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| DIRECTIVE<br>103.2             | <b>TOLEDO POLICE DEPARTMENT</b><br><b>STANDARD OPERATING GUIDELINES</b> |                               |  |
| EFFECTIVE<br>November 01, 2002 | CHIEF OF POLICE: <i>George R. Kral</i>                                  |                               | PAGES<br>16   |
| REVISED<br>January 1, 2015     | PART: ADMINISTRATION  | CHAPTER: STANDARDS OF CONDUCT |   |
| RESCINDS<br>December 1, 2012   | <b>ACTION - RESPONSE</b>  |                               |   |

**I POLICY**

The Fourth Amendment to the Constitution has long recognized the right of officers to make an arrest, or conduct an investigatory stop. This necessarily carries with it the right to use some degree of physical control. In the course of carrying out their lawful duties, officers may have to use physical control techniques to protect themselves or others from bodily harm, or to affect an arrest. Officers are permitted to use only physical control techniques that are objectively reasonable, in light of the facts and circumstances confronting them, to accomplish lawful objectives. The United States Supreme Court rulings in *Graham v. Connor*, and *Tennessee v Garner*, have suggested guidelines for police officers' responses to subjects' actions.

All department personnel authorized to carry lethal and less-lethal weapons, shall be issued copies of, and be instructed in, the Department's ACTION - RESPONSE policy, before being authorized to carry a weapon. The issuance and instructions shall be documented. (CALEA)

**II DEFINITIONS**

**ACTION** – the behavior of a subject to exert himself, so as to counteract, or defeat, an officer's commands.

**AEROSOL CHEMICAL AGENTS** – chemical agents dispensed from a pressurized container.

**ACTIVE RESISTANCE** – the subject actively resists arrest through their words and/or actions, or takes aggressive action against an officer.

**BUTTON BUCK** – a male deer less than one (1) year old, usually 50 – 70 pounds in weight, with the first stage of antler growth.

**CANISTER CHEMICAL AGENTS** – chemical agents dispensed from a canister, commonly used in civil disturbances (e.g., hand thrown, or launched grenades).

**COMPLIANT** – the subject is cooperative, and voluntarily follows verbal commands.

**DEADLY/LETHAL OPTIONS** – any response, which creates a substantial risk that it will proximately result in the death of any person. (see **USE OF FORCE**)

**LESS-LETHAL WEAPONS** – weapons that are used in a manner not intended to cause death, or serious injury.

**NONVIOLENT PASSIVE RESISTANCE** – a method of protest commonly used during nonviolent demonstrations, where a subject does not respond to an officer's commands,

## 103.2 ACTION – RESPONSE

refuses to move, becomes limp or dead weight (e.g., nonviolent protests against government entities, abortions clinics, etc.).

**NON-COMPLIANT** – the subject refuses to cooperate, and does not respond to verbal commands, but takes no verbal/physical actions against an officer.

**NON-DEADLY RESPONSE** – any response that is neither likely, nor intended to cause death, or serious injury.

**OBJECTIVELY REASONABLE RESPONSE** – the level of response that is within the bounds of what an ordinary and prudent officer would use, in a similar way, under similar circumstances. The ACTION – RESPONSE CONTINUUM shall be used as the basis for the reasonableness of the response.

**PHYSICAL CONTROL TECHNIQUES** – has the same meaning as response.

**PROJECTILE CHEMICAL AGENTS** – chemical agents dispensed from projectiles fired from various weapons systems, commonly used at incidents involving large civil disturbances, barricaded suspects, and high-risk entry situations (e.g., 12 gauge, 37/40 mm, PepperBall, etc).

**RESPONSE** – any physical power or compulsion used to affect the behavior, coerce, or restrain a subject. Compulsion includes the officer's presence and verbal commands that are used to influence the behavior of a subject.

**SERIOUS PHYSICAL INJURY** – any physical harm that carries a substantial risk of death, permanent partial or total incapacity; involves some temporary, substantial incapacity; involves some permanent or serious temporary disfigurement; involves acute pain of such duration as to result in substantial suffering; involves any degree of prolonged or unmanageable pain; or that involves any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment.

**SERIOUS PHYSICAL INJURY** – A bodily injury that creates a substantial risk of death; causes serious, or permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member, or organ. CALEA

**USE OF DEADLY FORCE** - A written directive which states that an officer may use deadly force, only when the officer reasonably believes that the action is in the defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. Definitions of conditional terms, such as those for reasonable belief, serious physical injury, or similarly used terms that are used to qualify the directive shall be included. CALEA

## III PROCEDURES

### 1 GUIDELINES FOR ACTION - RESPONSE (CALEA)

#### 1.1 ACTION – RESPONSE CONTINUUM

1.1.1 The ACTION – RESPONSE CONTINUUM provides guidelines for the reasonable responses to a subject's actions. Control of a resisting subject may be achieved through advice, warnings, persuasion or by the use of physical control techniques when responding to a subject's actions. In determining which control techniques to use in accordance with the ACTION – RESPONSE CONTINUUM, the totality of the

## 103.2 ACTION – RESPONSE

circumstances shall be considered. Listed below are the established guidelines in determining the control techniques that are reasonable based on the ACTION – RESPONSE CONTINUUM.

- (a) If a subject offers nonviolent passive resistance and/or is not responsive to an officer's verbal commands, the officer may:
- Utilize officer presence to influence the subject.
  - Issue verbal or physical commands.
  - Call for assistance from other officers.
  - Use an escort position.
  - Use balance displacement techniques.
- (b) If a subject is non-compliant, refuses to move, uses the weight of his body to defeat the control of the officer, demonstrates non-threatening verbal/physical actions, runs away from an officer, or pulls away from the officer, the officer may:
- Use the techniques listed in the section above.
  - Use pressure points.
  - Joint manipulations.
  - Use hair/head control techniques.
  - Use takedown techniques.
  - Use stun techniques.
  - Use weaponless strikes to muscle groups.
- (c) If a subject spits at an officer, demonstrates active resistance verbal or physical, pushes away, or wrestles with an officer, the officer may:
- Use any of the techniques listed in any sections above.
  - Use baton restraints.
  - Use an electronic control device (TASER).
  - Use chemical agents.
  - Use weaponless striking, punching, or kicking techniques.
- (d) If a subject is biting, kicking or striking an officer, the officer may:
- Use any of the techniques listed in any sections above.
  - Use baton striking techniques to the arms, legs or torso.
- (e) If a subject is involved in a life-threatening weaponless assault against an officer or another, is attempting to disarm an officer, or is using a weapon against an officer or another, the officer may:
- Use any of the techniques listed in any sections above.
  - Use deadly/lethal options.

## ACTION – RESPONSE CONTINUUM



**SUBJECT'S ACTIONS**

**OFFICER'S RESPONSES**

**OFFICER/SUBJECT FACORS**

- Age
- Sex
- Size
- Skill level
- Multiple subjects
- Relative strength

**SPECIAL CIRCUMSTANCES**

- Closeness of a weapon
- Injury, or exhaustion
- Being on the ground
- Distance from the subject
- Special knowledge
- Availability of other options
- Environmental conditions
- Subject handcuffed

1.2 **CONTINUUM OF ARREST – CONTROL, HANDCUFF, SEARCH, EVALUATE, TRANSPORT**

At times, an officer may be justified in moving to a higher or lower response than recommended on the continuum. The ACTION – RESPONSE CONTINUUM is not a rigid, inflexible guide. It provides for ranges of reasonable officer responses, and allows for the unique circumstances of each incident. The decision to move to a higher or lower level on the continuum shall be based on the totality of the circumstances.

Officer/subject factors may be considered when moving to a higher or lower level of response than recommended, by the ACTION – RESPONSE CONTINUUM. These factors include, but are not limited to, age, sex, size, skill level, multiple subjects or relative strength. In addition, special circumstances may also be considered in determining a reasonable response. These special circumstances include, but are not limited to, the closeness of a weapon, officer injury or exhaustion, being on the ground, the distance from the subject, any special knowledge, and the availability of other options, environmental conditions, or subject is handcuffed.

However, when an officer responds above the level of response recommended by the ACTION – RESPONSE CONTINUUM, he must be articulate in the required reports, and completely describe the threat posed by the subject.

2 **NONVIOLENT DEMONSTRATORS ACTION – RESPONSE**

Due to the sensitive nature of nonviolent demonstrations (i.e., civil rights, pro-life, pro-choice, etc.) exceptions to the ACTION – RESPONSE CONTINUUM have been established, for nonviolent, passive-resistance subjects:

- 2.1 If a nonviolent demonstrator does not respond to an officer's verbal commands, the officer is authorized to use all options within the blue area of the ACTION – RESPONSE CONTINUUM, and as listed, in DIRECTIVE 103.2/1.1.1 (a).
- 2.2 If a nonviolent demonstrator refuses to move, or uses the weight of his body to defeat the control of the officer, joint manipulations and pressure point control may also be used.
- 2.3 Officers, however, are **not** authorized to use weaponless strikes to muscle groups, stun techniques, or to use takedown techniques, with nonviolent demonstrators.

**NOTE:** This exception only applies to **nonviolent** demonstrators. If at any time, a demonstrator becomes violent, then the standard ACTION - RESPONSE CONTINUUM applies.

3 **LESS-LETHAL WEAPONS** (CALEA)

3.1 **USE OF BATONS**

Officers are permitted to carry batons for which they have received training and authorization from the Training Section.

3.2 **USE OF CHEMICAL AGENTS**

3.2.1 **AEROSOL CHEMICAL AGENTS**

Officers are permitted to carry aerosol chemical agents for which they have received training and authorization from the Training Section.

3.2.2 **USE OF CANISTER AND PROJECTILE CHEMICAL AGENTS**

## 103.2 ACTION – RESPONSE

The incident commander has the responsibility of determining the use of canister and projectile chemical agents, and has the authority to direct their deployment. Canister and projectile chemical agents may be used in situations such as large civil disturbances, barricaded suspects, and high-risk entry situations. These chemical agents may be used to minimize injury to suspects, officers, and others, and also to avoid property damage.

### 3.2.3 AID AFTER EXPOSURE TO CHEMICAL AGENTS

Whenever a subject is exposed to chemical agents, the arresting officer shall be responsible for monitoring the subject for possible medical complications. If the subject experiences medical complications, medical treatment shall be sought immediately. The arresting officer shall also be responsible to ensure, and document, that the subject is provided some form of field decontamination (exposure to fresh air, wind, and/or provided water, to flush the eyes) prior to being transported to a medical facility.

### 3.3 EMERGENCY WEAPONS

Incidents that require the use of physical control techniques, are dynamic, and potentially dangerous. In these evolving situations, officers may not have the time, or the ability, to utilize authorized weapons. Only in those emergency instances where officer availability options are limited, are they authorized to use other instruments to protect themselves, or others.

### 3.4 TASER

The TASER is a hand-held electronic control device that causes the subject to become temporarily physically debilitated, regardless of his/her pain tolerance, or mental focus. See DIRECTIVE 401.21 – TASER, for the procedures associated with this device.

## 4 REPORTING USE OF PHYSICAL CONTROL TECHNIQUES - ACTION – RESPONSE REPORT (TPD FORM 29.3) (CALEA)

In every instance where an officer uses physical control techniques that are beyond the mere taking control of a subject to take the subject into custody, or in any incident where a subject is injured while resisting their arrest (whether claimed or apparent), or in any incident where physical control techniques are utilized (including incidents where no arrests are made), an ACTION - RESPONSE REPORT, and a CRIME REPORT (TPD FORM 38.1), shall be completed.

**NOTE: Placing handcuffs on a submissive, or compliant, subject; conducting a 'Terry' pat down; or assisting fire/rescue, or EMS personnel are not physical control techniques that require the completion of this form, providing that the subject does not sustain injury. However, striking or wrestling with a subject, or the use of chemical agents (including projectile chemical agents), a baton, TASER, or firearm, are uses of physical control techniques that require the completion of an ACTION – RESPONSE REPORT, and a CRIME REPORT.**

4.1 Any time an officer checks a box for "Other", he shall indicate what the "Other" was. For example, if "Other" is checked for "Special Circumstances", the officer shall specify the factor.

4.2 Incidents Involving No Injury:

## 103.2 ACTION – RESPONSE

- 4.2.1 On-duty officers completing an ACTION – RESPONSE REPORT, shall turn them into a supervisor, prior to the end of the officer's shift.
- 4.2.2 Off-duty officers shall turn in their ACTION – RESPONSE REPORTS to their immediate supervisor (where the officer is assigned). Off-duty officers shall turn in their ACTION – RESPONSE REPORT, no later than 48 hours after the incident occurs.
- 4.3 Incidents Involving Injury:
  - 4.3.1 On-duty officers shall immediately advise their direct supervisor of the injury, or claimed injury. On-duty officers completing an ACTION – RESPONSE REPORT, shall turn it in to their supervisor, prior to the completion of the officer's tour of duty.
  - 4.3.2 Off-duty officers shall immediately notify the on-duty Operations supervisor responsible for the geographical area, where the incident occurred. An ACTION – RESPONSE REPORT shall be completed, immediately, and turned in to the Operations supervisor conducting the review of the incident.

**NOTE: DIRECTIVE 402.5/2.12 - SICK OR INJURED PRISONERS, and DIRECTIVE 405.1/5.1 – SICK/INJURED JUVENILES, are not changed by this order.**

- 4.4 Officers using physical control techniques shall complete an ACTION – RESPONSE REPORT for each subject upon whom physical control techniques were used. If more than one (1) police unit is involved in the incident, each additional unit shall complete an ACTION – RESPONSE REPORT.
- 4.5 In all cases, the factors and circumstances that supported the level of physical control techniques used shall be described in the narrative portion of the CRIME REPORT.
- 4.6 Use of Firearms: In cases involving the use of a firearm by an officer, the provisions contained in DIRECTIVE 103.2/9 – POST-SHOOTING, shall be followed, in lieu of, DIRECTIVE 103.2/4 – REPORTING USE OF PHYSICAL CONTROL TECHNIQUES.

## 5 SUPERVISORY RESPONSIBILITIES

### 5.1 INCIDENTS INVOLVING NO INJURY

- 5.1.1 For incidents that do not result in an injury or claimed injury, immediate supervisors shall review all ACTION – RESPONSE REPORTS completed by their subordinates.
- 5.1.2 Supervisors shall also review all ACTION – RESPONSE REPORTS completed by their subordinates for all incidents that occur when officers are off-duty. The supervisor shall forward each ACTION – RESPONSE REPORT, up the chain of command, for review and approval.

### 5.2 INCIDENTS INVOLVING INJURY

- 5.2.1 On-Duty Officer Involved: A Command Officer of at least one (1) rank higher than the involved officer, preferably his immediate supervisor, shall immediately respond to the scene and review the circumstances of any incident where a subject is injured or claims to be injured. Command Officers shall thoroughly investigate the incident, including

## 103.2 ACTION – RESPONSE

interviewing all witnesses. The supervisor shall then complete the *Supervisor Review* portion of the ACTION – RESPONSE REPORT prior to the end of his/her shift.

5.2.2 Off-duty officer Involved: The on-duty Operations supervisor assigned to the geographic area, in which an off-duty incident occurs, shall be responsible for responding to the scene, reviewing the incident, and completing the Supervisor Review portion of the ACTION – RESPONSE REPORT. Once the form is completed, it shall be forwarded to the off-duty officer's assigned Bureau/Section Commander.

5.2.3 Whether on or off-duty, the supervisor shall complete the ACTION – RESPONSE REPORT labeled *Factual Narrative*, which shall provide a complete, factual account of the incident, and shall not include personal opinions or conclusions. If the supervisor determines that more information is necessary to complete his review (e.g., by contacting additional witnesses), it shall be noted in the *Further Review Necessary* section of the ACTION – RESPONSE REPORT.

### 5.3 ROUTING (CALEA)

5.3.1 The immediate supervisor shall forward the ACTION – RESPONSE REPORT through the chain of command, to the Inspections/Accreditation Unit. Each level of command shall conduct a review, and forward all completed forms and relevant reports to the next level, or assign a supervisor to conduct an additional review. In either case, the ACTION – RESPONSE REPORT shall be submitted, with a copy of the CRIME REPORT (TPD FORM 38.1), to the Inspections/Accreditation Unit, within five (5) calendar days of the incident's occurrence.

5.3.2 If the box entitled *Further Review Necessary* is marked, the Shift/Section Commander shall assign the review, and send a copy of the ACTION – RESPONSE REPORT, with a copy of the CRIME REPORT, through the chain of command, to the Bureau/District Commander. Further reviews of all incidents shall be completed within five (5) calendar days and forwarded, as listed above.

5.3.3 All suspected violations of the ACTION – RESPONSE policy shall be reported immediately, on a DEPARTMENTAL INVESTIGATION FORM (TPD FORM 5.6).

## 6 RENDERING MEDICAL AID AFTER RESPONSE (CALEA)

6.1 Every time physical control techniques are used, officers shall evaluate the subject, and determine if medical aid is required. Medical treatment shall be provided under the following circumstances:

6.1.1 If there is any visible injury the officer believes may require treatment.

6.1.2 If the subject requests medical attention.

6.1.3 If the subject is incapable of communicating his well-being and an officer has reason to believe the subject is in need of medical attention.

6.1.4 If the subject is unconscious any time during the contact.

6.1.5 If a TASER has been deployed on a subject.

6.2 Depending upon the urgency of the subject's need for medical attention, officers shall either request assistance from the Toledo Fire and Rescue Department, transport the subject immediately to the nearest hospital, or request an evaluation by Lucas County Correction Center (LCCC) medical personnel.

## 7 DEADLY/LETHAL OPTIONS

### 7.1 RESTRICTIONS (CALEA)

The Toledo Police Department limits the use of deadly/lethal options to: self-defense or the defense of others, from the threat of death, or immediate serious physical injury; the apprehension of subjects, whose acts have demonstrated that they are likely to take an innocent party's life, or to inflict serious physical injury upon another person, if not immediately apprehended.

7.1.1 Danger to Third Parties - even when deadly/lethal options are permissible, officers should assess whether their use creates a danger to third parties that outweighs the likely benefits of its use.

7.1.2 The Risk of Death – Officers should be aware that even in the rare case where the deadly/lethal options are reasonable, it must be with the realization that the death of some person may occur, not necessarily with the intent that such will be the result.

7.1.3 When the decision is made to use deadly/lethal options, officers may continue its application until the subject no longer poses an immediate threat of danger to the officer, or to others.

7.1.4 Justification; limited to facts known by the officer – justification for the use of deadly/lethal options must be based on what reasonably appears to be the facts known, or perceived by an officer, at the time he decides to use deadly/lethal options. Absent any known or perceived supporting facts, a subsequent investigation establishing these supporting facts does not justify the officer's response.

### 7.2 AUTHORIZED USE OF FIREARMS

7.2.1 Defense of Human Life – Officers are permitted to use deadly/lethal options, when it is reasonable to believe that a subject poses an immediate threat of danger of death, or serious physical injury, to the officer, or to others.

7.2.2 Fleeing Felons – An officer is authorized to use deadly/lethal options, when it is reasonable to prevent the escape of a felon, **if**:

(a) There is probable cause to believe that the subject has committed a felony involving the infliction or threatened infliction, of serious physical injury, or death, **and**

(b) The subject's escape would pose an immediate threat of danger, or death, or serious physical injury to the officer, or to others, if not immediately apprehended, **and**

(c) **If feasible**, some warning has been given.

7.2.3 Dangerous, or Seriously Injured Animals - Officers may use a firearm to destroy:

(a) A dangerous animal, which poses an **immediate** threat to the officer, or to others.

(b) A seriously injured animal, where humanity requires its relief from further suffering.

- This shall be done only as a last resort, when no other disposition is reasonably available, and only upon the authorization of a supervisor.

- If an officer uses a firearm to destroy a seriously injured deer (e.g., when struck by a motor vehicle), or when an officer

## 103.2 ACTION – RESPONSE

encounters a situation, with a seriously injured or dead deer, then officers shall use the following procedure:

- ❖ Motor vehicle crashes - The driver of the motor vehicle that struck the deer has first claim on the deer's carcass. If this driver does not wish to claim the carcass, the officer may allow another individual to claim the carcass.
- ❖ Incidents other than motor vehicle crashes – The officer may allow an individual to take possession of the carcass, but should give preference to anyone with a possessory claim to the deer.
- ❖ The officer shall complete an Ohio Department of Natural Resources (ODNR) Deer Carcass Receipt, listing the information of the individual who takes possession of the carcass. Officers shall provide the yellow copy of the completed Deer Carcass Receipt to the individual.
- ❖ The officer shall forward the original Deer Carcass Receipt, and if applicable, other related reports (e.g., an Ohio Traffic Crash Report, Impound Report, etc.) to the Records Bureau, prior to the end of their tour of duty.
- ❖ If the circumstances surrounding the death of the deer are suspicious, the officer shall have the Communications Bureau personnel contact the local ODNR Wildlife Officer for advice, before releasing the carcass.

7.2.4 In supervised target practice, authorized competition, or when Forensic Laboratory personnel are required to do so, to test a firearm.

## 8 FIREARMS RESTRICTIONS

### 8.1 DISCHARGING OF FIREARMS AT MOVING MOTOR VEHICLES

The discharging of a firearm at a moving motor vehicle creates substantial risks. The likelihood of misses, the subsequent risk of errant shots, the improbability of stopping the vehicle, and the probability of the vehicle's crashing and causing injury to officers and other persons, are among factors that counsel against such actions, other than in the most extreme circumstances.

8.1.1 The discharging of a firearm at a moving motor vehicle is **prohibited**, unless other alternatives are impractical, or would present a greater risk to the officer, or to others.

8.1.2 If possible, and under the circumstances, it is the officer's **primary responsibility** to move out of the path of the motor vehicle, and/or seek cover. In most instances, this option will provide the safest alternative for the officer.

8.1.3 Officers shall utilize the tactical positioning of vehicles, and tactical vehicle approaches, in order to minimize the danger presented by occupied vehicles.

8.1.4 Due to the extreme risks presented to officers, they shall not deliberately place themselves in the path of a fleeing vehicle.

8.1.5 Reaching into an occupied vehicle to turn off the ignition, significantly increases the likelihood of being disarmed, entangled, dragged, or even killed, as a result. Therefore, an officer should only engage in this practice after careful consideration of the tactical situation.

8.1.6 As with all uses of firearms, the discharging of a firearm at a motor vehicle is only justified if the officer has probable cause to believe that the subject poses an immediate threat of danger of death, or serious physical injury, to the officer, or to others.

8.2 **DISCHARGING OF FIREARMS FROM MOVING MOTOR VEHICLES**

As is the case with firing **at** moving motor vehicles, the substantial risk created by firing **from** a moving vehicle must be carefully weighed, against the possibility of an innocent person being injured.

8.2.1 Discharging a firearm from a moving vehicle is **prohibited**, unless other alternatives are impractical or would present a greater risk to the officers, or to others.

8.3 **OFFICERS SHALL NOT DISCHARGE FIREARMS**

No member of the department shall discharge a firearm, under the following circumstances:

8.3.1 As a warning.

8.3.2 Solely to disable a motor vehicle.

8.3.3 In any case, involving solely a misdemeanor, or traffic offense.

8.3.4 In any felony case, that does not involve an actual or threatened attack, and could result in death, or serious physical injury.

8.3.5 To effect the arrest, or to prevent the escape of a misdemeanor.

8.4 **PROHIBITED USE OF FIREARMS AND AMMUNITION**

No member of the department shall:

8.4.1 While acting as an agent of the department, carry, use, or discharge any firearm or ammunition, except those issued or approved for use, by the department.

8.4.2 At any time, *on* or *off-duty*, unnecessarily draw, or point a firearm, engage in 'horseplay' with a firearm, or use a firearm as an impact weapon.

9 **POST-SHOOTING**

9.1 **OVERVIEW**

All officer-related firearm discharges shall be investigated, administratively. All firearm discharges that **result in human injury, or death**, shall be investigated, both criminally, and administratively.

9.1.1 The Investigations Bureau shall conduct the criminal investigation of any incident involving death, or injury, and any other discharge incident, where exigent, or special circumstances, exist.

9.1.2 The Internal Affairs Unit shall be responsible for the administrative investigation of any incident involving a death or injury, **and** any other incident that the Internal Affairs Section Commander deems appropriate.

(a) Incidents to which Internal Affairs personnel do not respond, shall be investigated, administratively, by a supervisor of the Division/Bureau of the officer involved in the shooting, with the results of the investigation forwarded through channels, to the Internal Affairs Unit.

9.1.3 The only exceptions to this procedure are when an officer discharges a firearm at: the range; a firearms meet; while engaged in hunting, target or sports shooting; or while performing Forensic Laboratory testing.

## 103.2 ACTION – RESPONSE

### 9.2 INVOLVED OFFICER’S RESPONSIBILITIES

The following procedures and responsibilities apply whenever an officer discharges a firearm, regardless of his duty status (on or off-duty), geographical location, or whether the discharge was accidental, or intentional. The only exceptions to this procedure are when an officer discharges a firearm at the: range; a firearms meet; while engaged in hunting, target, or sports shooting; or while performing Forensic Laboratory testing. Officers are encouraged to use the OFFICER INVOLVED SHOOTING CHECKLIST (TPD FORM 15.26), to assist in processing the scene.

- 9.2.1 An officer involved in an intentional, or accidental, discharge, shall:
- (a) Notify the Communications Bureau of the incident.
  - (b) Stabilize the scene, and update the dispatcher on conditions.
  - (c) Determine the physical condition of any injured persons, and based on the tactical conditions, render first aid, when appropriate.
  - (d) Call for medical assistance.
  - (e) Protect the scene and detain witnesses.
  - (f) Remain at the scene (unless injured), until the arrival of the appropriate investigator.
  - (g) Protect all firearms for possible laboratory examination, and submit all related firearms to the appropriate investigator, upon request.
  - (h) Complete a CRIME REPORT.
  - (i) Complete an ACTION – RESPONSE REPORT, and forward to the immediate on-duty supervisor.

### 9.3 COMMUNICATIONS BUREAU RESPONSIBILITIES

- 9.3.1 Dispatch necessary back-up units, maintaining control of the number of units responding.
- 9.3.2 Send medical aid, as needed.
- 9.3.3 Notify the Operations shift Commander.
- 9.3.4 Notify other department personnel as required: the officer's District/Bureau Commander, the Investigations Bureau Commander, the Investigative Services Division Commander, the Chief of Police, the Employee Assistance Program Command Officer, and the Public Information Officer.
- 9.3.5 Notify the Internal Affairs Section Commander, unless the incident involves the shooting of a dangerous, or seriously injured, animal.

### 9.4 OPERATIONS SHIFT COMMANDER RESPONSIBILITIES

Supervisors are encouraged to use the OFFICER INVOLVED SHOOTING CHECKLIST (TPD FORM 15.26), to assist in managing the scene. In the event that the officer is off-duty when the shooting occurs, and his Shift/Bureau Command is off-duty, the on-duty Operations shift Command Officer responsible for that geographic area, shall:

- 9.4.1 Immediately respond to the scene.
- 9.4.2 Ensure that aid has been summoned and administered, for all injured parties.
- 9.4.3 Take command of the tactical response, giving consideration to establishing an incident command (IC) post.

- 9.4.4 Ensure that the scene is protected and treated as a crime scene. Assign an officer to complete the MAJOR CRIME SCENE PERSONNEL LOG (TPD FORM 31.16).
- 9.4.5 Ensure that the crime scene is cleared of all unauthorized department and non-departmental personnel (authorized department personnel are only those on-duty officers, regardless of rank, with an assigned duty in the crime scene, or other legitimate purpose).
- 9.4.6 As soon as the scene is secure, ensure that the involved officer's firearm has been secured and treated as evidence.
  - (a) The Operations shift Command Officer shall inquire of all involved officers, whether a backup firearm was carried or used, at the time of the incident. Any such firearm shall be inspected by the inquiring Command Officer, for any evidence of firing and, if necessary, secured and treated, as evidence.
- 9.4.7 Assign an officer to remain with the involved officer (preferably, an on-duty member of the Officer Support Team).
- 9.4.8 Separate all witnesses, including involved department personnel.
- 9.4.9 Ensure that the Communications Bureau has made all required notifications.
- 9.4.10 Ensure the completion of the required reports: CRIME REPORT, TPD FORM 38.1; SUPPLEMENTAL CRIME REPORT (TPD FORM 38.3); UNUSUAL INCIDENT REPORT (TPD FORM 40.0), and the ACTION – RESPONSE REPORT, which shall be forwarded through the supervisor's chain of command, to the Commander of the Internal Affairs Section.

**EXCEPTION:** A diagram and photographs of the scene are not required when an officer discharges a firearm, to euthanize a seriously injured animal.

- 9.4.11 Initiate the administrative investigation process, until relieved by the Internal Affairs' representative.
- 9.4.12 The completed administrative investigation shall be forwarded through the supervisor's chain of command, to the Internal Affairs Unit.

**9.5 INVESTIGATIONS BUREAU COMMANDER'S RESPONSIBILITIES**

The Commander of the Investigations Bureau shall assume overall responsibility for the related criminal investigation. He shall ensure that the crime scene is processed, all evidence is collected, and that all witnesses and officers are interviewed. The Commander of the Investigations Bureau shall not be involved in the administrative investigation. However, the content of the criminal investigation shall be made available to the administrative investigator.

- 9.5.1 The Investigations Bureau Commander shall:
  - (a) Form a Shooting Investigation Team, to initiate the criminal investigation.
    - The Shooting Investigation Team should include members of various investigative specialties, such as the Scientific Investigation Unit (SIU), an ISB Person's Section investigator, and an ISB Command Officer.
    - The lead investigator should be at least one (1) rank above that of the officer involved.
  - (b) Respond to scene.

## 103.2 ACTION – RESPONSE

- (c) Ensure that the Investigative Services Division Commander has been notified.
- (d) Ensure that the officer's District Commander has been notified.
- (e) Notify the Coroner, if a death has occurred.
- (f) Provide additional support, and/or personnel, as needed.

### 9.6 SHOOTING INVESTIGATION TEAM RESPONSIBILITIES

The Shooting Investigation Team is responsible for conducting the criminal investigation of any shooting incident, where an officer or partner is killed or wounded, or when an officer has caused an injury to, or the death of, another.

9.6.1 The Shooting Investigation Team shall:

- (a) Respond to the scene.
- (b) Assume the investigative command of the scene, after the tactical situation is under control.
- (c) Conduct a thorough investigation of incident:
  - Interview officers.
  - Interview witnesses.
  - Interview victim or subject.
  - Process the crime scene (collect physical evidence, including the involved officer's firearm).
  - Determine whether a replacement firearm should be issued.
  - Request laboratory services.
  - Prepare a press release.
- (d) Prepare a detailed report, and forward to the Chief of Police.

### 9.7 INTERNAL AFFAIRS SECTION COMMANDER'S RESPONSIBILITIES

9.7.1 The Commander of the Internal Affairs Section shall conduct final review of all administrative investigations of officer-involved shootings, regardless of the originating Division or Bureau.

9.7.2 The Commander of the Internal Affairs Section, or his designee, shall report to the scene of all incidents that result in the death or injury of a person, and any other incident that the Commander deems appropriate.

9.7.3 The Commander of the Internal Affairs Section, or his designee, shall not be involved with the criminal investigation. However, the content of the criminal investigation shall be made available to him.

9.7.4 He shall observe the scene to determine if additional evidence collection is needed, and shall interview witnesses, and any officer he deems necessary, for a thorough administrative investigation.

9.7.5 He shall report the findings of all administrative shooting investigations to the Firearms Review Board.

### 9.8 FIREARMS REVIEW BOARD

The Firearms Review Board shall meet to review all officer-involved firearm discharges. The only exceptions are when an officer discharges a firearm at: the range; a firearms meet; while engaged in hunting, target, or sports shooting; or while performing Forensic Laboratory testing.

9.8.1 The Commander of the Internal Affairs Section, or his designee, shall coordinate the presentation of all evidence gathered during the administrative investigation, to the Firearms Review Board.

9.8.2 The Firearms Review Board shall consist of:

- (a) A Deputy Chief, designated by the Chief of Police, shall serve as the chairman.
  - (b) At least three (3) additional Command Officers, selected by the Chief of Police.
  - (c) If the incident involves a patrol officer, one (1) patrol officer, selected by the Toledo Police Patrolman's Association (TPPA).
  - (d) If the incident involves a Command officer, one (1) Command officer, selected by the Toledo Police Command Officers' Association.
- 9.8.3 The Firearms Review Board shall meet at the direction of the chairman, and shall:
- (a) Conduct a thorough review of the firearm discharge.
  - (b) Avail itself of all facilities, reports, and personnel of the department necessary to conduct a complete examination of the circumstances involved in the firearm discharge.
  - (c) Visit the scene of the incident, if necessary.
  - (d) Determine if the firearm discharge was:
    - Justified
    - Unjustified
    - Accidental
- 9.8.4 The chairman shall report the Board's findings and recommendations, to the Chief of Police, without delay. No release of information shall be made by any member of the Firearms Review Board, until the Chief has rendered a decision by either concurring or not concurring with the Board's findings.

**10 SUPPORT FOR INVOLVED OFFICERS**

**10.1 PURPOSE**

An Officer Support Team shall be established, to evaluate and assist in lessening the psychological or emotional stress felt by officers, and their families. A formal team approach shall be implemented to investigate the use of deadly/lethal options by, or against, an officer. This combined team approach shall be utilized whenever an officer or his partner is wounded or killed, or whenever an officer has caused the injury or death of another.

**10.2 EMOTIONAL DEBRIEFING**

Experience has indicated that each officer involved in a shooting incident will react with different levels of stress, based upon their own personal make-up. The Chief of Police shall continue to maintain the option of requiring the involved officer to undergo emotional debriefing with a medical professional to assist the officer in dealing with the involved stress.

**10.3 ADMINISTRATIVE LEAVE**

Any officer directly involved in an incident involving deadly/lethal options may receive administrative leave time, as outlined in the respective labor agreements.

**10.4 DEATH/SERIOUS PHYSICAL INJURY, REMOVAL FROM FIELD ASSIGNMENT**

When an officer's response results in death or serious physical injury (the Chief of Police will make the final determination), the officer shall be removed from

## 103.2 ACTION – RESPONSE

field assignments, pending a preliminary review by the Chief. This review shall be conducted as soon as possible. This precautionary action serves to:

- 10.4.1 Shield officers who have not exceeded the scope of their authority from possible confrontations with the community.
- 10.4.2 Protect the public's interest, if an officer has exceeded the scope of his authority.
- 10.4.3 Ensure that the officer is mentally prepared to return to a field assignment.

### 10.5 OFFICER SUPPORT TEAM

10.5.1 The primary purpose of the Officer Support Team is to provide emotional comfort, and support to the involved officer. Officers acting in this capacity shall not serve as counselors, or attempt to provide counseling that may be beyond their expertise. Support Team members shall refer affected officers to the Employee Assistance Program (EAP) Officer, when necessary.

10.5.2 Support Team members shall be volunteers selected by the Chief of Police. The team shall be comprised of trained and capable officers who themselves have experienced the types of line of duty situations to which they will respond.

10.5.3 Responsibilities:

- (a) A member of the Officer Support Team shall report to the scene of any shooting incident, as requested by the Command Officer in charge, or by members of the Shooting Investigation Team.
- (b) When requested to report to a scene, the team member shall report to the Command Officer in charge of the scene.
- (c) The officer will provide moral and emotional support, only, and ~~will~~ shall not become involved in the related investigation.
- (d) He will discuss with the officer, any post shooting feelings that may or may not arise.
- (e) He may provide other assistance, as necessary, after clearance from the Command Officer in charge of the scene.

**NOTE:** The involved officer may refuse assistance from an Officer Support Team member.

## 11 ANNUAL ADMINISTRATIVE REVIEW

Annually the department shall compile and analyze statistics regarding the action-response incidents that occur during that period (CALEA)

11.1 The Office of the Chief of Police shall conduct an annual administrative review of the department's practices concerning ACTION – RESPONSE. The review shall include, but is not limited to, department policy and procedure, citizen concerns, and statistical data. (CALEA)

11.2 This process shall be undertaken with the aim of maintaining a reasonable and viable Action-Response policy.