



**Department of Public Safety
Police Division
Policies and Procedures**

<u>Title</u> Use of Force	<u>SOP Number</u> 7.1.100
Approval Signature <i>Eliot K. Isaac</i>	
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- I. **Purpose:** The purpose of this policy is to provide University of Cincinnati Police Division (UCPD) officers with guidelines for the use of less-lethal and deadly force.
- II. **Policy:** It is the policy of UCPD to value and preserve human life. A reverence and respect for the dignity of all persons and the sanctity of human life shall guide all training, leadership, and procedures, as well as guide officers in the use of force. Whenever possible, non-escalation and de-escalation techniques shall be employed to gain voluntary compliance by a subject. Officers shall use only the force that is objectively reasonable to accomplish lawful objectives in accordance with state law and applying de-escalation techniques when possible. Officers may use deadly force only under a reasonable belief that the action is in defense of human life or in defense of any person in imminent danger or facing a significant threat of serious physical injury and in accordance with state law.

The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them” (Graham v. Connor, 1989).

All uses of force shall be documented and investigated pursuant to this agency’s policies. This policy shall be annually reviewed in accordance with Section I of this policy and any questions or concerns should be addressed to the immediate supervisor for clarification.

III. Definitions:

Active Resistance – When a subject is making physically evasive movements to defeat the officer’s attempt at control, including fleeing, pushing, holding onto a fixed object, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Aggressive Resistance: A person who displays the intent to harm the officer, the person himself or herself, or another person and prevent an officer from placing the person under control and in custody. Examples include a person taking a fighting stance, punching, kicking, striking, and attacking with weapons or other actions which present an imminent danger of physical harm to the officer or another.

Administrative Review: A documented evaluation of various types of police actions that do not require a formalized investigation however are subject to a command-level evaluation for adherence to policies, training, and practices.

Conducted Electrical Weapon (CEW): an electroshock weapon, more commonly known as a TASER, which fires two small probes (dart-like) electrodes, that stay connected to the main

unit by conductors, to deliver electric current to disrupt the voluntary control of muscles and cause neuromuscular incapacitation.

CEW Activation: Use of a CEW to deliver electric current to disrupt the voluntary control of muscles and cause neuromuscular incapacitation.

CEW Air Cartridge: The cartridge which contains the probes in a CEW

CEW Cycle Duration: The amount of time a CEW is either automatically or manually activated.

CEW Drive Stun: Drive-stun mode is not designed to cause incapacitation and generally becomes primarily a pain compliance option. This is done by activating the CEW and placing it against an individual's body. This can be done without an air cartridge in place or after an air cartridge has been deployed.

CEW Laser Light Compliance: Activating CEW laser light on a subject's person to get the subject to cease and desist their behavior and comply with the officer.

CEW ARC Compliance: Activating CEW ARC switch to give a visible and audible warning to get the subject to cease and desist their behavior and comply with the officer.

CEW Probes: The probes that are expelled from an air cartridge when the CEW is activated.

CEW Probe Mode: The deployment of CEW probes during CEW activation

CEW Spark Test: Daily function test performed in accordance with training to confirm the CEW is functioning properly.

Choke Hold: A physical maneuver that restricts an individual's blood flow or ability to breathe for incapacitation. Choke holds are prohibited.

Command Officer: UCPD employee with the rank of Captain or above

Community Compliance Council (CCC): A committee appointed by the University President whose purpose is to ensure UCPD's compliance with its policies and procedures, particularly in the area of Use of Force and Citizen Complaints. The CCC also provides community perspectives and insight based on its diverse membership which includes representatives from the UC students, faculty, staff, and alumni; neighborhood community groups; civic, faith, and business leaders; and law enforcement officials.

Critical Decision-Making Model (CDM): A six-step decision-making framework to be applied by officers for quickly analyzing and responding appropriately to a range of incidents.

Critical Use of Force: Any action that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or use of force in which the person is seriously injured,

results in death, or requires hospital admission, except for individuals admitted for psychiatric evaluation not suffering a serious injury.

Crowd Control – The use of police action to stop the activities of persons assembled. Crowd control activities by police personnel will occur only when members of a crowd are engaged in criminal activity.

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury.

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the level or amount of force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Escorting: The use of light pressure to guide a person or keep a person in place.

Excessive Force: The application of an amount and/or duration of force greater than that required to compel compliance of a non-compliant subject. This level of force would not be reasonably objective and would be inconsistent with policy and training.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Hard Hands: The use of physical pressure to force a person against an object or the ground, use of physical strength or skill that causes pain or leaves a mark, balance displacement, joint manipulation, pain compliance, and pressure point control tactics.

Imminent Danger: An immediate threat; impending; or on the point of happening. It may also be defined as impending rather than remote, uncertain, or contingent; if circumstances remain unchanged, a result is reasonably certain.

Injury: A physical wound, trauma, harm or hurt to an individual's body that is the result of damage inflicted by an external force. Wounds from a CEW probe, absent any other physical trauma are not considered injuries.

Less-Lethal Force: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Non-escalation: Taking action or communicating verbally or non-verbally at the *onset* of an interaction that reduces the likelihood of the interaction escalating or intensifying. Non-escalation includes but is not limited to the use of a universal greeting, active listening,

treating all contacts with dignity by showing respect, and if necessary, preventing conflict through redirection to turn a defensive atmosphere into a supportive one.

Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

Passive Resistance: The subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), resistive tension (tightening of muscles without an attempt to flee or physically resist arrest).

Reasonable Belief: Reasonable belief exists when the facts or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Self-Defense: The act of protecting oneself or another from physical harm or the threat of physical harm.

Sensitive population groups: Sensitive population groups include those who reasonably appear to be, or are known to be, small children, frail elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

Serious Bodily Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

Significant Threat: A convincing expression of an intention to inflict pain or injury; an indication of impending danger or harm; or a person or group regarded as a possible danger to others.

Situational Notification List: The communication guidelines that UCPD dispatchers and shift commanders shall follow to notify the UCPD chain of command and disseminate pertinent information in case of serious, unusual, or unexpected incidents involving UC students, faculty, staff, visitors, or property.

Supervisor: UCPD employee with the rank of Sergeant or Lieutenant

Target Acquisition: The pointing of a weapon at a subject's center mass in order to get the subject to cease and desist their behavior and comply with the officer.

Un-holstering: The removal of a Firearm or CEW from its holster with the intent to deploy it if needed. Un-holstering is **not** a reportable incident.

Use of Force: Any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to the use of: firearms, CEWs, collapsible batons, chemical irritant, hard hands, or the taking of a subject to the ground. The term does not include escorting or handcuffing a person with only passive resistance.

Vascular Neck Restriction: A technique that applies pressure to the lateral portions of the neck to incapacitate individuals by restricting the flow of blood through the carotid arteries to and from the brain. The vascular neck restraint is prohibited.

Warning Shot: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

IV. Information

A. Factors Used to Determine the Reasonableness of Force

When determining whether to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

1. The conduct of the person being confronted as reasonably perceived by the officer at the time, including the level of threat or resistance presented by the subject.
2. The officer's and subject's factors, including but not limited to: size, age, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and the number of officers versus subjects.
3. The influence of drugs or alcohol and the subject's mental capacity.
4. The proximity of weapons.
5. The distance between the officer and subject.
6. The degree to which the subject has been effectively restrained and his / her ability to resist despite being restrained.
7. The time and circumstances permitting, the availability of other options (resources that are reasonably available to the officer under the circumstances).
8. The seriousness of the suspected offense or reason for the contact with the individual.
9. The training and experience of the officer.
10. The potential for injury to citizens, officers and suspects.
11. Whether the conduct of the individual being confronted reasonably appears to pose an imminent danger to the officers or others.
12. The prior knowledge of the subject's propensity for violence.
13. Any other exigent circumstance or special knowledge.

V. Procedures

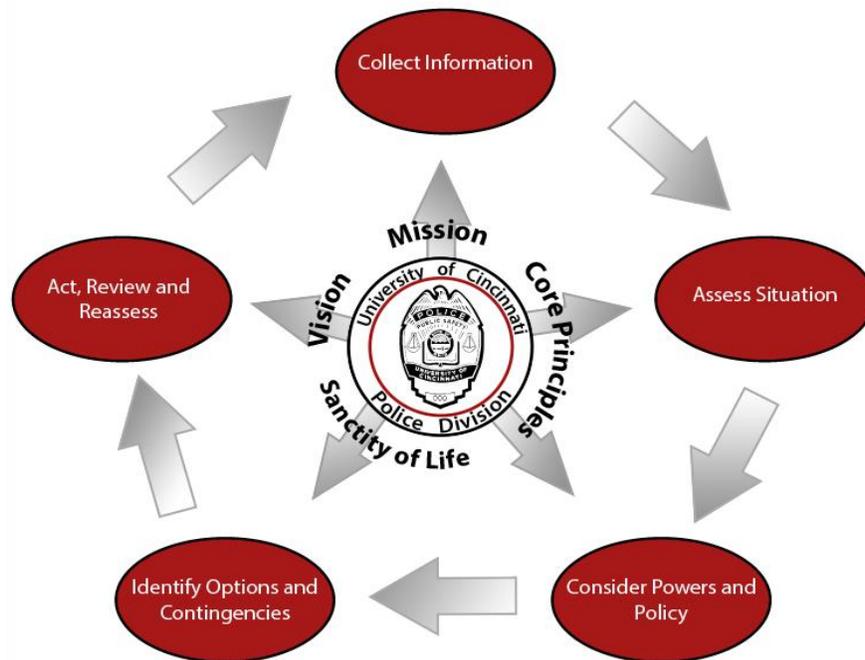
A. Non-escalation and De-escalation

1. Courtesy and respect in all public contacts encourages understanding and cooperation. The most desirable method for effecting an arrest is when a suspect complies with simple directions given by an officer. An officer shall use non-verbal and verbal non-escalation and de-escalation techniques consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force. The use of such techniques may prevent conflict, or slow down and/or stabilize a situation to allow for more time, options, and resources for incident resolution.
2. When officers are confronted with a situation where control is required to detain, effect an arrest, or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion. Whenever possible, and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.
3. It is important that officers are aware that there may be many reasons a suspect may be incapable of responding to police commands. The individual may not be capable of understanding the gravity of the situation as a result of a variety of circumstances, including but not limited to alcohol or drug use, mental impairment, medical conditions, or language and cultural barriers. This may not make the individual any less dangerous. However, if officers recognize the situation for what it is, they may be able to use more effective tactics without jeopardizing officer safety.

B. Critical Decision-Making Model

1. The CDM is a logical, straightforward, and ethically-based thought process that is intended to help UCPD officers manage a range of incidents effectively and safely. The Decision- Making Model shall be used, when feasible, for officers to evaluate their options for escalating or de-escalating their use of force during a situation. UCPD values the sanctity of all life, therefore it is contained in the center of the CDM. This center informs and guides officers throughout the six-step process:
Step 1: Vision, Mission and Core Principles - Standards of professional behavior and sanctity of human life.
Step 2: Collect Information – Continuously collect information and intelligence from all available sources
Step 3: Assess Situation - Assess threat and risk and develop a working strategy
Step 4: Consider Powers and Policy – Reflect police powers, agency policy, and training
Step 5: Identify Options and Contingencies - Identify Options and Determine the Best Course of Action
Step 6: Act, Review and Reassess - Execute the decision, evaluate the impact, and determine what more, if anything, needs to be done

Critical Decision-Making Model



2. When use of force is necessary, officers will assess each incident using the CDM, policy, training, and experience, to determine which use-of-force options are appropriate for the situation and bring it under control in a safe manner. Officers must use only the amount of force that is objectively reasonable to overcome resistance in order to take lawful action. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to promptly de-escalate the use of force as the subject de-escalates or comes under police control.

C. Use of Less-Lethal Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control an actively resistant individual. Only the objectively reasonable force necessary to gain compliance, control or custody of a subject will be utilized.
2. An officer is authorized to use agency-approved, less-lethal force techniques and

- issued equipment in the following circumstances:
- a. to protect the officer or others from immediate physical harm,
 - b. to restrain or subdue an individual who is actively resisting or evading arrest or detention,
 - c. to bring an unlawful situation safely and effectively under control.
3. This level of force includes but is not limited to:
 - a. Empty hand tactics such as strikes, kicks, or takedowns,
 - b. Impact weapons such as the handled mounted baton, collapsible baton,
 - c. Chemical Irritant,
 - d. Conducted Electrical Weapon (CEW)
 4. When possible, prior to any use of less-lethal force, a verbal warning shall be issued to the subject and the officer will allow a reasonable period of time to allow compliance with the warning, unless exigent circumstances exist that would make it imprudent to do so.
 5. The following weapons are authorized for use only in crowd control situations:
handled mounted baton, The authorized deployment of any of these weapons is dictated by UCPD Policy 17.1.202 Crowd Management and Control and requires:
 - a. That the use of force is reasonable and necessary to protect the officer or another person from an immediate risk of physical harm; or it is necessary to effect the arrest of an actively or aggressively resisting person; or to prevent the escape of an arrested person.
 - b. Command Officer approval, absent the exigent circumstances of immediate risk of harm.
 - c. Deployment by a properly trained officer.
 - d. Specific targeting of a subject by the officer.
 - e. The officer must be reasonably cautious the weapons will not strike other individuals in the crowd who pose no threat of violence.
 6. Collapsible Batons
 - a. Only those who have successfully completed this agency's approved weapon training are authorized to use a baton.
 - b. Batons are defensive tools that may be used when the justification for the use of less lethal force exists.
 - c. Once resistance ceases, the use of a baton as a striking weapon shall cease.
 - d. Batons shall only be used as trained. Batons shall not be used to deliberately strike another with a degree of force intended to cause serious bodily injury or death unless the use of deadly force is justified.
 - e. Officers are expressly prohibited from carrying and/or using a KUBOTAN.
 7. Oleoresin capsicum (OC) spray
 - a. Only Chemical Irritant issued by the UCPD is authorized.
 - b. Chemical irritant spray shall be carried only by those officers who have successfully completed this agency's designated training on its use.
 - c. OC is permitted in less lethal force situations where the use of force is necessary and justified to apprehend or control an individual, and the use of the OC will facilitate the arrest with the minimum chance of injury to the officer, the arrestee, or innocent bystander.
 - d. OC has been found to be generally effective in controlling persons who are

under the influence of alcohol and/or narcotics, persons highly agitated or motivated and those who are mentally unbalanced, but the effects of OC vary with different types of individuals. OC exposure to humans may not be effective and may cause the subject to be even more aggressive. Therefore, officers must be continually alert to the possibility that other means may be necessary to subdue a resistive or noncompliant subject or attacker.

- e. OC has been found to be effective against aggressive animal attacks and may also work well against attacking dogs. Caution must be used when repelling dogs trained to attack and/or those who are extremely motivated.
 - f. When spraying OC, target an individual's face and upper torso. If possible, stay five to ten feet away from an individual and administer the chemical irritant in 3-second bursts.
 - g. Once resistance ceases, the further application of OC shall cease.
 - h. OC shall not be used in the immediate vicinity of infants or the elderly absent exigent circumstances.
 - i. Officers will, at the earliest practicable time, allow all persons who have been exposed to OC to flush the affected area with cold/cool water.
8. Conducted Electrical Weapon (CEW)
- a. The CEW generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Its use is intended to physically incapacitate a violent or potentially violent individual allowing officers to gain control, while minimizing the risk of serious injury to suspects and officers.
 - b. Only the CEW, purchased and issued by the UCPD, is authorized.
 - c. Only those who have successfully completed this agency's approved initial and in-service training programs are authorized to use a CEW.
 - d. Weapon Readiness
 - 1) The device shall be carried in an approved holster on the side of the body opposite the service handgun.
 - 2) The device shall be carried fully armed with the safety on in preparation for immediate use.
 - 3) Officers shall be issued two cartridges. Cartridges will be replaced following the manufacturer's expiration requirements.
 - 4) Only manufacturer-approved battery power sources shall be used in the CEW.
 - 5) The CEW shall be subjected to a pre-shift "spark test" as defined in training to ensure that the device is functioning properly.
 - 6) No modifications or repairs shall be performed on the device unless authorized by the department in writing.
 - e. Deployment
 - 1) The CEW is generally authorized to be used in circumstances where grounds to arrest or detain are present and the subject's actions cause a reasonable officer to believe that physical force will be used by the subject to resist the arrest or detention. Such actions may include but are not limited to:
 - a) use of force against the officer or another person
 - b) violent, threatening, or potentially violent behavior
 - c) physically resisting the arrest or detention

- d) self-destructive behavior
 - e) flight in order to avoid arrest or detention, in circumstances where officers would pursue on foot and physically effect the arrest or detention
 - An individual simply fleeing an officer, absent additional justification (reasonable suspicion to detain or probable cause to arrest) does not warrant the use of a CEW.
 - Officers shall consider the following prior to deploying the CEW
 - The severity of the crime (i.e., crime of violence, felony)
 - The risk of danger to others if the suspect is not apprehended
 - The potential risk of secondary injury to the suspect due to environmental conditions (i.e., falling)
- 2) Officers should, if possible, obtain backup before using the CEW to control the subject.
 - 3) Laser Light Mode: The CEW has a laser and a built-in flashlight that activates as soon as the CEW is turned on. The pointing of CEW laser light can be placed on a subject's person and used along with verbal commands in order to attempt to get the subject to cease and desist their behavior and comply with the officer without a CEW activation.
 - 4) ARC Compliance Mode: In addition to laser light mode, the CEW has the capability of issuing a visible and audible warning arc by depressing the arc switch. The pointing of CEW laser light and activation of the arc warning can be utilized along with verbal commands in order to attempt to get the subject to cease and desist their behavior and comply with the officer without a CEW activation.
 - 5) Probe Mode: The CEW is most effective at overcoming resistance and assisting officers with subject control when used in the "probe mode," which is the preferred deployment technique when practical. The device shall be aimed at the recommended area of the subject, fired, and cycled in a manner consistent with manufacturer recommendations and outlined during certification training. When practical, the CEW should be discharged at the subject's back, an officer should avoid discharging it at an individual's head, neck, chest, and groin.
 - a) Depressing the trigger on the CEW will propel two probes from the attached air cartridge. Once the trigger is depressed and released, it will automatically cycle for a duration of five seconds. The officer can turn it off before the five-second cycle stops as dictated by training. Officers should continue giving commands to the suspect during the cycling. The CEW deployment does not interfere with suspect's hearing or cognitive ability. Therefore, the officer should continue their efforts to gain compliance.
 - b) Officers shall not direct an electrical charge or current against a person who has already received an electrical charge from a CEW unless the person, despite the initial discharge, continues to pose substantial risk of causing bodily injury to him/herself, an officer, or any other person.
 - 6) Drive Stun Mode: The CEW may also be used in limited close-range, self-defense, and pain-compliance circumstances in the "drive stun" mode, if

there is no opportunity to use the device in the preferred “probe mode.” A drive stun is described as pushing the CEW aggressively against the subject’s body while pulling the trigger to deliver a shock to that area of the body. The CEW can operate in the drive stun mode with or without the fired cartridge attached. When the device is used in “drive stun” mode it is:

- a) primarily a pain compliance tool,
 - b) generally less effective than when probes are deployed with spread in excess of 12 inches, and
 - c) subject to the same deployment guidelines and restrictions as probe deployments.
 - d) While operating the CEW in the drive stun mode, officers should be aware of the targeting and probe trajectory recommendations made by the manufacturer and provided during certification training.
- 7) An alternative method of close-range deployment involves firing the CEW cartridge at close range, then applying the CEW in “drive stun” mode to an alternate part of the body. This creates a “probe spread” effect between the impact location of the probes and the point where the CEW is placed in contact with the subject’s body, resulting in an increased probability of subject control as compared to the standard “drive stun” mode. When the CEW is used in this manner, it is:
- a) potentially as effective at subject control as a conventional cartridge-type probe spread deployment, and
 - b) subject to the same deployment guidelines and restrictions as any other CEW cartridge deployment.
- 8) The CEW shall not be used on those who passively resist as defined in this policy.
- 9) The CEW shall not be used in any environment where an officer reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane.
- 10) The CEW should generally not be used:
- a) On a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.
 - b) In any situation where the officer has a reasonable belief that the subject might fall resulting in death or serious bodily injury, and the circumstances presented do not justify that risk.
 - c) On a subject operating or riding on any moving device or vehicle.
 - d) On a fleeing subject who is only suspected of nonviolent misdemeanor crime.
- 11) Officers shall be aware of the general concerns raised when a CEW is used on a member of a sensitive population group as defined in this policy. Officers are not prohibited from using a CEW on such persons, but use is limited to those exceptional circumstances where the potential benefit of using the device (i.e., injury reduction) reasonably outweighs the risks and concerns.

- 12) If the subject does not respond to the CEW deployment in the anticipated control manner based on training and experience, personnel should consider transitioning to alternative resistance control measures.
 - 13) To minimize the number of cycles needed to overcome resistance and bring the subject under control, the subject shall be secured as soon as practical while affected by CEW power or immediately thereafter.
- f. Post-Deployment Considerations
- 1) The officer shall request supervisor to respond to the scene.
 - 2) As outlined in Section E of this policy, an officer shall always request Emergency Medical Service (EMS) to the scene when a CEW has been discharged against a subject. When possible, the officer will wait for EMS to remove CEW probes from the subject. If the CEW probes must be removed by the officer, he or she shall follow procedures outlined in training and the CEW probes should be treated as a biohazard risk.
 - 3) If the probes penetrate the flesh, photographs of the contact area shall be taken after they are removed.
 - 4) When the device has been used operationally, the officer shall collect the cartridge, wire leads, and probes, and secure them as evidence.
 - 5) Data Audit: The certified CEW instructor will conduct a quarterly review of all UCPD CEWs.
 - a) The CEW instructor will download the previous quarter's data stored on the CEW data chips of all personnel.
 - b) The downloaded information will be stored in an "CEW Downloads" folder.
 - c) UCPD commanders will ensure a CEW instructor reconciles these data with previously documented use of force incidents and pre-shift spark tests to ensure accountability between the cycles recorded.
 - d) The Standards and Strategic Development Bureau (S/SDB) Commander will compile the information from the quarterly audits and include a summary of the results in the Annual Use of Force Report to the Police Chief as required by Section I.
9. Using force against restrained or handcuffed subjects
- a. Physical force, including the use of CEWs, shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent serious bodily injury or death to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.

D. Use of Deadly Force

1. The most serious act in which a police officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility. While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury.

2. An officer is authorized to use deadly force as a last resort when the officer believes such action is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
 - a) to protect the officer or others from what is reasonably believed to be an imminent danger of death or serious bodily injury
 - b) to prevent the escape of a fleeing subject when the officer has probable cause to believe that the person intends to commit a felony involving serious bodily injury or death OR has committed such and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
3. Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.
4. An officer shall not resort to the use of deadly force if an officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the law enforcement purpose at no increased risk to the officer or another person. Disengagement, area containment, surveillance, waiting-out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered.
5. Officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to withdraw, take cover, or reposition, rather than using force.
6. Restrictions on the Use of Deadly Force
 - a. An officer is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.
 - b. An officer may not use deadly force merely to prevent escape of fleeing suspects. The use of deadly force to prevent escape of fleeing suspects is constitutionally reasonable only where the escape presents an immediate risk of death or serious physical harm to another.
 - c. Deadly force shall not be used against persons whose actions are a threat only to themselves or property.
 - d. Officers should not discharge their weapon when doing so might unnecessarily endanger bystanders. Where there is substantial risk to the safety or life of an innocent person, the safety of the person should take precedence over the apprehension of the suspect.
 - e. Officers should not use any item including a department-issued gun, flashlight or radio, as a blunt force instrument.
 - f. Officers shall not discharge a weapon as a signal for help or as a warning. Warning shots are inherently dangerous and therefore, are prohibited.
 - g. Police officers shall not discharge their firearms from a moving vehicle unless the officers are being fired upon. Discharging a firearm from a moving vehicle entails an elevated risk of death or serious injury to innocent persons due to the rapidly changing background.

- h. Officers shall not discharge firearms at a moving vehicle or its occupants unless a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle), unless the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted, which includes moving out of the path of the vehicle.
- i. Officers should not place themselves or another person in jeopardy in an attempt to stop a vehicle, unless the failure to act would create a greater risk of harm to the officer or public.
- j. Officers should not move into or remain in the path of a vehicle, and doing so is not justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle should attempt to move to a position of safety rather than discharging a firearm at the vehicle.
- k. The UCPD recognizes that in a deadly force encounter, an officer may be unable to access authorized force options and actions which are prohibited may be determined to be reasonable and justified based on the exigent or exceptional circumstances. Therefore, any violations of the above force prohibitions may be reviewed on a case-by-case basis by the Use of Force Review Board to determine whether, under the circumstances, the actions were reasonable, justified, and otherwise consistent with this policy and the mission of the UCPD. The review may find that, under exigent or exceptional circumstances, the prohibited action may be deemed to have been justified, and if so, would not be considered a violation of this policy and therefore not subject to reprimand or discipline.

7. Discharging of Firearms by Officers

- a) At such time as a police officer has an objectively reasonable belief that there is a threat of loss of life or serious physical harm to him/herself or others at the hands of another, he/she has the authority to point a firearm, with finger outside the trigger guard and have it ready for self-defense. The finger is only to be placed on the trigger when on target and ready to engage a threat.
- b) When a firearm has been discharged outside of Division authorized firearms training, the involved officer shall immediately notify an on duty UCPD supervisor. Personnel having knowledge of a shot fired by another officer will report the incident to an on-duty supervisor immediately.
- c) The UCPD supervisor shall immediately respond to the scene, ensure protection of the scene, and notify the Emergency Communications Center (ECC) that shots were fired by police personnel. ECC will notify the appropriate UCPD personnel on the Situational Notification List of the circumstances of the incident as outlined in UCPD Policy 11.2.800 Command Staff Situational Awareness Notification. The investigatory responsibilities associated with an officer's use of a firearm are delineated in Section G of this policy.

E. Medical Aid and treatment

1. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This shall include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
2. An officer shall always request Emergency Medical Service (EMS) to the scene in the following instances:
 - a. An individual claims injury
 - b. An injury to the individual is observed
 - c. The level of force includes the use of a baton, OC spray, CEW (where probes or drive stun makes contact with subject's skin), firearm, or any other object.
3. 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 officer and / or medical personnel. If an audio or video recording is made of a contact with the individual, any refusal should be included, if reasonably possible.
4. In instances of obvious fatalities, appropriate respect shall be paid to the remains of the person. In any situation where a deceased human body is in view of others and must remain, pending the arrival of necessary officials (i.e. Coroner), officers shall take steps to shield the scene from public view, using vehicles or other available equipment. Additionally, officers shall be posted to help shield the scene and direct passersby away.

F. Reporting

1. Once the scene is safe and as soon as practical, an officer shall notify the supervisor of **any** use of force and any allegation of excessive force. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force. If the on duty patrol supervisor is an officer who ordered, directed or engaged in the used force during an incident, the Command Staff will be notified and an investigator will be assigned. A supervisor who merely witnesses a use of force incident may investigate.
2. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene to stop or prevent the use of such excessive use of force. In addition, officers who witness inappropriate or excessive force have a duty to report such violations to a supervisor and Internal Investigations.
3. Once the scene is secure, the supervisor shall notify the appropriate Bureau Commander of the use of force. The Bureau Commander will notify the Assistant Police Chief.
4. A [Use of Force Report and Investigation Form 18A](#) shall be completed by the supervisor (a supervisor who ordered, directed or engaged in the use of force incident is prohibited from investigating the use of force, however a supervisor who merely witnesses a use of force incident may investigate) under the following circumstances:
 - a. When a firearm has been fired in the direction of any person.
 - b. When a use of force results in any injury or death.

- c. When a subject indicates an injury has been inflicted during a use of force.
- d. When a less lethal weapon has been used on another person.
 - 1) When the less-lethal weapon used is a CEW, the supervisor shall be responsible for securing the CEW and issuing the officer involved a spare CEW.
 - 2) All data from the incident will be retrieved by personnel. The retrieved data file shall be considered a part of the use of force review.
 - 3) When the less-lethal weapon used is a CEW, the supervisor shall specifically document in the Use of Force Report and Investigation Form 18A the facts and circumstances that reasonably required the use of the CEW in the following manner, including:
 - a) The mode in which the CEW was deployed,
 - b) Whether subject was energized more than three cycles or for longer than 15 seconds,
 - c) Whether more than one CEW was used against the subject,
 - d) Whether CEW was used on an individual in a sensitive population group as defined in this policy.
- e. An individual was struck or kicked in any manner.
- f. The officer's use of force is the utilization of balance displacement, defensive tactics technique (wristlock, etc.) or the individual is taken to the ground.
- 5. Minor hand to hand control techniques, such as those used in handcuffing, physically touching, gripping to overcome **passive resistance**, or escorting shall be reported on an incident report or narrative of the arrest form and are not considered a use of force.
- 6. Other Reportable Incidents
 - a. Target Acquisition, Laser Light Compliance, and/or ARC Compliance Mode with a CEW
 - 1) Officers are permitted to point a CEW in the direction of another and acquire a target, activate the CEW's laser on a subject's person, and give a visible and audible arc warning in order to attempt to gain compliance from the subject without CEW activation.
 - 2) The use of the CEW by pointing, in laser light mode, or arc compliance mode alone, without CEW activation, is a reportable incident, but not considered a use-of-force. The involved officer shall notify an on duty UCPD supervisor. Once notified the UCPD supervisor shall respond to the scene, and conduct a preliminary fact-finding investigation with the officer or officers who have pointed their CEWs to determine the circumstances surrounding above referenced threat of force. The investigating supervisor shall document the facts and circumstances around the pointing of the CEW on the [Use of CEW Report Form 18C](#) and route the Administrative Review through the UCPD chain of command (Investigating Supervisor, Bureau Commander, Assistant Police Chief, and Police Chief).
 - 3) If the pointing, laser light Compliance, and/or arc Compliance Mode of the CEW occurs in conjunction with a reportable use of force, a separate Use of CEW Report Form 18C is not required. The incident will be documented on the Use of Force Report and Investigation Form 18A

- b. Unintentional CEW discharge
 - 1) Unintentional discharges are not a reportable use-of-force but will be documented by a supervisor on the [Use of CEW Report Form 18C](#) and investigated. This includes unintentional discharges that are associated with the care, handling and maintenance of a CEW. The investigating supervisor shall document the facts and circumstances around the unintentional discharge and route the Administrative Review through the chain of command (Investigating Supervisor, Bureau Commander, Assistant Police Chief, and Police Chief).
- c. Target Acquisition with a Firearm
 - 1) Officers are permitted to point a firearm in the direction of another and acquire a target, with their finger outside the trigger guard, when circumstances create an objectively reasonable belief that it may be necessary for the officer to use the firearm.
 - 2) When a firearm is pointed in the direction of another and a target is acquired, but the firearm is not discharged, the involved officer shall immediately notify an on duty UCPD supervisor. The UCPD supervisor shall immediately respond to the scene, and conduct a preliminary fact-finding investigation with the officer or officers who have pointed their firearms to determine the circumstances surrounding above referenced threat of force. This is a reportable incident, but not considered a use-of-force. The investigating supervisor shall document the facts and circumstances around the pointing of the firearm on the [Use of Firearm Report Form 18B](#) and route the Administrative Review through the UCPD chain of command (Investigating Supervisor, Bureau Commander, Assistant Police Chief, Police Chief).
 - 3) If the pointing of a firearm occurs in conjunction with a reportable use of force, a separate Use of Firearm Report Form 18B is not required. The incident will be documented on the Use of Force Report and Investigation Form 18A
- d. Unintentional Firearms Discharge
 - 1) Unintentional discharges are not a reportable use-of-force but will be documented by a supervisor on the [Use of Firearm Report Form 18B](#) and investigated. This includes unintentional discharges that are associated with the care, handling and maintenance of a firearm. The investigating supervisor shall document the facts and circumstances around the unintentional discharge and route the Administrative Review through the chain of command (Investigating Supervisor, Bureau Commander, Assistant Police Chief, and Police Chief).
- e. Personnel Injured by Division Authorized Firearms/CEW Training Exercises
 - 1) The exercise OIC will immediately notify Emergency Communications Center (ECC) of the incident and of any injuries which require medical attention at a hospital.
 - 2) ECC will notify the appropriate personnel as identified on the Situational Notification List.

- 3) The Police Chief or his/her designate will determine S/SDB involvement.
 - 4) A UCPD Firearms Training supervisor will document the incident on a Use of Firearms Report and investigate all firearms related, non-serious harm injuries that occur during firearms training where all safety rules and procedures were followed.
 - 5) Life threatening or serious injuries, injuries due to intentional acts, or injuries that occur as a result of violations of safety rules and/or procedures:
 - a) Follow Section G (Shots Fired at Individuals) of this procedure.
 - b) If the incident occurs outside of the University of Cincinnati campus or off of UC property, the criminal investigation will be made by the law enforcement agency in whose jurisdiction the incident occurred.
 - c) UCPD may assist the law enforcement agency in its investigation.
- f. Destruction of animals
- 1) Officers may use a firearm to destroy an animal only in the following circumstances:
 - a) Where the animal poses an imminent danger of significant bodily harm to human life; or
 - b) When the animal is so badly injured that humanity requires its relief from further suffering and the animal shelter has been notified and is unable to respond. If the injured animal is domesticated, the officer shall make every reasonable effort to notify an owner. The firearm discharge shall create no substantial risk to personnel or third parties and must be approved by a supervisor.
 - 2) When possible, use one of the following alternative solutions prior to discharge of a firearm:
 - a) Call the Society for the Prevention of Cruelty to Animals (SPCA). This organization has equipment to handle most animals safely.
 - b) In some instances, Cincinnati Zoological Society personnel will respond upon request.
 - c) The use of chemical irritant or a CEW is effective on many animals.
 - 3) Officers shall be mindful that some animals have insufficient body mass to prevent a bullet from passing completely through their bodies. Therefore, officers must be cognizant of surrounding conditions, such as the composition of the material behind or below the animal, and nearby persons or structures that could be affected by a ricochet or deflection.
 - 4) When there is suspicion that the animal may be rabid, the point of aim should be the front shoulder area and not the head.
 - 5) If the shots take effect, the officer shall:
 - a) Not touch an animal without first protecting themselves from blood borne pathogens. Officers shall protect any area contaminated with animal body fluids for cleansing by animal control personnel.
 - b) Notify the Care Humane Society to pick up the dead animal if it is known or suspected to have bitten a human, pending a later examination by the Board of Health.
 - c) Request pickup of the dead animal by the appropriate department. If the animal is not suspected of biting a human. If located outside UC property,

the officer should contact the appropriate public service department. If located on UC property, the officer should contact the UC Facilities Department to pick up the remains.

- 6) The officer shall notify the ECC of the destruction of the animal. The ECC will initiate the Situational Notification List.
 - 7) The investigating supervisor shall respond to the scene, gather all pertinent information, and will complete a [Use of Firearm Report Form 18B](#) documenting the details of the incident including a review of the BWC, if applicable.
- g. An outside agency's Use of Force in UCPD's Jurisdiction
- 1) If an outside agency uses force against a subject in UCPD's jurisdiction and no UCPD personnel use force during the incident, the incident will be documented on an incident report and the supervisor's shift report.

G. Use of Force Investigations

1. Any officer whose action(s) or use of force in an official capacity results in death or serious bodily injury to any person shall be promptly removed from line-duty assignment(s) and either assigned to administrative duties or placed on administrative leave pending the completion of the administrative investigation of the incident. This reassignment is not considered a disciplinary action.
2. A supervisor who ordered, directed or engaged in the use of force incident is prohibited from investigating the use of force, however a supervisor who merely witnesses a use of force incident may investigate.
3. The Standards & Strategic Development Bureau Commander will coordinate with the Crime Analyst or other designated personnel for the maintenance of a Use of Force Investigation log for recording and monitoring of all use of force investigations and Use of Firearm or CEW Administrative Reviews.
 - a. The Use of Force log will include at minimum the date and time of the use of force, the subject of the use of force, the officer involved, the type of force used, and the status of the investigation.
 - b. All Use of Firearm and Use of CEW incidents will be recorded on the log as well.
 - c. Upon notification of a use of force incident, the reporting supervisor shall obtain a use of force investigation number from the Standards & Strategic Development Bureau Commander or his/her designee, from the Use of Force Investigation log.
 - d. Upon notification of a Use of Firearm or CEW, the reporting supervisor shall obtain a Use of Firearm or CEW Administrative Review number from the Standards & Strategic Development Bureau Commander or his/her designee, from the Use of Force Investigation log.
4. Whenever an officer is involved in a use of force requiring the generation of the [Use of Force Report and Investigation Form 18A](#), a Supervisor is responsible for completing the form (a supervisor who ordered, directed or engaged in the use of force incident is prohibited from investigating the use of force, however a supervisor who merely witnesses a use of force incident may investigate). Specifically, the supervisor shall:
 - a. Obtain the basic facts from the involved officer(s).

- b. Interview and examine the subject of the use of force. Be sure the arrested is fully aware of the supervisor's rank and purpose of the interview. The supervisor is responsible for examining the subject for any injuries and is responsible to ensure any necessary medical attention is secured.
- c. Once any initial medical assessment or first aid has been completed, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. The investigating supervisor will record his/her name, badge number, date, time and name of the subject on the printed digital photographs. Attach the digital photographs to the original Use of Force and Investigation Form 18A. These photographs shall also be retained until all potential civil litigation has expired.
- d. Anytime the subject of a use of force goes to a hospital, a supervisor will respond and:
 - 1) Ask permission of the medical staff to view the arrested to note the total extent of the injuries.
 - 2) Interview the arrested, digitally recording the interview.
 - 3) Interview the treating physician (utilizing a digital recorder if the physician permits) and include the diagnosis in the report if available.
 - 4) If possible, obtain a hospital and Department release for medical records from the arrested. Attach the release to the original investigative report in the use of force file.
 - 5) Note on the use of force form, if the subject refuses treatment at the hospital.
 - 6) If the arrested is seriously injured or admitted to a hospital, promptly notify the Police Chief, or his/her designate. If the arrested is admitted to a hospital for psychiatric evaluation only, without serious injury (PES, etc.), the above notifications are not required.
- e. Ensure all witnesses, including officers are identified, separated, and interviewed, and that all witness statements are collected.
- f. All interviews will be recorded and contain the following information:
 - 1) Date, time, and location of interview.
 - 2) Interviewer's name and title.
 - 3) Reason for the interview, e.g., "I am investigating the arrest of John Doe which took place at Tangeman University Center."
 - 4) Identity of the person interviewed.
 - 5) Explanation of what happened with specific reference to how the injury occurred. Do not ask leading or suggestive questions.
 - 6) Upon completion, conclude the recorded interview by identifying yourself, the person interviewed, and state the time, e.g., "This is Sergeant Jones concluding this interview with Mr. John Doe. The time is 2000 hours."
- g. Obtain any and all video and audio recordings (i.e. cruiser recordings, booking recordings, audio recordings, body camera) available, and enter as evidence into the Property Room.
- h. Review and approve all related reports.
- i. In the event an officer is injured, the Shift Supervisor shall ensure that the officer receives medical attention and that the Police Chief is notified immediately via the chain of command.

- j. Ensure that the [Use of Force Report and Investigation Form 18A](#) is completed and includes the following information:
 - 1) The officer's decision to arrest, including the basis for the stop and seizure.
 - 2) The subject's behavior in resisting arrest.
 - 3) The officer's tactics and actions to counter resistance/assault.
 - 4) The supervisor's analysis of the propriety of the officer's use of force. If the conclusion of the analysis is that the use of force was unnecessary or unreasonable, the recommendation of follow-up including but not limited to further training, discipline, criminal charges or policy revision.
 - 5) Once the form is completed the supervisor will ensure that the form is forwarded through the chain of command to the Police Chief (Investigating Supervisor, Bureau Commander, Assistant Police Chief, and Police Chief).
- k. If it is reasonable to believe that an application of force by an officer was not within policy, the ranking supervisor will contact the Police Chief via the chain of command for investigative assignment.
- l. In Critical Use of Force incidents, the following investigative protocol will occur. The ranking supervisor shall:
 - 1) Establish Incident Command
 - 2) Identify any remaining threats and take necessary action.
 - 3) Secure the scene, including:
 - a) securing the suspect, whether alive or deceased
 - b) securing all potential evidence, including: the suspect's weapons, ammunition, and expended cartridges; officer's firearm, and all vehicle and/or body camera footage. The supervisor will document date, time, location, and from whom the officer(s)' equipment was obtained.
 - 4) Determine the physical condition of officers, suspects, and third parties; provide emergency first aid if necessary; and ensure that emergency medical assistance has been summoned.
 - 5) Locate witnesses to the incident. Separate the witnesses and assign an officer to each. Ensure they are held at or near the scene until they have conferred with the outside agency investigative supervisor. Ensure their transportation for interview by the outside investigative agency. If a witness wishes to leave, obtain their contact information for future communications.
 - 6) Assign a UCPD supervisor to take control of the officer(s) involved. Separate all involved officers. They will remain at the scene and remain with the officer(s) until relieved by either a UCPD or the investigative supervisor. When multiple officers are involved, a separate UCPD supervisor will be assigned to each officer. If there is a need, request a supervisor(s) be immediately recalled to assist.
 - 7) Contact the Police Chief as soon as practical for investigation assignment.
 - 8) The Police Chief will notify the Chair Person of the Community Compliance Council (CCC) within 24 hours of any Critical Use of Force.
 - 9) In the case of an injury or death that requires transportation to the hospital, the Police Chief will designate a UCPD Commander to respond to the hospital, or Coroner's office.
 - a) The commander will get as much information as available regarding the

person involved in the incident, including, but not limited to;

- 1) Name
 - 2) Race
 - 3) Gender
 - 4) Address
 - 5) Date of Birth
 - 6) Social Security Number
 - 7) Location and extent of injury(ies)
 - 8) Next of Kin or acquaintances
 - 9) Any information pertinent to the investigation
- m. In a Critical Use of Force incident that involves Shots Fired at Individuals, the following additional investigative protocol will occur:
- 1) The ranking supervisor shall request the UC Director of Public Safety, UCPD Police Chief, Assistant Police Chief(s) and designated UCPD commanders immediately respond to the incident scene.
 - 2) The ranking supervisor shall coordinate the activities of the UCPD field personnel at the scene until such time as additional UCPD command officers arrive and take control of the incident scene. He or she will brief UCPD command officers as they arrive on the scene.
 - 3) The Standards and Strategic Development Bureau (S/SDB) Commander will respond and conduct, or coordinate with a third party, an independent and parallel administrative investigation of the incident. UCPD will assist the investigative agency with the investigation, at their request and direction.
 - 4) The first non-involved responding supervisor will conduct a preliminary fact-finding investigation with the officer or officers who discharged their firearms to determine the circumstances surrounding above referenced use of force to determine the following information. The answers to these questions is not a substitute for the formal interview that will follow. This information must be obtained immediately to allow the supervisor to take appropriate action based on the information obtained.
 - a) Is anyone injured? If so, where are they located?
 - b) Are there any outstanding suspects? If so, what are their description, direction and mode of travel? How long have they been gone? What crime(s) are they wanted for? What weapon(s) are they armed with?
 - c) Did you discharge your firearm?
 - d) Approximately where were you when you fired the rounds?
 - e) Approximately how many rounds did you fire and in what direction did you fire them?
 - f) Do you know if any other officers fired any rounds?
 - g) Is it possible the suspect fired rounds at you? If so, from what direction were the rounds fired?
 - h) Are there any weapons or evidence that needs to be secured/protected? Where are they located?
 - i) Are you aware of any witnesses? If so, what is their location?
- n. At the direction of the Public Safety Director, an outside investigative entity (Cincinnati Police Department, Blue Ash Police Department, Clermont County

Sheriff's Office, Hamilton County Sheriff's Office, Ohio State Highway Patrol, Ohio Bureau of Criminal Investigation) may be immediately requested to respond and assume investigative responsibility for a Critical Use of Force as defined by this policy. If requested, the designated outside investigative agency will conduct an investigation and report per their standard operating procedure (SOP). All outside investigations of an officer-involved shooting will include, to the extent possible, appropriate crime scene analysis, review of the BWC(s), gunshot residue tests, ballistic tests including bullet trajectory tests, and account for all shots and the locations of all officers who discharged their firearms. The investigating supervisor or command officer will brief outside investigative agency investigators if assigned.

- o. At the direction of the Director of Public Safety, and in consultation with the University of Cincinnati's Office of the President and Office of General Counsel, an independent consultant may be hired to conduct the administrative investigation for a Critical Use of Force as defined by this policy. If such an independent consultant is retained, the designated investigator will conduct an investigation and report per their standard operating procedure (SOP).
- p. UCPD personnel should not publicly comment about the propriety of the action taken.
- q. The identity of the officer(s) directly involved in the discharge of a firearm shall be released to the public within 72 hours, except in cases where threats have been made toward the officer(s) involved or the division.
- r. The results of an officer involved shooting investigation will be made available to the public upon completion.
- s. If while investigating a use of force, an individual alleges excessive force or other officer misconduct, or the investigating supervisor discovers evidence of such, the investigating supervisor will initiate a Complaint Form and include it in the use of force case folder. The supervisor will investigate the complaint thoroughly while all participants and witnesses are present. The supervisor will digitally record the interview of the subject of the use of force. The main focus of the interview should be the complaint allegation, not the use of force. For routing of complaint form(s), refer to Policy 4.2.100; Internal Investigations and Complaints.
- t. Officers who are found to have used excessive force will be subject to discipline, remedial training, possible criminal prosecution, and/or civil liability.
- u. Prior to issuing a decision on investigations that could result in suspension or termination; the Police Chief will consult with the Director of Public Safety, Human Relations and the Office of General Counsel.

H. Use of Force Review Board

- 1. The Use of Force Review Board will conduct comprehensive reviews of the following use of force incidents by Division officers:
 - a. A use of force resulting in hospital admission, or serious injury or death to a subject or police officer involved in a use of force incident;
 - b. A use of force that includes a complaint of unnecessary or excessive force by an officer;

- c. Any incident involving the discharge of a firearm or CEW activation/drive stun by an officer with the exception of: 1) training accidents when proper safety procedures were followed, 2) destruction of an animal, and 3) unintentional discharge.
 - d. Any use of force incident recommended for review by a shift commander and approved by the Police Chief.
2. The review will begin at the Police Chief's or his/her designee's direction, and if possible, will assemble within 10 business days of the incident. If a criminal investigation is warranted, the review will commence **after** the completion of any criminal investigation or court proceedings into the matter. If an external investigation is performed, the Police Chief will review and forward the outside investigative agency's investigative report, letter from the Hamilton or Clermont County Prosecutor, and any other material deemed relevant to the Review Board. The Police Chief will also arrange a meeting between the Review Board and the outside investigative agency within 30 days of receipt of the material.
3. The Use of Force Review Board will consist of members from within the University of Cincinnati, selected by the Police Chief. The Police Chief will be responsible for selecting board members and may appoint additional members as needed. Additionally, the following Division members will be assigned to the UOFRB:
 - a. Assistant Police Chief
 - b. Standards and Strategic Development Bureau Commander
 - c. Support Services Bureau or Patrol Bureau Commander
 - d. Training Section Supervisor
 - e. Inspections Unit SupervisorAn attorney from the UC Office of General Counsel will also serve on the board at the request of the Police Chief. Additional members can be added at any time by the University President or the Director of Public Safety.
4. The Standards and Strategic Development Bureau Commander (S/SDB) will coordinate Use of Force Review Board action and will schedule Review Board meetings and provide all documentation to board members on cases assigned by the Police Chief.
5. The Assistant Police Chief will chair the Review Board meetings. Proceedings by the Review Board are to be directed toward the issues of whether all uses of force during the encounter were consistent with Division policy, procedures, and training; whether the involved officers employed proper tactics; and whether lesser force alternatives were reasonably available.
6. The chairperson will determine what evidence is relevant and reliable without regard for technical or formal rules of evidence. The Board's review will include Criminal Investigations Section (CIS) and Internal Investigations Section (IIS) investigative files and interviews of the principal CIS and IIS investigators. In the case of an external investigation, the Board's review will include the outside agency's investigative files or report and interviews of the principal investigator from that agency. The chairperson will determine the need to call witnesses and may order witnesses to be separated during the review. Public Safety employees who are contacted for an interview will be notified through their immediate supervisor.
7. Recommendations made by the Review Board should be unanimous or by

consensus. If a consensus cannot be reached, a majority/minority opinion will be prepared at the direction of the chairperson.

8. The Review Board will prepare a final report to the Police Chief within 90 days of receipt of the material.
 - a. All efforts will be made to conclude reviews within the established timelines. If the Police Chief determines extenuating circumstances exist, he or she may extend the established timelines.
 - b. The final report shall contain a description of the incident including all uses of force, a summary and analysis of all relevant evidence, proposed findings and analysis to support those findings with particular regard for:
 - 1) identify training issues and corrective measures,
 - 2) tactical response issues and corrective measures,
 - 3) investigative protocols and standards,
 - 4) any recommended policy and/or procedure changes.
9. The Chief of Police will report the findings of the Use of Review Board and a summary of all agency uses of force on a quarterly basis to the Community Compliance Council (CCC).
10. The findings of the Use of Force Review Board will be made available to the public on the agency' website as part of UCPD's annual status report.

I. Analysis / annual review

1. UCPD will maintain a Use of Force database to provide the ability to conduct analysis of Division use of force incidents.
2. At the conclusion of each Use of Force investigation, the incident details will be entered into the Use of Force database by the Crime Analyst.
3. On or before the first day of February, the Standards and Strategic Development Bureau Commander or his/her designee will convene a special meeting of the Use of Force Review Board to complete an annual analysis of the previous calendar year's use of force incidents and Review Board findings.
4. This analysis is a structured process for dissecting use of force incidents into their basic parts to identify any patterns or trends that could be predictive or could indicate policy effectiveness, training needs, equipment upgrade needs, and/or policy modification needs. Analytical categories can be taken from the actual use of force reports. Examples of some analytical categories may include, but are not limited to:
 - a. Use of force by time of day and day of week;
 - b. Use of force by location (e.g., business, residential, or industrial);
 - c. Use of force by type of incident;
 - d. Use of force by officer/detective involved;
 - e. Use of force by division, bureau, unit;
 - f. Use of force by subject's actions;
 - g. Use of force by type (i.e., deadly force, less-lethal force);
 - h. Use of force resulting in injury to personnel;
 - i. Use of force resulting in injury to subjects;
 - j. Use of force resulting in arrests;
 - k. Percentage of use of force vs. total number of custodial arrests.

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5. These review processes will afford the Chief of Police an additional aspect of an early warning detection system, which allows the Chief of Police to identify any pattern or practice of behavior by sworn personnel, which may warrant intervention, remediation and/or re-training.
6. The annual analysis of UCPD uses of force will be made available to the public on the agency's website as part of the annual status report.

J. Training

1. All UCPD officers shall receive training and testing, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, annual training shall be provided designed to:
 - a. provide techniques for the use of and reinforce the importance of non-escalation, de-escalation, and the Critical Decision-Making Model;
 - b. simulate actual shooting situations and conditions; and
 - c. enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy.
3. Annual use of force training will be supplemented throughout the year with documented roll call, simulator and defensive tactics training.
4. All officers will be required annually to qualify with their assigned duty firearm, any back-up firearm, or off-duty firearm (maximum of two off-duty firearms) they are authorized by the Division to carry. In addition, officers will be required to annually qualify with any firearms they may be authorized to carry and utilize while on duty.
 - a. Prior to initial issuance and as part of annual qualifications, all agency firearms and firearms authorized by the agency to be carried will be inspected by a certified weapons instructor or armorer.
 - b. Any firearm found to be unsafe will be removed from service until it is properly repaired and passes a re-inspection.
5. All officers will be required annually to qualify with their assigned CEW.
 - a. Prior to initial issuance and as part of annual qualifications, all agency CEWs will be inspected by a certified weapons instructor or armorer.
 - b. Any CEW found to be unsafe will be removed from service until it is properly repaired and passes a re-inspection.
6. All officers will be required annually to demonstrate proficiency in the use of all authorized less-lethal weapons.
7. The Training Section Supervisor or his/her designee shall ensure all use of force training, weapons qualifications, and less-lethal weapons proficiency is documented and lists all personnel being trained.
 - a. All use-of-force training, weapons qualifications, and less-lethal weapons proficiency will be supervised by a certified weapons instructors or defensive tactics instructors.
 - b. The Division will maintain a certified CEW instructor whose responsibilities shall include training all UCPD officers on the use of department-issued CEWs and remaining current on all relevant literature and data on the use of CEWs.

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References:

Ohio Revised Code Section 2901.01

Graham vs. Connor, 490 US 386, 396 (1989)

Tennessee vs. Garner, 471 US 1 (1985)

UCPD Policy 4.2.100; Internal Investigations and Complaints

UCPD Policy 9.1.700 Body Worn Camera Digital Recording System

UCPD Policy 11.2.800 Command Staff Situational Awareness Notification