

discipline policy.

Supervisors shall ensure that personnel under their command are familiar with and comply with this policy. All employees shall report any suspected incident of bias-based profiling to their supervisor who shall initiate a complaint through the Internal Affairs procedure.

- D. The Staff/Investigative Bureau Lieutenant shall conduct an annual documented review to determine if any bias-based profiling conditions may be occurring, based on the previous year's statistical information.. The review shall include the evaluation of traffic citations, use of force reports, internal affairs complaint forms, field interview reports and citizen concerns.

Use of Force

1.3.1 Use of Necessary Force

A. Definitions

1. Deadly Force - any force which carries a substantial risk that will proximately result in the death of any person.
2. Force - actions taken by the employee designed and intended to control the behavior of a person or persons.
3. Physical Force - contact with a person intended to subdue that individual until resistance is overcome.
4. Progressive Force - The escalation of force used to control an individual's actions.
5. Division of Police personnel use only the amount of force which is objectively reasonable to control a situation or person, affect an arrest, overcome resistance to arrest, or defend him/herself or others from harm.
6. The use of force by personnel will, when practical, be progressive in nature. This force may be in the form of verbal commands, hands-on contact, use of less-than-lethal weapons, and the use of deadly force.
7. Division of Police personnel will not use unreasonable or excessive force toward any person.

1.3.2 Use of Deadly Force

- A. An officer acting within the scope of his/her employment shall be justified in the use of 'deadly force' under the following circumstances:
1. to defend him/herself from what is reasonably believed to be an imminent threat of serious physical harm or death;
 2. to defend another person from what is reasonably believed to be an imminent threat of serious physical harm or death;
 3. when the officer reasonably believes that there is substantial risk of death or serious physical harm to any person if the apprehension of the offender is delayed.
 4. officers will not discharge a firearm at or from a moving vehicle unless it is necessary for the defense of the officer's life or the life of another person, or if the officer reasonably

believes that there is a substantial risk of death or serious physical harm to any person if the apprehension of the offender in the vehicle is delayed.

A police officer shall not use deadly force on an unarmed, non-dangerous suspect (*Tennessee v. Garner, 1985*).

B. Definitions

Reasonable Belief depends upon the specific facts and circumstances within the knowledge of the individual officer and which would warrant a 'reasonable person' to exercise the same or similar action.

Serious Physical Harm is defined (pursuant to Ohio Revised Code §2901.01), as follows:

- Any mental illness requiring hospitalization or prolonged psychiatric treatment;
- Any physical harm carrying a substantial risk of death;
- Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;
- Any physical harm which involves some permanent disfigurement, or which involves some temporary, serious disfigurement;
- Any physical harm involving permanent though partial disfigurement, or temporary though serious disfigurement repairable through plastic surgery;
- Any physical harm that involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.

Physical Harm is defined as any injury, illness, or other psychological impairment, regardless of its gravity or duration.

1.3.3 Warning Shots

Officers will not discharge a firearm for the purpose of a warning shot.

1.3.4 Use of Authorized Less Lethal Weapons

A less-lethal weapon is any instrument that may be used to defend the officer from physical harm and to affect lawful arrests.

- A. Officers shall be issued and certified in the use of the Taser, ASP Tactical Baton and OC Chemical Irritant. Officers also have access to and may use a flashlight as a baton. These weapons are used in accordance with established Divisional training standards as outlined in Operational Procedure - Policy Update 97-02.
- B. Officers shall carry only those less-lethal weapons issued by the Division of Police (see G.O. 1.3.9, A.4.).

1.3.5 Rendering Aid After Use of Weapons

When an officer has used lethal or less-lethal force, he/she adheres to the following procedures after a Use-of-Force incident:

1. Contact is made with the Communications Unit who dispatches the appropriate EMS response.
2. The Patrol Supervisor is notified and responds to the scene. All visible injuries are photographed.
3. The supervisor or designee will cause his/her chain-of-command to be notified in any incident involving any use of lethal force.
4. When it is safe to do so, appropriate medical aid is rendered to any individual who sustains injury by a lethal or less-lethal weapon or other use-of-force incidents that occur. Aid may include:
 - a. first aid administered by certified Division personnel (eye flushing, increased observation for condition changes);
 - b. treatment on the scene by paramedics;
 - c. transportation to a medical facility by paramedics.

The supervisor determines if the officer should continue his/her tour of duty. A complete written account of the aid provided is included in the officer's incident report, as well as in the Use-of-Force report.

1.3.6 Reporting Uses of Force

- A. A Discharge of Firearms Report is prepared/submitted whenever a sworn police officer(s) discharges a firearm, with the following exception: during supervised training, target practice, sport/recreational shooting or when destroying an injured/sick animal (see 2. below). Unintentional discharges occurring during supervised training that result in physical injury to persons or the facility requires the notification of the Training Section Supervisor, if available, otherwise the on-duty supervisor shall report to the scene. **The responding supervisor shall conduct a preliminary investigation into the unintentional discharge and forward his/her findings to the Staff/Investigative Bureau Lieutenant.**
 1. An officer completes a Use of Force Report (if appropriate) and a Discharge of Firearms Report when he/she has deliberately or accidentally discharged a firearm on or off duty. Officers are required to complete Use of Force Reports and/or Discharge of Firearms Reports by the end of their shift or as soon as practical. On-duty supervisor(s) shall be verbally notified as soon as practical immediately following the incident. In cases of serious injury or incidents involving the intentional discharge of a weapon, the on-duty supervisor notifies his/her immediate supervisor. The chain-of-command is followed so that the Chief of Police and City Manager are notified as soon as practical. If the officer is unable to complete the required report(s), the on-duty supervisor or his/her designee submits the written report(s) before the end of the current shift or as soon as practical.
 2. An officer may use a firearm to destroy an animal to prevent serious physical harm to an officer or others and/or to relieve the further suffering of an injured or sick animal. An officer who destroys an animal pursuant to this section completes a miscellaneous incident report that details the circumstances of the event. A .22 caliber pistol and rifle are available for use in the gun safe located in the Police Locker Room. A Gun Sign-Out Log (located in the safe) is completed.

Officers shall notify the on-duty supervisor, if practical, before an animal is intentionally destroyed. If circumstances permit, officers shall avoid destroying an animal in front of

the public, especially small children.

- B. Sworn officers complete a Use of Force Report when he/she takes an action that results, or allegedly results in injury or death of another individual. Officers are required to complete Use of Force Reports and/or Discharge of Firearms Reports by the end of their shift or as soon as practical. On-duty supervisors shall be verbally notified as soon as practical immediately following the incident. In cases of serious injury or incidents involving the intentional discharge of a weapon, the on-duty supervisor notifies his/her immediate supervisor.

The chain-of-command is followed so that the Chief of Police and City Manager are notified as soon as practical. If the officer is unable to complete the required report(s), the on-duty supervisor or his/ her designee submits the written report(s) before the end of the current shift.

- C. Sworn officers complete a Use of Force Report when an employee applies force through the use of lethal or less-lethal weapons. An attempt to apply force would apply under this section.
 - 1. An officer completes a Use of Force Report and Use of Taser Report when a Taser probe is deployed or drive stun utilized. This section also applies to an accidental discharge of a Taser probe that results in injury or death of another individual.
 - 2. In the event of an accidental discharge of a Taser not resulting in injury or property damage, an officer will notify his/her on-duty supervisor as soon as practical immediately following the incident and completes a Use of Taser Report. Spent cartridges are forwarded to the Training Section.
 - 3. In the event an officer draws his/her Taser on a subject and the subject then complies with the orders of the officer without discharging probes or using the drive stun mode, a Use of Taser report shall be completed and then forwarded to the Training Sergeant. This includes pointing, spark warning, and/or laser display which results in the de-escalation of an incident.
- D. Sworn officers complete a Use of Force Report when an employee applies physical force as defined in General Order 1.3.1 and 1.3.2, and results in an injury or claimed injury. As soon as practical after the use-of-force, the employee shall verbally report the information to the on-duty supervisor who shall report to the scene.
- E. The above incidents are investigated pursuant to General Order 1.3.7.

1.3.7 Reviewing Reports of 1.3.6

- A. Upon completion, *Use of Force Reports* are forwarded to the Training Section Supervisor through the respective Bureau Lieutenant. The Training Section Supervisor reviews the action to determine whether there are training, policy, weapon or equipment issues which should be addressed. After review, the Training Section Supervisor forwards the report(s) to the Staff/Investigative Bureau Lieutenant for Internal Affairs review. The report(s) is then forwarded to the Chief of Police for final review and disposition.
- B. All *Discharge of Firearms* and *Use of Taser Reports* involving both on and off duty *unintentional discharge* incidents are forwarded to the Training Section Supervisor through the respective Bureau Lieutenant. After review, the Training Section Supervisor forwards the report(s) to the Staff/ Investigative Bureau Lieutenant for Internal Affairs review. The report(s) is then forwarded to the Chief of Police for final review and disposition.
- C. *Discharge of Firearms Reports* involving an *intentional discharge* of a weapon by an officer are forwarded through the respective Bureau Lieutenant to the Staff/Investigative Bureau Lieutenant, who reviews the report in order to conduct an administrative review.

Upon completion of the administrative review, the report is forwarded to the Chief of Police who convenes a Firearms Review Board. This Board should consist of the following voting members: a Bureau Lieutenant, two Sergeants, and two Officers. In addition, the Upper Arlington City Attorney or his/her designee shall be a non-voting member of this Board. In most circumstances, the Staff/Investigative Lieutenant is responsible for presenting the facts of the case with the assistance of the appropriate personnel.

Upon review of the facts, the Chair of the Firearms Review Board, as appointed by the Chief of Police, forwards the Board's findings in writing to the Chief of Police.

The Chief of Police reviews all the facts of the incident, including the Firearms Review Board findings, the Internal Affairs Officer's recommendation(s) and any other additional recommendations from staff that is deemed appropriate. The Chief of Police determines if disciplinary action is required and may send the review to internal affairs for investigation. Any disciplinary action may be appealed or reviewed pursuant to provisions of the Bargaining Unit Contract.

Upon completion of the review by the Chief of Police, Use of Force and Discharge of Firearms Reports are forwarded to the Training Section Supervisor to be maintained.

1.3.8 Removal from Line of Duty Assignment, Use of Force

- A. Any employee, whose action or use of force in an official capacity results in death or serious physical injury is removed from his/her line of duty assignment, pending an administrative review.
- B. When an officer is involved in an official capacity incident where the use of force has resulted in the death or serious physical injury of another, the officer is removed from the scene as soon as possible. In addition, the Division makes available a Critical Incident Team, an F.O.P. representative and psychological assistance. The officer is released from duty with pay for the remainder of his/her shift. Pending an investigation and administrative review of the incident, the officer shall remain in an off-duty paid status for a period to be determined by the Chief of Police. This release from duty is not considered as disciplinary action taken against the officer. The purpose of this release from duty is to assist the officer in coping with the emotional consequences of the incident.

Before returning to active duty status, the officer shall be required to utilize the Employee Assistance Program or arrange an acceptable alternative with the Chief of Police. Such alternatives may include: Critical Incident Teams, Clergy, or a counselor of his/her choice.

Upon returning to duty, the officer may be assigned to administrative duty for a period of time as deemed appropriate by the Chief of Police. The purpose of this administrative assignment is designed to shield the officer from unnecessary stress.

- C. Critical incidents are those occurrences that bring an overwhelming emotional response from an employee, and that goes beyond the employee's normal coping abilities. Examples of critical incidents include, but are not limited to, large-scale disasters with multiple deaths, motor vehicle accidents involving serious trauma and incidents involving the death of children.

The on-duty shift supervisor shall have the authority to release an employee for the remainder of his/her workday/shift, when he/she believes that the employee has been affected by a critical incident. An employee may also request relief from duty, after being affected by a situation that he/she deems a critical incident. When such action is taken, the Chief of Police shall be immediately notified by the normal chain-of-command. Before returning to active duty status, the employee shall be offered the services of the Employee Assistance Program.

- D. Members of an employee's family are offered or may request Employee Assistance Program services after a use of force or other critical incident. The Chief of Police or any Bureau Lieutenant may authorize the use of this service.

1.3.9 Authorization: Weapons and Ammunition

A. Weapons

1. Handguns

- a. Uniformed officers are issued a Glock, Model 17, 19, 21, 22 or 23, which is designated as the officer's primary weapon.
- b. With the permission of the Chief of Police, officers assigned to the Criminal Investigations Section or plainclothes duty and officers of the rank of Lieutenant and above (when wearing the uniform blouse) may carry a personally-owned weapon that meets the criteria in Section C in lieu of his/her City issued weapon while on duty.
- c. With the permission of the Chief of Police, an officer may carry a personally-owned weapon as a secondary weapon while on duty. Personally-owned weapons carried while on-duty must be registered with and inspected by the Training Section. The Training Section makes a written recommendation for approval or denial of this weapon, based on the following criteria:
 1. capable of firing a minimum of five rounds of ammunition without needing to be reloaded
 2. revolver capable of firing .38 special or .357 magnum ammunition
 3. semi-automatic capable of firing either .380, 9MM, .40 or .45 ACP calibers
 4. weapon must be safe and in good working order with no aftermarket alterations to the internal workings and trigger mechanism of the weapon.

The weapon must be carried in a concealed manner when carried in a secondary or off-duty capacity.

When a weapon is carried off-duty, the officer must also carry his/her badge and official identification (see G.O. 1.2.2 B.).

2. Shotguns

The Upper Arlington Division of Police utilizes the Benelli M-1 Super 90 Shotgun for Patrol and the Criminal Investigations Section.

- a. The shotgun is secured in a locked gun rack in the front passenger compartment of each marked patrol cruiser assigned to the Patrol fleet with the chamber empty, five rounds in the magazine tube, and the safety on. Each officer inspects his/her shotgun at the beginning of the shift to ensure it is functioning properly.
- b. Each officer assigned to the Criminal Investigations Section (CIS) may be issued

a shotgun. Shotguns are secured in the gun safe located in the Criminal Investigations Section office with the chamber empty, four rounds in the magazine tube, and with the safety 'on.' Each detective may store the shotgun in the trunk of his/her unmarked vehicle while on-duty; but, must return the shotgun to the gun safe at the conclusion of their shift.

c. Surplus shotguns are locked in the Division of Police Armory at the indoor range facility located at 3861 Reed Road.

d. When a vehicle with an assigned shotgun is taken outside the City of Upper Arlington for maintenance or radio repair, or loaned to another City Department, the shotgun is removed from the vehicle and placed in the weapon safe located in the Police Locker Room. This includes routine maintenance at the Roberts Road Public Service Center.

3. Specialized Weapons

a. Rifles

The Upper Arlington Division of Police utilizes Semi-Automatic and Select-Fire Rifles. An officer who obtains a qualifying score on a Rifle Course of fire approved by the Training Section Supervisor and the Chief of Police is required to place the rifle in-service while on duty. No other person(s) are authorized to do so.

An officer may carry a personally-owned rifle in lieu of a Division-owned rifle upon successful qualification of the above-mentioned course of fire. This weapon must be approved by the Training Section Supervisor and the Chief of Police. The weapon must be safe and in good working order with no aftermarket alterations to the internal workings and trigger mechanism of the weapon.

When qualified personnel carry a rifle while on-duty, it shall be considered 'in-service.' This policy applies to both City and personally-owned rifles.

1. When the rifle is 'in-service,' the following guidelines shall apply:

- i. Prior to the officer's assigned shift, the rifle is removed from the gun locker located in the Police Locker Room and signed out on the Equipment Sign-Out Log. This rifle is signed back in at the end of the officer's shift and returned to the gun locker. An officer placing his/her personally-owned rifle in-service shall also sign the same Equipment Sign-Out Log. Each officer who places a rifle 'in-service' ensures that his/her supervisor is notified. The supervisor notes on his/her log sheets which officer(s) are carrying a rifle.
- ii. The rifle shall be secured in a soft rifle case locked in the trunk of the cruiser/unmarked vehicle or, if equipped, in the cruiser's rifle rack, as follows: chamber empty; safety engaged; magazine in magazine well; four loaded 30-round magazines containing a minimum of 28 rounds per magazine in the rifle case magazine pouch or carrier. Only ammunition issued by the Division is authorized for use in either a City or personally-owned rifle.
- iii. The rifle is the primary weapon to be considered for use in most tactical situations, as well as those in which distances exceed the officer's effectiveness with the handgun or shotgun. The on-duty supervisor

controls on-scene deployment of the Rifle.

- iv. The rifle will **not** be charged (loaded), unless events lead a reasonable officer to believe the potential need for use of deadly force is present.
 - v. The rifle is not carried into a contained/controlled environment with a round in the chamber. If this is unpreventable, the weapon safety is engaged with the muzzle of the weapon pointed in a safe direction.
 - vi. It is the responsibility of the deploying officer to ensure that the rifle is returned to the cruiser/unmarked vehicle and secured in the approved manner as soon as practical.
 - vii. In all cases, the Division's Use-of-Force policies apply.
2. When the rifle is **not** 'in-service', it is secured either in the gun locker located in the Police Locker Room or at the Division's Indoor Firing Range, 3861 Reed Road.

b. Other Specialized Weapons

Other specialized weapons such as the precision rifle and the Projectile Launcher are only used by officers who have received appropriate training and/or certification. The precision rifle may only be used in accordance with established Division standards as outlined in the Upper Arlington Operational Procedure – Policy Update 2007-02. The Projectile Launcher may only be used in accordance with established Division standards as outlined in the Upper Arlington Operational Procedure – Policy Update 2007-01.

4. Less-Lethal Weapons

Officers are issued and certified in the use of the Taser, ASP Tactical Baton and OC Chemical Irritant (see Appendix J for OC Chemical Irritant specifications). The Taser and OC Chemical Irritant shall be carried by all uniformed officers on his/her duty belt. Officers may choose not to carry the ASP Tactical Baton but are strongly encourage to do so. All Less-Lethal Weapons may only be used in accordance with established Division standards as outlined in the Upper Arlington Operational Procedure - Policy Update 97-02.

A. CONDUCTED ENERGY DEVICE (CED) PROTOCOL (Taser)

The approved use of a Conducted Energy Device (CED) (Taser) is intended to control a violent or potentially violent individual, while minimizing the risk of injury. The appropriate use of such a device should result in fewer injuries to officers and suspects.

The Taser is the only conducted energy device approved by the Upper Arlington Division of Police. Only Taser units owned and maintained by the Upper Arlington Division of Police shall be carried or deployed by officers. Privately owned Tasers or conducted electrical weapons are prohibited. The Taser will be carried as a less-lethal force option, and each officer will be required to qualify annually on a course approved by the Chief of Police as recommended by the Training Section Supervisor. Prior to carrying the Taser, the officer shall be trained by a certified CED instructor in the guidelines set forth by Taser and

the Upper Arlington Division of Police.

The training and annual testing shall incorporate the specific legal materials prepared by the City Attorney's office. Training will stress the best practices and upon completion of training, all officers should fully understand the following concepts:

1. Three most important factors courts will consider
 - a. Severity of crime
 - b. Threat of immediate danger
 - c. Attempts to resist arrest or flee
2. Taser cases are very fact specific
3. Taser cases set minimum constitutional standards, not best practices.
4. Refusing to comply with officer is not enough
5. Refusing to come out of the house is not enough
6. OVI is not a severe crime for purposes of Taser use
7. Prior violent behavior is not enough
8. Possible possession of a gun is not enough
9. A second or third Taser cycle done too soon may be excessive force
10. Passive resistance is not enough
11. Active resistance and refusing to be handcuffed may be enough depending on strength of factors under #1 above
12. Diminished capacity should be considered
13. Inmates have similar rights to non-inmates
14. The age of the person may be a consideration

All training and certification should be documented for each officer.

Nothing in this policy shall prevent the Chief of Police from removing a Taser from an officer.

DEFINITIONS

Active Aggression: Behavior with a purpose of directly causing physical harm to themselves or others.

Active Resistance: Physical, confrontational behavior with a purpose of directly obstructing the lawful efforts of a law enforcement to make an arrest. Asking questions, going limp, holding onto a fixed object, locking arms to another during a protest, or refusing to comply with an officer's verbal commands are not active resistance.

GUIDELINES

The Taser may be used to stop person(s) who are actively resisting, exhibiting active aggression, or to prevent individuals from harming themselves or others.

Officers should consider the severity of the crime when determining whether to deploy the Taser. Generally a Taser should not be used on persons accused of committing non-violent misdemeanor offenses unless the subject poses a significant risk of physical harm to the officer or others.

The Taser should be used as a weapon of need.

The officer should give a verbal warning prior to deployment of the Taser unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to provide the individual with a reasonable opportunity to voluntarily comply and provide other officers and individuals with a warning that the Taser device may be deployed.

The Taser may be used on fleeing subjects when the officer reasonably believes that a crime has occurred that involved the actual, threatened, or attempted infliction of physical harm to a person.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the Taser to apprehend an individual.

The Taser should only be used in the spark warning mode when the use of the Taser in probe or stun modes would be warranted.

The Taser should never be used:

1. Punitively
2. In drive stun mode as a prod or escort device
3. To rouse unconscious, sleeping, impaired, or intoxicated individuals
4. For horse play or entertainment
5. To experiment on a person or allow a person to experience the Taser, even if the person requests it, when the Taser use would not be otherwise allowed by this policy.
6. For illegal purposes (torture, illegal coercion, etc.).

The Taser may be used for official training approved by the Training Section Supervisor.

Unless the officer has determined that the safety risks to the officer or others as well as other factors outweighs the increased risks to the subject, officers should generally not use the Taser when:

1. The individual is on an elevated surface, or structure where a significant fall could result and cause further injury;
2. The individual is running away from the officer for a nonviolent misdemeanor, unless the subject poses a significant risk of physical harm to the officer or others.
3. The individual is in water sufficient to drown;
4. The individual is in physical control of a vehicle in motion;

5. The individual is an obviously pregnant female;
6. The individual is elderly, or physically disabled, while taking into consideration the size, aggressiveness, and intent of the subject;
7. The individual appears to weigh less than 80 pounds, while taking into account the aggressiveness and intent of the subject;
8. The individual appears to be a minor (17 or less), while taking into consideration the size, weight, aggressiveness, and intent of the subject and the safety risks to the officer, subject, or others.

Officers shall not use the Taser on a passive subject as a pain-inflicting device to ensure compliance.

Officers should not use the Taser on a handcuffed person unless they are exhibiting active aggression, and only in order to prevent them from harming themselves or others.

Officers should never knowingly fire the Taser or conduct a spark warning near flammable materials.

Officers should avoid multiple activations or continuous cycling unless justified by the individual's continued actions in order to minimize the potential for over-exertion of the subject or potential impairment of the subject's ability to breathe over a protracted period of time.

In determining the need for additional activations, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. The use of more than three cycles is strongly discouraged unless the officer has determined that the safety risks to the officer or others as well as other factors outweighs the increased risk to the subject. Each subsequent five-second cycle requires separate justification.

When deploying the Taser in the probe-firing mode, the preferred target areas are the lower center mass (below sternum) for the front and below the neck area for the back.

When deploying the Taser in the drive stun mode, the officer should not intentionally target the head, back of the neck, throat, chest/breast area (above sternum) or groin.

The drive stun mode should be used only to supplement the probe-firing mode to complete the NMI circuit, or as a countermeasure to gain separation between the officer and the individual.

Officers are strongly discouraged to deploy more than one Taser at a time against an individual.

OPERATION

Personnel working an assignment within the Operations Bureau are required to carry a Taser if available, unless the Chief of Police has removed Taser from the officer.

Officers working special duty assignments, special events, or assignments within other bureaus may carry a Taser during their assignment if available.

At the beginning of each shift, the officer will perform a five-second spark test to ensure proper operation. The officer will then sign out the Taser on the appropriate form.

Officers will remove from service a Taser which fails the spark test or displays a battery reading of **thirty percent** or less. The defective Taser or defective (low battery) Taser battery will be

replaced by the on-duty supervisor and then forward to the Training Section Supervisor.

The Taser will only be carried in the approved holster in the cross-draw location. Officers may carry the following less lethal weapons on their duty belts; OC spray, ASP baton, and the Taser. Officers have the option to remove the ASP baton, but must carry the OC spray and Taser.

The Training Section Supervisor or their designee is responsible for conducting all required maintenance to include quarterly downloads and for promptly providing all officers with any updated Taser product warnings issued by the manufacturer.

Officers will remove their Taser prior to entering the Temporary Holding Facility when a detainee is present.

Officers shall properly store the Taser when it is not in use.

POST-DEPLOYMENT

After deployment, the officer shall ensure the subject is monitored for injury as soon as practical after control is established and shall request EMS response to the scene to evaluate the subject. If appropriate, EMS personnel will remove the probes from the subject. The EMS will make the determination if the subject should, or should not be transported to the hospital. Transportation to a medical facility will be by EMS and an officer will accompany the arrestee. The officer will collect and package the probes in an appropriate container, along with the related cartridge and wires. This material will then be marked appropriately and placed into evidence until all criminal or civil litigation or statute of limitations involving the incident has ended.

The on-duty supervisor will report to the scene and ensure that photographs of the probe marks and/or drive stun impact area are taken, in addition to collecting a representative sample of AFIDS. The AFIDS will then be placed into evidence along with the cartridge and wires.

Every probe deployment (including accidental discharge when involving a citizen encounter) and drive stun shall be reported to the on-duty supervisor as soon as practical and shall be reported on a "Use of Force" form. The "Use of Force" form shall be reviewed in accordance with the Use of Force Policy. In addition, officers will complete the "Use of Taser" form which is incorporated and made part of this policy.

An accidental probe deployment or accidental drive stun not involving a citizen encounter shall be reported to the on-duty supervisor as soon as practical and shall be reported on a "Use of Taser" form. The deployed cartridge will be collected and returned, along with the "Use of Taser" form, to the Training Section Supervisor. The deployed cartridge will be removed from the Taser cartridge file and a new cartridge will be reissued to the Taser by the on-duty supervisor.

In the event an officer draws his/her Taser on a subject and the subject then complies with the orders of the officer without discharging probes or using the drive stun mode, a Use of Taser report shall be completed and forwarded to the Training Sergeant. This includes pointing, spark warning, and/or laser display which results in the de-escalation of an incident.

After an officer has fired a Taser cartridge, a new cartridge will be issued to the officer by the on-duty supervisor and the serial number and replacement date shall be recorded.

After deployment, the officer will provide his Taser to the on-duty supervisor so that the Trilogy logs can be downloaded. An accidental probe deployment or accidental drive stun not involving a citizen encounter does not require a Trilogy log download.

Before placing the Taser back into service, the on-duty supervisor will ensure that all operational checks have been successfully completed.

An electronic file for each Taser will be maintained by the Training Section Supervisor. The file will contain the data which shall be downloaded from the Taser at least annually and after every drive stun, probe deployment, or supervisor's request regarding the Taser usage. The file will also contain the serial numbers of each cartridge assigned to the Taser.

ACCOUNTABILITY

Officers placing a Taser in-service, who are not issued their own Taser, will retrieve the Taser from the secured Taser drawer then sign out the Taser on the equipment sign-out sheet. At the end of the officer's duty assignment the officer shall return the Taser to the Taser drawer. Officers are responsible to ensure the Taser drawer is secured after retrieving or returning a Taser to the drawer. Officers placing a Taser in service, who are issued their own Taser, will log it on the equipment sign-out sheet. Possession and control will be the responsibility of the officer who signed out the Taser or is issued the Taser.

AUDIT

All Tasers shall be audited by the Support Services Bureau Lieutenant or designee on an annual basis. Audits should be conducted to verify that all Taser deployments are consistent with the Use of Force reports or documented training.

Any unauthorized deployments shall be identified and an investigation shall be conducted regarding the circumstances of the deployment. Unauthorized deployments may be subject to disciplinary action.

All deployments shall be analyzed to identify trends in Taser usage

RECORD RETENTION

All Use of Force reports, Use of Taser reports, Taser audit reports, and Taser electronic file downloads shall be maintained in accordance with the record retention schedule.

5. Any knife to be carried by an officer on duty is subject to the conditions set forth under G.O. 41.3.4(B).
 6. Nothing in this policy precludes an officer from utilizing any object (i.e. portable radio, rock, stick, knife, etc.) for survival purposes not inconsistent with the remaining portions of this policy.
- B. The standard issued ammunition for the Division of Police for all duty, secondary and off duty weapons is designated by the Chief of Police upon recommendation of the Training Section (see Appendix K for the current issue of approved ammunition).
- This section does not preclude the purchase and use of ammunition for training purposes that differs from the approved ammunition listed in Appendix K.
- All officers shall carry their handguns with one round in the chamber and all magazines fully loaded.
- C. Prior to an officer being permitted to carry and/or use any Division of Police approved weapon, he/she must receive training from and demonstrate proficiency to a Division of Police certified firearms instructor. All City-issued weapons are inspected by the Division Armorer. Only the Division Armorer performs repairs on City-issued weapons.
- D. Any weapon deemed unsafe shall be immediately removed from service by the Training Section for repair or disposal. If an officer discovers an issue with an assigned weapon that they believe makes it unsafe, they should immediately notify their immediate supervisor. The immediate supervisor shall take the weapon out of service and replace it. Extra firearms are stored in the gun safe in the locker room. Extra chemical spray and ASPs are kept in the Patrol Sergeants'

office. Tasers are stored in the Squad Room. The supervisor removing the unsafe weapon shall notify the Training Section and secure the weapon until it can be inspected by the Training Section. All repairs will be documented.

- E. Inventory and qualification records are maintained on all approved weapons. Inventory records shall include manufacturer, model, caliber and serial number of all weapons. Qualification records shall include firearms instructor, officer's name, weapon identification, course fired and successful/ unsuccessful qualification. All records are maintained within the Training Section.
- F. Officers shall be responsible for properly storing all agency-authorized firearms and Tasers. Firearms should be kept in a locked storage compartment or be secured with a gunlock when not being carried. Tasers should be in a secured storage compartment when not being carried.

It is the responsibility of each officer to secure agency authorized firearms according to Ohio Revised Code §2923.19 (see G.O. 1.3.6, 1.3.9 and 72.4.1).

1.3.10 Demonstrating Proficiency with Weapons

All officers are required to demonstrate proficiency with firearms they are authorized/approved to use both on and off duty. Firearms proficiency is conducted on a course approved by the Ohio Peace Officer Training Council (O.P.O.T.C.). Officers are also trained in the use, safe handling and familiarization of all other agency-authorized weapons (i.e., Taser, chemical sprays, striking weapons), as well as instruction on the Division's Use of Force Policy and laws concerning the use of authorized weapons (G.O. 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5 and 1.3.9). All training is conducted by certified instructors, with the Training Section maintaining the records of this required instruction (G.O. 1.3.11).

1.3.11 Annual/Biennial Proficiency Training

- A. Upper Arlington Division of Police Officers receive in-service training on the Division's Use of Force Policy (see G.O. 33.5.1, B.4.) and demonstrate proficiency with all approved lethal weapons and CEDs (Conducted Energy Devices) on an annual basis (see G.O. 33.5.1, B.2.). Proficiency consists of an O.P.O.T.C. certified course in which the officer must meet or exceed State firearm standards. In-service training for all less-lethal weapons and weaponless control techniques is conducted at least biennially.
- B. All training and proficiency is documented and administered by an Upper Arlington Division of Police certified instructor(s). All sworn personnel will be required to demonstrate proficiency over the written directive through a written test during the annual in service training regarding the Use of Force policy.
- C. If an officer fails to qualify or demonstrate proficiency with an authorized weapon, the following procedure is followed:
 - 1. The officer is retested as soon as practical. If the officer fails to qualify or demonstrate proficiency, then;
 - 2. The officer is given remedial training in the specific problem area and retested as soon as practical. If the officer again fails to qualify or demonstrate proficiency, then;
 - 3. The Training Section Supervisor notifies the Chief of Police in writing of the officer's failure to qualify or demonstrate proficiency after remedial training. The Chief of Police, in consultation with the Training Section, determines the proper course of action.

4. If the proper course of action is additional training and the officer still fails to qualify or demonstrate proficiency, he/she is removed from any duties requiring the use of said weapon. The Chief of Police takes appropriate measures which could include disciplinary action up to and including dismissal.

1.3.12 Issuing Written Directives

Prior to being authorized to carry a firearm or less-lethal weapon in any status, Upper Arlington Division of Police Officers are issued copies of, and receive instruction in, General Orders 1.3.1 through 1.3.5 before being authorized to carry such weapon. The issuance and instruction shall be documented and the records retained within the Training Section.

1.3.13 Analyze Reports from 1.3.6

In the first quarter of the calendar year, the Training Section Supervisor analyzes all *Use of Force* and *Discharge of Firearms* reports from the preceding year. Analysis of these reports is documented, and includes recommended training needs, equipment upgrades and/or policy modifications. A copy of the report is forwarded to the Chief of Police for review. The Training Section Supervisor maintains the final report.

2.1.1 Geographical Boundaries

- A. The geographical boundaries of the City of Upper Arlington are established and updated by the Planning and Zoning Section of the City of Upper Arlington Development Department. The Division of Police maintains its official copy of the City boundary map on the Police Division's network share drive. This map is updated as needed when changes are announced by the Development Department. A map is provided to each officer of the Division.
- B. Official geographical boundary records are also maintained by the Franklin County Recorder's Office (see Appendix A for boundary map). Detailed plat maps are stored in the Division of Police file room.

2.1.2 Concurrent Jurisdiction

The Upper Arlington Division of Police is the primary law enforcement agency within the geographical boundaries of the City of Upper Arlington and responds to both emergency and non-emergency calls for service, however, the following agencies have concurrent jurisdiction as specified:

- A. The Franklin County Sheriff's Office has full concurrent authority under Ohio Revised Code §311.07 within Franklin County, and may be called upon under the terms of the applicable statutory authority to assist the Upper Arlington Division of Police.
- B. The Ohio State Highway Patrol has full concurrent authority under Ohio Revised Code §5503.02 within and upon state properties and state and federal roads and highways and may be called upon under the terms of the applicable statutory authority to assist the Upper Arlington Division of Police.
- C. The Ohio State University Police Department has primary jurisdiction of The Ohio State University Golf Course property. The Upper Arlington Division of Police, however, maintains concurrent jurisdiction with The Ohio State University Police on this property.