

## 3-6-1 Use of Reasonable Force

### PURPOSE:

The purpose of this general order is to provide guidance to personnel in the use of force.

### PROCEDURES:

- I. Definitions
  - A. Force - Any violence, compulsion or constraint physically exerted by any means upon or against a person or thing. (O.R.C. 2909.01)(A)(1)
  - B. Deadly Force - Any force that carries a substantial risk that it will proximately result in the death of any person. (O.R.C. 2901)(A)(2). As used in this order, "Deadly Force" is defined as that force which is intended to cause death or serious injury, or which creates some degree of risk that a reasonable and prudent officer would consider likely to cause death or serious injury.
  - C. Physical Harm to Persons - Any injury, illness or other physiological impairment, regardless of its gravity or duration. (O.R.C. 2909.01)(A)(3).
  - D. Serious Physical Harm - As used in this policy is defined as any physical harm which carries a substantial risk of death; any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity, any physical harm that involves some permanent disfigurement, or that involves some temporary serious disfigurement. (O.R.C. 2901.01)(A)(5).
  - E. Jeopardy - Hazard, danger, or peril.
  - F. Imminent Jeopardy - Immediate hazard, danger, or peril.
  - G. Preclusion - To make impossible by necessary consequence, rule out in advance, exclude.
  - H. Reasonable Belief - Facts or circumstances that an officer knows, or should know, that would cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.
  
- II. Less lethal impact projectiles - Those munitions which can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death. Examples of less lethal projectiles include beanbags, launch able wooden, foam or rubber batons, rubber pellets and other like items.
  
- III. Application of Force
  - A. Personnel will use only the force reasonable to accomplish lawful objectives specifically in accordance with the objective reasonableness standard as outlined in *Graham v. Connor* (490 U.S. 386, 109 S. Ct. 1865).
  - B. The degree of force used shall be based upon the principles of the Response to Resistance/Aggression (hereafter referred to as RRA) Continuum (APPENDIX IV) and shall be determined by the actions of the involved subject and the environment in which the subject is encountered. The RRA Continuum provides personnel with a graphic reasonableness guideline to follow in applications of force.
  - C. Generally accepted methods of application of force are identified in the model, with corresponding levels of response to offender resistance or aggression.
    1. The Police Division does not authorize the use of neck restraints except as provided for in sections 3-6-2 and 3-6-3 of this policy.
    2. This section is not intended to limit personnel use of force options relating to non-specific techniques of opportunity, as a result of rapidly evolving situations.
  - D. The Plus-One theory, which provides that personnel response can generally be expected to exceed subject aggression and/or resistance by one level to gain subject control, is accepted. Deadly force is specifically addressed in 3-6-2 of this General Order.

- III. Standards of RRA Applications - In applying force to gain legal compliance from subjects, personnel will be held accountable to articulate the need to use force based on the elements of jeopardy (which include ability, opportunity and intent) and preclusion.
- A. Ability
    - 1. Non-Deadly Response Standard: Does the subject possess the capacity to resist the employee or to cause physical harm to the employee or a third party?
    - 2. Deadly Response Standard: Does the subject possess the capacity or the apparent capacity to kill the employee or a third party serious physical harm?
  - B. Opportunity
    - 1. Non-Deadly Response Standard: Does the subject have the opportunity to resist the employee or to cause the employee or a third party physical harm?
  - C. Intent
    - 1. Non-Deadly Response Standard: Has the subject demonstrated the intent to resist the employee or to cause the employee or a third party physical harm?
    - 2. Deadly Response Standard: Has the subject demonstrated the intent to kill the employee or a third party or to cause the employee or a third party serious physical harm?
  - D. Preclusion-Non-deadly and Deadly Response Standard: Have all reasonable options at that time and at that place and under those circumstances been reasonably exhausted?

**REVIEW PROCESS:**

- I. This directive shall be reviewed on an annual basis by the chief of police or his/her designee.

**CANCELLATION:**

- I. This general order shall remain in force until revoked or revised by competent authority.

(CALEA 1.3.1) (Rev. 5/9/2001, 2/23/06, 5/5/09, 7/5/17)