Location and direction of travel,
 - (4) Description of vehicle being pursued, and
 - (5) Pursuit speed.
 - b. Keep other officers and the dispatcher advised of the location, direction, and description of the fleeing vehicle and the pursuit speed until the helicopter is in position to take over airing the pursuit.

2. Additional Units

- a. Notify radio of involvement and position.
- b. Enter the pursuit behind the primary unit. Do not pass the primary unit unless it cannot continue the pursuit or relinquishes its position.
- c. Back up the primary unit.

3. Pursuit Units

- a. Activate the Body-Worn Camera (BWC) at the start of the pursuit.
- b. Keep the radio volume turned up to hear instructions from the supervisor assigned to manage the pursuit.
- c. Drive defensively.
- d. If the helicopter crew has the fleeing vehicle in sight:
 - (1) Reduce speed, and
 - (2) Avoid using the radio unless assistance is requested by the helicopter crew or information is requested by the supervisor assigned to manage the pursuit.

4. Dispatcher

- a. As soon as possible after a vehicular pursuit is initiated, assign a supervisor to direct and manage the pursuit, or acknowledge the supervisor who is managing the pursuit.
 - (1) Advise the supervisor of the stated reason(s) for the pursuit.
 - (2) If the pursuit was initiated by a foreign agency, advise the supervisor whether the assistance of the Columbus Division of Police was requested by the pursuing agency and all other known information.
- b. Notify the helicopter crew if available.
- c. Avoid transmitting non-emergency information.
- d. Use available information to ascertain the possible identity of the fleeing suspect(s).
- e. Once the helicopter crew becomes involved in the pursuit:
 - (1) Advise other units to relinquish the air except:
 - (a) For emergency use, or
 - (b) To broadcast essential information requested by the supervisor assigned to manage the pursuit.
 - (2) Allow the helicopter crew to direct information to involved units.
 - (3) Monitor information aired by the helicopter crew.

5. Helicopter Crew

- a. When in position to direct pursuits from the air:
 - (1) Provide information regarding location, direction, description, and speed estimates of the fleeing vehicle.

Note: If equipped with a gimbal camera and recording device, the Tactical Flight Officer should activate the equipment during the pursuit.

- (2) Transmit relevant conditions such as vehicular and pedestrian traffic.
 - (3) Advise the supervisor of unassigned units that are actively engaged in the pursuit and/or in the area of the pursuit.
 - (4) Direct other units to key positions in the event the suspect vehicle eludes the pursuing vehicles or the suspect flees on foot.
 - (5) If the vehicle stops, advise units of the location, suspect(s) description, number of occupants exiting the vehicle, possession of weapons if observed, and other relevant information.
- b. If the pursuit is terminated, keep units advised of the location and direction of the fleeing vehicle to allow units to remain in the area of the vehicle unless ordered to cancel by a supervisor.

6. Managing Supervisor

- a. Direct and manage the pursuit until its conclusion.
- b. Ensure pursuit speeds are updated.
- c. Ensure the appropriate number of units are assigned to the pursuit, giving consideration to:
 - (1) The reason for the pursuit,
 - (2) The number of suspects in the vehicle,
 - (3) Knowledge that the suspect is armed,
 - (4) The use of stopping tactics,
 - (5) Any authorized pursuing unit that becomes inoperable or should relinquish involvement, and
 - (6) Any additional information.
- d. Obtain information about the amount of pedestrian and vehicular traffic in the area of the pursuit if possible.
- e. If a crime scene possibly exists, direct unit(s) to the scene(s) in order to gain information.
- f. Advise the dispatcher to notify foreign agencies, as appropriate, of vehicular pursuits near their jurisdictions. Request the foreign agency's assistance if deemed necessary.

B. Termination of Vehicular Pursuits

1. Pursuit Units and Managing Supervisor

- a. Consider the following in determining whether to terminate a pursuit:
 - (1) The need for an immediate apprehension or the probability of the suspect being identified and/or arrested at a later time
 - (2) Reason for the pursuit
 - (3) Seriousness of the crime
 - (4) Identity of suspect is known
 - (5) Driver's/suspect's actions
 - (6) Pedestrian and vehicular traffic density

(7) Road surface and weather conditions

Note: Even good weather can create sudden hazards, such as driving toward a morning or evening sun.

(8) Inability to air location and direction of travel without diverting an undue amount of attention from driving

2. Primary Unit

a. Terminate the pursuit if:

- (1) The reason for the pursuit does not follow established policy,
- (2) The immediate danger of the pursuit is greater than the immediate or potential danger to the public if the suspect remains at large,
- (3) The distance between the pursuing vehicle and the violator's vehicle becomes so great that further pursuit is futile, or
- (4) Ordered to do so by a supervisor or advised by a dispatcher.

3. Managing Supervisor

a. Terminate the pursuit if:

- (1) The reason for the pursuit does not follow established policy, or
- (2) Based on information available at the time, you determine the immediate danger of the pursuit is greater than the immediate or potential danger to the public.

b. Upon termination, advise all units of actions to be taken. For example, stay in the area or take an overt disengagement maneuver.

4. Helicopter Crew

- a. Terminate the pursuit if observation of the pursuit and available information indicate the danger of pursuit is greater than the immediate or potential danger to the public or other officers if the suspect remains at large.
- b. Discontinue observation and airing suspect location of the fleeing vehicle if ordered to do so by a supervisor.

5. Ground Units

Upon termination, immediately disengage from the pursuit.

6. Dispatcher

Upon termination of a vehicular pursuit, broadcast the termination on all Patrol zone channels.

C. Post-Pursuit Actions

1. Involved Personnel

a. Pursuit Units

Complete a Vehicular Pursuit Involvement Summary, form U-10.200, and forward it to the managing supervisor.

b. Managing Supervisor

Complete a Vehicular Pursuit Involvement Summary and forward it with the officer's completed summary to the investigating lieutenant.

2. Immediate and/or Managing Supervisor
 - Conduct a debriefing with involved officers as soon as possible to resolve any questions regarding the pursuit and to identify areas for improvement.
3. Investigating Lieutenant
 - a. Conduct an administrative investigation in accordance with the procedures outlined in the Supervisor's Manual.
 - b. Forward the original and two copies of the investigative packet through your commander to the Pursuit Review Committee Chairperson.
4. Investigating Lieutenant's Commander
 - a. Review the investigative packet for completeness only, and return it if further information is needed.

Note: No recommendations should be made until the incident has been reviewed by the Pursuit Review Committee.

 - b. Forward the investigative packet to the Pursuit Review Committee Chairperson.
5. Pursuit Review Committee
 - a. Review all information concerning the vehicular pursuit and/or use of a stopping tactic during a pursuit.
 - b. Make a recommendation whether the vehicular pursuit incident, including each unit actively engaged and any stopping tactic(s) used or attempted during the pursuit, was within Division policy.
 - (1) The majority opinion is the final recommendation of the committee.
 - (2) Attach a letter to the investigative packet outlining the committee's recommendation.
 - (3) Attach any dissenting opinions, to include a letter of finding, to the investigative packet.
 - c. Forward the investigative packet to the involved personnel's commander.
6. Involved Personnel's Chain of Command
 - a. Review the vehicular pursuit and/or use of a stopping tactic during the pursuit and the recommendation of the Pursuit Review Committee.
 - b. Make a recommendation regarding conformance with Division policy and, when appropriate, a recommendation concerning disciplinary action to be taken. Consider only information available to involved personnel at the time of the pursuit.
 - c. Forward the investigative packet through the chain of command to the involved personnel's commander.

7. Involved Personnel's Commander

- a. Review the investigative packet and make a determination concerning the incident.

Note: If the incident involves a serious injury, or if the recommendation of the involved personnel's commander is in disagreement with the findings of the Pursuit Review Committee, forward the investigative packet to the involved personnel's deputy chief for a final determination.

- (1) If the vehicular pursuit and/or use of stopping tactic during the pursuit is within policy, forward the investigative packet to the Pursuit Recording Secretary for processing, and notify the involved personnel of the decision.
- (2) If the vehicular pursuit and/or use of stopping tactic during the pursuit is not within policy, make a determination concerning the disciplinary action to be taken, and forward the investigative packet through the involved personnel's chain of command for review and follow-through.
- (3) Upon receipt of the chain of command's discipline recommendation, make a determination concerning the disciplinary action to be taken and forward the investigative packet to the deputy chief for review.

8. Involved Personnel's Deputy Chief

- a. Make a final determination regarding compliance with Division policy when the incident involves a serious injury or the findings of the involved personnel's commander are in disagreement with the Pursuit Review Committee.
- b. Forward the investigative packet to the involved personnel's commander.

9. Immediate Supervisor

- a. Upon determination by the commander or deputy chief that the vehicular pursuit and/or use of stopping tactic during the pursuit was not within policy:
 - (1) Issue the discipline, and
 - (2) Forward the investigative packet through the chain of command to the Pursuit Recording Secretary for processing.

10. Pursuit Recording Secretary

- a. Forward a copy of both the Vehicular Pursuit Report and Routing Sheet, form A-10, to the Pursuit Review Committee Chairperson for review.
- b. Forward a copy of the Vehicular Pursuit Report to the individual designated by the Pursuit Review Committee Chairperson to gather annual vehicular pursuit statistics.
- c. Forward the original Vehicular Pursuit Report and investigative packet to the:
 - (1) Human Resources Bureau if discipline was issued, or
 - (2) Internal Affairs Bureau for filing if no discipline was issued.

11. Pursuit Review Committee Chairperson

Review the chain of command comments and Vehicular Pursuit Report as appropriate.

12. Human Resources Bureau

- a. Remove and maintain original disciplinary documentation from the investigative packet in accordance with the appropriate collective bargaining agreement.
- b. Forward the remainder of the investigative packet to the Internal Affairs Bureau for filing.

13. Internal Affairs Bureau

Maintain the original Vehicular Pursuit Report and investigative packet.

D. Annual Pursuit Analysis and Assessment

1. Pursuit Review Committee Chairperson and/or Designee

- a. Gather statistics annually of all vehicular pursuits and/or the use of a stopping tactic during a pursuit.
- b. Complete a documented annual pursuit analysis using the statistics provided by the designee and a documented assessment of policies, procedures, training, and reporting.
- c. Forward the analysis and assessment to the Chief of Police for approval.

2. Chief of Police

- a. Review the annual pursuit analysis and assessment.
- b. Forward copies of the approved analysis and assessment to the Professional Standards Bureau Commander and the Training Bureau Commander, and provide additional direction as appropriate.

3. Professional Standards Bureau Commander

Review the annual pursuit analysis and assessment to develop policy for the Division as directed by the Chief of Police.

4. Training Bureau Commander

Review the annual pursuit analysis and assessment to develop annual training and annual testing for the Division as directed by the Chief of Police.

E. Filing Felony Fleeing Charges

1. Accident Investigation Unit

- a. Assist officers with the necessary paperwork when filing felony fleeing charges.
- b. Present the felony case to the Grand Jury.

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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. **Sworn 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.