



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



2023-3023

Officer Involved Critical Incident - 6235 Hathaway Rd.,
Garfield Heights, Cuyahoga County, Ohio 44125

Investigative Activity: Use of Force Policy Review

Activity Date: 12/19/2023

Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On December 14, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy received the Use of Force Policy utilized by the Garfield Heights Police Department (GHPD) at the time of this incident. In addition, SA Goudy also received the GHPD Patrolman Response Policy, GHPD Officer Involved Shooting Policy and the GHPD Critical Intervention Incidents Policy. The documents received is attached to this Investigative Report for further review.

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the patrolman or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the patrolman at the time, taken as a whole, including the conduct of the patrolman and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Patrolmen are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Patrolmen must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Garfield Heights Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting patrolmen with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any patrolman present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any patrolman who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each patrolman should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Patrolmen shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the patrolman at the time of the event to accomplish a legitimate law enforcement purpose.

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

Given that no policy can realistically predict every possible situation a patrolman might encounter, patrolmen are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which patrolmen reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Patrolmen may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

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self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Patrolmen may only apply those pain compliance techniques for which they have

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successfully completed department-approved training. Patrolmen utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the patrolman.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the patrolman determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, patrolmen may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, patrolmen are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, patrolmen should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Patrolmen are encouraged to use techniques and methods taught by the Garfield Heights Police Department for this specific purpose.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, patrolmen should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.6 RESPIRATORY RESTRAINTS AND CAROTID CONTROL HOLDS

- (a) The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized.
- (b) A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the patrolman shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the patrolman has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

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- (a) a patrolman may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) a patrolman may use deadly force to stop a fleeing subject when the patrolman has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the patrolman reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a patrolman reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the patrolman or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the patrolman believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, patrolmen should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

a patrolman should only discharge a firearm at a moving vehicle or its occupants when the patrolman reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the patrolman or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The patrolman should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.

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- (b) The application would lead a reasonable patrolman to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the patrolman's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel, at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another patrolman and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling patrolman shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the patrolman reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple patrolmen to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Patrolmen who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

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300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved patrolmen. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived their *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports for policy compliance.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 OFFICER IN CHARGE (OIC) RESPONSIBILITY

The Officer in Charge (OIC) shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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300.8 TRAINING

Patrolmen will receive annual training on this policy and demonstrate their knowledge and understanding, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

Subject to available resources, patrolmen should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.8.1 POLICY ACKNOWLEDGEMENT AND TESTING

Annually, applicable department members will read, sign, and be tested on this policy.

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Bureau Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of patrolmen, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 SECTION TITLE

300.11 SECTION TITLE

Patrolman Response to Calls

307.1 PURPOSE AND SCOPE

This policy provides patrolmen with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

307.2 RESPONSE TO CALLS

Patrolmen responding to an emergency call shall proceed immediately. Patrolmen responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren (ORC § 4511.041).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of the driver's reckless disregard for the safety of others (ORC § 4511.041; ORC § 4511.45; ORC § 4511.452). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Ohio motor vehicle laws.

Patrolmen should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Patrolmen not responding as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

307.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe there is an imminent threat to the safety of patrolmen, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting patrolman shall promptly notify Dispatch.

If circumstances permit, the requesting patrolman should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

307.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Officer in Charge (OIC) or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

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307.4 INITIATING EMERGENCY CALL RESPONSE

If a patrolman believes an emergency call response to any call is appropriate, the patrolman shall immediately notify Dispatch. Emergency responses of more than one unit should include, if circumstances reasonably permit, coordinating the response of the second unit by Dispatch to avoid any unanticipated intersecting of response routes.

An emergency call response of more than one unit should initiate notification by Dispatch to the Officer in Charge (OIC) or field supervisor. The Officer in Charge (OIC) or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

307.5 RESPONSIBILITIES OF RESPONDING PATROLMAN

Patrolmen shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call patrolmen may (ORC § 4511.041):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ORC § 4511.03).
- (b) Exceed any speed limits, provided this does not endanger life or property (ORC § 4511.24).
- (c) Disregard regulations governing direction of movement or turning in specified directions (ORC § 4511.37).
- (d) Disregard regulations governing parking or standing when using a warning lamp.

Continuing an emergency call response is at the discretion of the patrolman. If, in the patrolman's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the patrolman may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the patrolman should immediately notify Dispatch. A patrolman shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, a patrolman shall immediately give the location from which he/she is responding.

307.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when a patrolman requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Officer in Charge (OIC) or a field supervisor prior to assigning an emergency response. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Officer in Charge (OIC).
- (c) Confirm the location from which the unit is responding.

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- (d) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communication during the emergency and coordinate assistance under the direction of the Officer in Charge (OIC) or field supervisor.

307.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Officer in Charge (OIC) or the field supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those patrolmen reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing patrolmen into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional patrolmen to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in the supervisor's judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the Officer in Charge (OIC) or the field supervisor should consider the following:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic, and road conditions.
- The location of the responding patrolmen and the location of the incident.

307.8 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Patrolmen in such vehicles may provide support to an emergency response as long as the vehicles are operated in compliance with all traffic laws. Those patrolmen should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the patrolman must terminate the emergency call response and respond accordingly. The patrolman shall notify the Officer in Charge (OIC), field supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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307.9 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of a patrolman.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

The policy of the Garfield Heights Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved patrolmen.
- A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies or BCI may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Garfield Heights Police Department would control the investigation if the suspect's crime occurred in Garfield Heights.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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304.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved patrolman's conduct during the incident will be determined by the employing agency's protocol. When a patrolman from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.5 INVESTIGATION PROCESS

The following procedures are guidelines for use in the investigation of an officer-involved shooting or death.

304.5.1 UNINVOLVED PATROLMAN RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved GHPD patrolman will be the patrolman-in-charge and will assume the responsibilities of a supervisor until properly relieved. This patrolman should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved GHPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any GHPD patrolman to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

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scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Officer in Charge (OIC) and Dispatch. If feasible, sensitive information should be communicated over secure networks.
 - (d) Take command of and secure the incident scene with additional GHPD members until properly relieved by another supervisor or other assigned personnel or investigator.
 - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved GHPD patrolman should be given an administrative order not to discuss the incident with other involved officers or GHPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other patrolmen.

304.5.3 OFFICER IN CHARGE (OIC) RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Officer in Charge (OIC) shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Bureau Commander.

All outside inquiries about the incident shall be directed to the Officer in Charge (OIC).

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Detective Bureau Bureau Commander
- Office-Involved Shooting rollout team
- Outside agency investigators (if appropriate)
- Patrol Bureau Captain supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Chief of Police

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304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved GHPD patrolmen shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-GHPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved GHPD patrolman. A licensed psychotherapist may also be provided to any other affected GHPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved patrolman and a peer support member or a critical incident stress management team member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved GHPD patrolman shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Officer in Charge (OIC) to make schedule adjustments to accommodate such leave.

304.6 CRIMINAL INVESTIGATION

The City Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the City Prosecutor's Office to avoid duplicating efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) GHPD supervisors and Patrol Bureau Captain personnel should not participate directly in any voluntary interview of GHPD patrolmen. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved patrolmen shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED GHPD PATROLMEN

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved GHPD patrolmen to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved GHPD patrolman may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved GHPD patrolman of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should

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take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Prosecutor's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Prosecutor's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Commander.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved GHPD patrolmen to determine conformance with department policy. This investigation will be conducted under the supervision of the Patrol Bureau Captain and will be considered a confidential patrolman personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any patrolman involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from

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the patrolman, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

- (b) If any patrolman has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved patrolman.
 - 1. If a further interview of the patrolman is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved patrolman shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved patrolman has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the patrolman's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the patrolman shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual patrolman's statement, involved patrolmen shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The patrolman may also record the interview.
 - 4. The patrolman shall be informed of the nature of the investigation. If a patrolman refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The patrolman shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Patrol Bureau Captain shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

304.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Law Director's Office, as appropriate.

304.10 DEBRIEFING

Following an officer-involved shooting or death, the Garfield Heights Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

304.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Officer in Charge (OIC), Detective Bureau Bureau Commander and Chief of Police in the event of inquiries from the media.

No involved GHPD patrolman shall make any comment to the media unless he/she is authorized by the Chief of Police or a Bureau Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Crisis Intervention Incidents

429.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a patrolman to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A situation whereby a person has become unable to self-regulate thinking, mood, or behavior. A person could be experiencing intense feelings of distress and/or displaying obvious changes in functioning in their daily living activities. This disturbance with a person's understanding and comprehension, ability to regulate emotions, and/or ability to regulate behavior may occur due to mental illness, intellectual or developmental disability, an injury/trauma to the brain, deterioration of the brain, other medical conditions, or a medical emergency.

Service provider – Behavioral health service providers are licensed agencies or professionals who can diagnose various conditions, including mental health, and then provide treatment. These agencies and professionals may provide a range of diagnostic and treatment services and methods.

429.2 POLICY

The Garfield Heights Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

429.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control

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- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

429.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Patrol Bureau Commander shall collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

429.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to patrolmen; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a patrolman's authority to use reasonable force when interacting with a person in crisis.

Patrolmen are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

a patrolman responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup patrolmen and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the patrolman.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

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- (k) If circumstances reasonably permit, consider and employ alternatives to force.

429.6 DE-ESCALATION

Patrolmen should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding patrolmen generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

429.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the patrolman should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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429.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

429.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

429.9.2 DOCUMENTING CONTACTS WITH PERSONS IN CRISIS

Members should document encounters with persons in crisis on department reports or Crisis Intervention Contact sheets, to include but not limited to:

- (a) The person's name, demographics, and location.
- (b) The type of crisis and behaviors exhibited.
- (c) If a crime is involved.
- (d) The response by the patrolman and if force was used.
- (e) The disposition of encounter.
- (f) Whether the member is requesting service provider follow-up.

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Documentation should be in a format that information on persons in crisis can be provided to other mental health service providers and easily transferred into data reports for analysis to determine the effectiveness of response.

429.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a patrolman should be promptly summoned to provide assistance.

429.11 EVALUATION

The Bureau Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, patrolmen or incidents and will be submitted to the Chief of Police through the chain of command.

429.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis (ORC § 109.742).

Members should receive documented initial training to include recognizing and effectively communicating with a person in crisis, assessing a person's mental state, and determining how best to care for the person in crisis. All sworn personnel should have annual documented training to build on their initial training. Training should be reviewed annually and updated accordingly.