

Collaborative Reform Initiative Critical Response Columbus (Ohio) Division of Police

*Independent Review of Use of Force Policies,
Procedures, and Protocols*

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Introduction

Background and context for review

At the request of the Columbus (Ohio) Division of Police (CDP), the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) conducted an independent review of the CDP via the COPS Office Collaborative Reform Initiative – Critical Response Program. This review was focused on the CDP’s use of force (UOF) policies, procedures, operational protocols, training, data collection and reporting processes, and community engagement related to UOF oversight and investigations.

The CDP has experienced major changes in senior leadership, with the hiring of an external chief in June 2021 followed by a significant turnover in senior command staff. This influx of new leadership created an opportunity to undertake a critical analysis of the division’s operations with an eye toward improving transparency and improving relationships between the CDP and the community.

In addition to the CDP’s leadership change, the division experienced a significant operational change in February 2022 when the Civilian Police Review Board (CPRB) voted—and the mayor confirmed—the appointment of an inspector general to investigate allegations of police misconduct and excessive UOF by members of the CDP.

During the Critical Response review process, CDP leadership demonstrated a genuine interest in engaging in this collaborative effort as a means not only to gauge the organization’s UOF practices but also to capitalize on this opportunity as a catalyst for cultural change in the organization.

Scope and intent of review

The COPS Office tasked Jensen Hughes with assisting the CDP through this review process. The intent of the review is to assist the CDP to determine the extent to which its current use of force policies, procedures, practices, and associated training align with what are considered best or emerging practices in policing consistent with modern policing principles and standards. It should be noted that the scope of this review did not include an in-depth review of officer-involved shootings. This category of UOF was excluded since all officer-involved shootings in the city of Columbus are investigated by the Ohio Bureau of Criminal Investigations and not handled internally and this inquiry is focused on internal CDP UOF processes.

The ultimate goals of this Critical Response assistance the COPS Office and Jensen Hughes are providing to the CDP are to (1) increase public trust and community and officer safety and (2) support effective, contemporary, and innovative policing practices through improvements in training, policy, transparency, professionalism, and accountability related to CDP officers’ UOF. To assist the CDP in realizing these goals, the Jensen Hughes team focused on two objectives:

1. Identifying operational practices the CDP currently employs that ensure any UOF by the agency’s personnel is
 - compliant with local, state, and federal law and constitutional protections;
 - appropriately documented;

- subject to thorough supervisory review;
- compliant with current policies and standard operating procedures;
- consistent with current agency training;
- as transparent as possible, both internally and externally, to community and agency stakeholders;

2. Identifying areas in which the CDP’s policies, procedures, protocols, and data collection and reporting processes could benefit from potential changes or updates that align with

- national standards;
- best practices;
- current and emerging research;
- community expectations.

Review methodology and approach: A highly integrated process

During this engagement, the Jensen Hughes team used multiple approaches, both quantitative and qualitative, to develop findings and recommendations. The analysis consisted of document reviews, personnel interviews, data analysis, and engagement with community stakeholders. Specifically, the Jensen Hughes team performed the following tasks:

- Reviewed divisional policies, protocols, and standard operating procedures related to UOF
- Reviewed UOF case files to assess the thoroughness of the formal review of officers’ actions
- Assessed whether the CDP’s written policies and procedures were implemented effectively
- Assessed the effectiveness of CDP supervisors and command personnels’ decision-making in cases reviewed
- Conducted on-site reviews of UOF-related training sessions, curricula, and instructor certifications
- Conducted interviews and focus groups with internal and external CDP and other law enforcement stakeholders
- Conducted interviews with non-law enforcement community stakeholders
- Reviewed and assessed the CDP’s UOF data collection processes, outputs, and reports



Report structure and organization

This report is organized into five sections analyzing the CDP's (1) policies, (2) use of force data, (3) civilian oversight, (4) community engagement, and (5) training, followed by a sixth section describing the team's observations from the file review. Each section starts with a high-level overview of the section topic, followed by a grouping of a finding, recommendation(s), and relevant rationale. The number of findings and recommendations varies by section. Following the six sections, the report ends with a conclusion, information about the team, and a complete list of findings and recommendations.

Summary of report findings and recommendations

Based on our analysis, the majority of the CDP's policies, protocols, and operational procedures related to UOF are consistent with industry standards. Some particular areas of strength worth noting are the amount and quality of training members of the CDP receive and the outstanding efforts the division has made regarding officer wellness. Their training facilities and staff are exemplary, and the officer wellness program is worthy of recognition on a national level. These two aspects of the organization demonstrate the level of care and investment the CDP has made in the members of its organization.

As in any organization, there is always room for improvement. This report highlights areas in need of improvement through a series of findings and recommendations developed for the purpose of overall improvement of organizational efficiency, effectiveness, and performance. The overarching theme associated with almost all of the recommendations developed in this review is the need for enhanced technological capabilities. The CDP's deficiencies in this area are responsible for the majority of its organizational shortcomings because sufficient data are not readily available to rigorously assess UOF, track internal affairs investigations, and enhance the CDP's Early Intervention System. By upgrading technological capabilities, the CDP will be well situated to optimize its performance and ensure accountability at a much higher level than it is currently able to achieve. Increased data collection, analysis, and reporting is of the utmost importance at this time for the CDP to become the transparent, community-oriented policing agency the people of Columbus want and deserve.

Policy Reviews

Police UOF is a focal point of national discussions on police reform, community relations, police legitimacy, and public trust. Jensen Hughes’ analysis of UOF by members of the CDP includes a review of UOF-related policies that guide police officers’ actions in the performance of their duties. The policies reviewed were evaluated against best and promising practices developed by professional organizations and advocacy groups such as the International Association of Chiefs of Police (IACP),¹ the Police Executive Research Forum (PERF),² the American Law Institute (ALI),³ and Campaign Zero⁴ and recommendations contained in selected federal consent decrees and adopted into policy by law enforcement agencies across the country.⁵ Considerable overlap exists between the practices recommended by all of these groups. However, there are distinctions, which are noted in the analysis. The goal is to aid and inform CDP leadership and assist them in their policy-making decisions moving forward.

A number of policies in the CDP Directives Manual⁶ are worth noting because they are consistent with promising and emerging practices. Paragraph 1.08 in directive 1.01 Rules of Conduct requires that “sworn personnel, regardless of duty status, shall take prompt, effective action regarding anything

which comes to their attention requiring a police response within the City of Columbus.”⁷ One specific action that is required by all personnel is that they “shall render medical aid to individuals injured, unconscious, or in medical distress as soon as it is reasonable and safe to do so.”⁸ This requirement is consistent with best practice. Also consistent with best practices, personnel who become aware of another employee engaging in misconduct, such as excessive force, must take immediate action to stop the misconduct. Suggested actions include advising the employee to stop the misconduct, directly intervening to stop excessive force, or arresting the employee if necessary. The duty to render medical aid and to intervene in excessive force situations are practices recommended in the IACP’s *National Consensus Policy on Use of Force*⁹ and PERF’s *Guiding Principles on Use of Force*.¹⁰ These recommendations are also put forth by Campaign Zero and are listed as part of the “8 Can’t Wait” UOF policy reforms developed in 2016, with the latest version published on March 1, 2022.¹¹

Another CDP policy that represents adherence to a best practice is directive 2.01 Use of Force, section II.A.1, which states, “Sworn personnel shall attempt to de-escalate situations by using rapport, communication skills,

1. IACP (International Association of Chiefs of Police), *National Consensus Policy on Use of Force* (Alexandria, VA: International Association of Chiefs of Police, 2020), https://www.theiacp.org/sites/default/files/2020-07/National_Consensus_Policy_On_Use_Of_Force%2007102020%20v3.pdf.
2. PERF (Police Executive Research Forum), *Guiding Principles on Use of Force* (Washington, DC: Police Executive Research Forum, 2016), <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>.
3. American Law Institute, *Principles of the Law of Policing: Revised Tentative Draft No. 1 (July 30, 2017)* (Philadelphia: American Law Institute, 2017), <https://www.ali.org/publications/show/police-investigations/>.
4. Campaign Zero, *8 Can’t Wait: Research Basis* (New York: Campaign Zero, 2022), <https://docs.google.com/document/d/1YW132-LCtECh0zFHxMGZV-Hnv8NLHhZjfihdDApWXow/edit#heading=h.1vszamsv0vg>.
5. Chicago Police Department, “Consent Decree Compliance Dashboard,” accessed July 28, 2023, <https://home.chicagopolice.org/statistics-data/data-dashboards/consent-decree-compliance-dashboard/>; Seattle Police Department, “8.050 - Use of Force Definitions,” *Seattle Police Department Manual* (Seattle: Seattle Police Department, 2021), <https://public.powerdms.com/Sea4550/tree/documents/2042942>.
6. Columbus Division of Police, “Directives,” City of Columbus, accessed October 24, 2023, <https://new.columbus.gov/Services/Public-Safety/Police/About-the-Columbus-Division-of-Police/Directives>.
7. Columbus Division of Police, “1.01 Rules of Conduct,” *Columbus Police Division Directives* (Columbus, OH: Columbus Division of Police, 2022), <https://new.columbus.gov/files/sharedassets/city/v/2/public-safety/police/directives/divisiondirective1.01.pdf>.
8. Columbus Division of Police, “1.01 Rules of Conduct” (see note 7).
9. IACP, *National Consensus Policy on Use of Force* (see note 1).
10. PERF, *Guiding Principles* (see note 2).
11. Campaign Zero, *8 Can’t Wait* (see note 4).

maintaining a safe distance, utilizing a barrier, etc. . . .”¹² By emphasizing de-escalation at the beginning of the policy, the CDP highlights the importance of de-escalation and requires that de-escalation techniques be attempted before the application of force. Although this policy is consistent with best practices, some agencies choose to highlight the importance of de-escalation by establishing a stand-alone de-escalation policy.

Consistent with best practice, CDP directive 2.01 Use of Force, section II.A.8.b prohibits the use of choke holds and neck restraints except for situations where deadly force would be justified in a life-threatening situation. Directive 2.01 goes further in section II.A.8.c by directing officers attempting to control a grounded subject to place pressure only on the shoulder or middle of the back and not intentionally on the neck. CDP directive requires that subjects be placed in an upright position once handcuffed and requires intervention by other officers witnessing a violation of that policy. In addition, all uses of force are required to be reported, and an available on-duty supervisor must be notified per directive 2.01, sections II.A.9.a, b, and c.¹³

The following referenced UOF directives are all consistent with best practices and provide adequate oversight and reporting requirements for CDP personnel. They are also clear on specific roles, supervisory responsibilities, and necessary training for personnel to fulfill policy requirements:

- 1.01 Rules of Conduct¹⁴
- 2.02 Discharged Firearms¹⁵
- 2.04 Chemical Spray and Intermediate Weapons Regulations¹⁶
- 2.05 Air Launchers, Gas Guns, and Grenades¹⁷

All other policies reviewed are in line with generally accepted practices unless otherwise identified through specific findings associated with each policy. Where policy deficiencies are identified, or suggestions to enhance the policy are warranted, recommendations are provided for consideration.

12. Columbus Division of Police, “2.01 Use of Force,” *Columbus Police Division Directives* (Columbus, OH: Columbus Division of Police, 2023), <https://new.columbus.gov/files/sharedassets/city/v/2/public-safety/police/directives/divisiondirective2.01.pdf>.

13. Columbus Division of Police, “2.01 Use of Force” (see note 12).

14. Columbus Division of Police, “1.01 Rules of Conduct” (see note 7).

15. Columbus Division of Police, “2.02 Discharged Firearms,” *Columbus Police Division Directives* (Columbus, OH: Columbus Division of Police, 2023), <https://new.columbus.gov/files/sharedassets/city/v/2/public-safety/police/directives/divisiondirective2.02.pdf>.

16. Columbus Division of Police, “2.04 Chemical Spray and Intermediate Weapons Regulations,” *Columbus Police Division Directives* (Columbus, OH: Columbus Division of Police, 2023), <https://new.columbus.gov/files/sharedassets/city/v/2/public-safety/police/directives/divisiondirective2.04update2.pdf>.

17. Columbus Division of Police, “2.05 Air Launchers, Gas Guns, and Grenades,” *Columbus Police Division Directives* (Columbus, OH: Columbus Division of Police, 2023), <https://new.columbus.gov/files/sharedassets/city/v/2/public-safety/police/directives/divisiondirective2.05.pdf>.

Employee conduct policies

Directive 1.01, paragraph 1.19 Use of Force

Finding 1. Paragraph 1.19 of directive 1.01 Rules of Conduct establishes that sworn personnel shall use force only in accordance with law and division policy and procedures.

Including this policy under “General Conduct” appropriately sets the general expectation for employees with respect to UOF. However, while more specific guidance is offered in subsequent CDP directives, reference to those policies is not mentioned in directive 1.01 paragraph 1.19.

Recommendation 1. *The CDP should consider explicitly citing related policy directives for reference to ensure that employees are able to quickly access policy expectations, guidance, and procedures for UOF.*

For example, the policy could read, *Sworn personnel shall use force only in accordance with the law and division policy (see directive 2.01 Use of Force) . . .*

Recommendation 1 rationale

Complete understanding of the appropriate application of UOF is essential for officer safety, public safety, and maintaining public trust. Simply stating that sworn personnel shall use force only in accordance with the law and division policy does not offer enough detail for inexperienced officers or members of the public unfamiliar with law or division policy to have a full understanding of standards and expectations. Providing quick access to policy guidance for members of the CDP may mitigate the misuse of force and enhance officer decision-making and judgement as well as oversight and accountability of incidents of force. In addition, enhancing the public’s access to the division’s UOF policy increases trust and confidence in the division’s UOF practices and its oversight and accountability protocols.

Directive 1.01, paragraph 1.20 Use of Firearm

Finding 2. Paragraph 1.20 of directive 1.01 Rules of Conduct states that division personnel shall carry firearms only in accordance with the law, and when in the line of duty, in accordance with division policy and procedure.

While stating that use of firearms must be in accordance with the policy is a good practice, it may not provide enough detailed guidance for division personnel to aid in UOF decision-making or for members of the public to resolve any questions that may arise related to the use of firearms.

Recommendation 2. *The CDP should consider citing specific related directives in directive 1.01 paragraph 1.20 to assist division personnel and members of the public by providing quick access to better guide officer decision-making and answer questions about the use of firearms without unnecessary delay.*

For example, the policy could read, *division personnel shall carry and use firearms only in accordance with law, and when in the line of duty, in accordance with division policy (see directives 2.01 Use of Force and 2.03 Firearms Regulations).*

Recommendation 2 rationale

The use of firearms is a critical and highly scrutinized function. Because firearms use is a low frequency, high-risk occurrence, offering guidance and specificity to the policy by directing personnel to where additional information is contained in the CDP Directives Manual would be beneficial.

Directive 1.01, paragraph 1.21 Display of Firearms

Finding 3. Paragraph 1.21 of directive 1.01 Rules of Conduct states that sworn personnel shall not draw or display their firearms in public except for official inspection or use.

Because of its ambiguity, the term “use” in this policy may be problematic without additional information or guidance.

Recommendation 3. *The CDP should consider referring division personnel to directives 2.01 Use of Force and 2.03 Firearms Regulations in the text of directive 1.01 paragraph 1.21, defining the term “use” in paragraph 1.21 to be consistent with directives 2.01 and 2.03, or both.*

Recommendation 3 rationale

The definition of the term “use” with respect to firearms should be consistent throughout the CDP Directives Manual to avoid confusion. Without such clarity, errors in decision-making about appropriate “use” may lead to inappropriate use, including excessive force through the misapplication of the display of a firearm.

Use of force policy

Directive 2.01 Use of Force

Finding 4. Directive 2.01 does not include language requiring that it be reviewed or when.

Recommendation 4. *The CDP should consider adding language to its Directives Manual specifying that, per CALEA (Commission on Accreditation for Law Enforcement Agencies) standards, all directives will be reviewed every three years, with some critical directives receiving annual review. Specific review dates for individual directives are recorded by the CDP Research and Development Section consistent with the recommendations of the National Consensus Policy on Use of Force.¹⁸*

Recommendation 4 rationale

UOF by members of the CDP is governed by directive 2.01 Use of Force. Originally published on August 1, 1987, the most recent revision is dated June 30, 2023. Policy review is vital in keeping with current training, changes in laws, and environmental trends that may impact UOF issues. In addition to documenting policy revisions, directive 2.01 should be reviewed annually by command and all personnel. Without a statement of the policy review requirements in the CDP Directives Manual and in other documents where records of directive reviews are maintained, readers will not be aware of when a directive was last reviewed unless a policy revision with respect to regular review is made.

18. IACP, *National Consensus Policy on Use of Force* (see note 1).

Finding 5. Directive 2.01 Use of Force begins with a list of definitions in section I, then moves directly into policy statements in section II. The definition section informs personnel what use of force is, describes the various levels of force, and loosely defines when force can be used. The policy statements section also explains what personnel can do and loosely when they can do it. What is missing is an explanation of why and how force should be used—and when it should be stopped.

Recommendation 5. *The CDP should consider beginning the directive by clearly stating its purpose.*

The following are some examples of policy purpose statements:¹⁹

- **Las Vegas Metropolitan Police Department.** “It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons and place a minimal reliance upon the use of force. The department respects the value of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances where lesser means of force have failed or could not be reasonably considered.”²⁰
- **Philadelphia Police Department.** “It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly

force is a measure to be employed only in the most **extreme circumstances** and all lesser means of force have failed or could not be reasonably employed.”²¹

- **Chicago Police Department.** “The Chicago Police Department seeks to gain the voluntary compliance of persons, when consistent with personal safety. The Department expects its members to develop and display the skills and abilities to act in a manner to eliminate the need to use force and resolve situations without resorting to force. Department members will only resort to the use of force when required under the circumstances to serve a lawful purpose.”²²

Recommendation 5 rationale

The weakness of some written policies is that police officers often face situations that call for actions that are neither required nor strictly prohibited by policy. It is in these cases that officer discretion and decision-making are of the utmost importance. When officers understand a policy’s purpose, their decision-making shifts from a focus on actions to a focus on outcomes; they are likely to move from asking “Can I do this?” to asking “Should I do this?” There have been numerous examples nationwide of situations where force was used and was deemed justifiable under the law and policy but was not necessarily the best course of action.²³ The root of these situations is often the fact that officers lose sight of why a particular policy or practice is in place. Stating this reasoning in the purpose of the UOF policy helps drive the agency’s culture to one in which officers understand that the most important question regarding UOF is “why”.

19. Citation to these specific departments’ policies neither endorses the whole policies nor constitutes an assessment of those departments’ practices.

20. Las Vegas Metropolitan Police Department, *3.110 Use of Force Policy* (Las Vegas, NV: Las Vegas Metropolitan Police Department, 2023), <https://www.lvmpd.com/home/showpublisheddocument/5262/638405864015889316>.

21. Philadelphia Police Department, *Directive 10.1 Use of Force—Involving the Discharge of Firearms* (Philadelphia: Philadelphia Police Department, 2017), <https://phillypolice.com/assets/directives/D10.1.pdf> (emphasis in original).

22. Chicago Police Department, *General Order G03-02 De-Escalation, Response to Resistance, and Use of Force* (Chicago: Chicago Police Department, 2023), <http://directives.chicagopolice.org/#directive/public/6214>.

23. Jorge L. Ortiz, “Lawful but Awful: Atlanta Police Had Better Options than Lethal Force in Rayshard Brooks Shooting, Experts Say,” *USA Today*, June 15, 2020, <https://www.usatoday.com/story/news/nation/2020/06/14/rayshard-brooks-atlanta-police-killing-lawful-but-awful/3189478001/>; Jennifer Henderson, “Two Former Chicago Police Officers Acquitted of Shooting Unarmed Man,” CNN, last modified September 29, 2023, <https://edition.cnn.com/2023/09/29/us/chicago-officers-acquitted-miguel-medina-shooting/index.html>; “Jury Acquits Officer in Maryland County’s First Police Murder Charge in Shooting Handcuffed Man,” Associated Press, last modified December 6, 2023, <https://apnews.com/article/maryland-police-officer-trial-shooting-handcuffed-man-ab5e63d8b00cbb7a7ea2da88e902891>.

Finding 6. The definition of UOF is clear in directive 2.01; however, nowhere throughout the remainder of the definition section of the directive are the terms “resistive” or “aggressive” behavior defined.

Recommendation 6. *The CDP should consider adding definitions of the terms “resistive” and “aggressive” to its UOF directive. In addition, the division may want to consider creating a section in the policy that states objectively reasonable force may not be the same for different types of resistance encountered, such as “passive resistance” and “active resistance.”*

Recommendation 6 rationale

Directive 2.01 defines UOF as follows:

“The exertion of energy or the actions of personnel in the performance of their duties used to direct or control another’s movements or actions. A use of force may be implemented to control resistive or aggressive behavior toward the involved personnel, other personnel, third parties, or property.”²⁴

CDP personnel are expected to apply only the level of force objectively reasonable to resolve a given situation. Without identifying what types of force are considered objectively reasonable in response to a subject’s actions, personnel may find themselves in a UOF situation with little guidance. For example, it may be appropriate to use chemical spray or a conducted energy weapon (CEW) on an actively resistant subject but not on a passively resistant subject. Not differentiating between different types of resistance may lead to the possibility that an officer will apply an excessive amount of force. Likewise, in the current definition, there is no distinction between “resistive” and “aggressive” subjects. An impact weapon may be appropriate for use on an aggressive subject but would likely—subject to the CDP’s definitions of these terms—not be appropriate against a resistive subject.

Finding 7. Directive 2.01, section I.B outlines the UOF levels of control used for reporting purposes at the CDP, with each force level having specific reporting requirements associated with the force used.

The levels of control are as follows:

“**Level 0:** Officer presence, verbal, and non-verbal commands, searching, handcuffing, displaying or sparking a taser for compliance, displaying a firearm, using flashbangs and multiple baton rounds as diversions, and the use of Long-Range Acoustic Device (LRAD) warning tone

“**Level 1:** Empty hand control; pressure points; grounding techniques; joint manipulations; **and pushes with objects such as bicycles, riot shields, and batons**

“**Level 2:** Use of chemical spray

“**Level 3:** Use of electronic device (electronic custody belt or Conducted Energy Weapon, [CEW] for example, the taser) **or air launcher**

“**Level 4:** Hard empty hand control (strike/punch/kick)

“**Level 5:** Use of impact weapon (baton/flashlight)

“**Level 6:** Police K-9 bite

“**Level 7:** Less-lethal weapons (beanbag / multiple baton rounds)

“**Level 8:** Deadly force”²⁵

24. Columbus Division of Police, “2.01 Use of Force” (see note 12).

25. Columbus Division of Police, “2.01 Use of Force” (emphasis in original) (see note 12).

Defining each type of force in policy is considered good practice; however, CDP policy appears to define the levels of force for the sole purpose of use of force reporting. The policy does not specify when it is appropriate to apply specific types of force, if objectively reasonable, except for deadly force. Instead, the policy requires that sworn personnel shall not use more force than reasonable in an incident. Simply instructing officers to use their discretion to act reasonably is insufficient without additional guidance on what factors courts will consider, specifically the threat, severity of the offense, and resistance encountered.²⁶

Recommendation 7. *The CDP should consider defining what types of force are considered reasonable to address resistance offered by subjects they are attempting to control. It is recommended that agencies use the test of proportionality in assessing the appropriate level of force required to resolve a situation.*²⁷

Recommendation 7 rationale

In order to determine proportionality, officers must be provided with a baseline by which to assess their decision making. That baseline can be established by reinforcing the “objective reasonableness” standard, established in the *Graham v. Connor* decision,²⁸ in agency policy and by including specific guidelines for the types of force appropriate for the type of resistance an officer encounters that are more detailed than the *Graham* requirements. The CDP should consider adopting a policy approach that offers guidance that ensures officers have a clear understanding of what the division views as reasonable force in a given situation and to establish a baseline on which to develop appropriate use of force training.

Finding 8. Directive 2.01, section II.A.3 discusses what determines reasonableness but does not go into any depth or description in defining subjective language such as “immediate threat,” “actively resisting,” or “severity of crime at issue.” All of these terms may be interpreted differently by individual officers.

Recommendation 8. *The CDP should review whether there is value in developing a decision-making mode to assist officers in making appropriate UOF decisions. At a minimum, the CDP should define the terms “immediate threat” and “actively resisting” in its UOF directive to aid in clarity and consistent application of the directive.*

Recommendation 8 rationale

Officers generally use force in response to resistance or aggression. Some UOF models combine a use of force continuum with guidance on the application of force based on broad categories of subject responses to an officer’s commands. The subject’s level of resistance during an encounter determines the officer’s response. For example, a person’s behavior might be categorized as

1. no resistance (compliant);
2. passively resistant (fails to follow officer’s commands and may be verbally abusive);
3. aggressively resistant (attempts to control the officer or another person through physical attacks or restraints);
4. deadly resistant (suspect attempts to seriously injure or kill the officer or another person if immediate action is not taken to stop the threat).

It would then be incumbent on the CDP to determine which of its eight use of force levels would be appropriate for the level of resistance encountered. Doing so would offer missing policy guidance necessary for CDP personnel to engage in UOF decision-making consistent with accepted reasonableness standards.

26. American Law Institute, *Principles of the Law of Policing* (see note 3).

27. PERF, *Guiding Principles* (see note 2).

28. *Graham v. Connor*, 490 U.S. 386 (1989), <https://supreme.justia.com/cases/federal/us/490/386/>.

Finding 9. Displaying a firearm is considered a level 0 use of force by CDP policy.

Directive 2.01 section I.D defines displaying a firearm as follows: “The pointing of a handgun, shotgun, or rifle at an individual by sworn personnel in the performance of their duties in order to control another’s movements or actions.”²⁹

Pointing a firearm at a person to control movements should be reserved for situations where an officer can clearly articulate that a subject has committed a crime or is engaged in behavior where the application of the use of deadly force would be permissible. Using a firearm simply to control a subject’s movement is dangerous and inconsistent with most firearms training.

Recommendation 9. *The CDP should differentiate between displaying a firearm and pointing a firearm by editing directive 2.10 to reflect that the display of a firearm is unholstering but not pointing directly at an individual and that pointing a firearm at a person is permissible only in situations where officers have reasonable suspicion based on articulable facts that a subject has committed a crime and is armed or otherwise poses a threat of death or serious bodily injury to officers or others present.*

This distinction becomes extremely important when it comes to the CDP’s UOF reporting, as level 0 UOF do not receive the same level of review or scrutiny as higher levels of force.

Recommendation 9 rationale

The pointing of firearms should be tracked and analyzed at a much higher level than verbal and nonverbal commands. It would be more appropriately placed in a control level commensurate with the level of potential death or serious bodily injury created by pointing a firearm at another person. Having a firearm unholstered or carried in a low ready position is appropriate at level 0. According to PERF’s *30 Guiding Principles on Use of Force*, “agencies should capture and review reports on the pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force.”³⁰

Currently, the CDP does report the pointing of a firearm; but to reiterate, the level of scrutiny and supervisory review should be greater than is currently required for the review of level 0 UOF.

29. Columbus Division of Police, “2.01 Use of Force” (see note 12).

30. PERF, *Guiding Principles* (see note 2).

Finding 10. Directive 2.01, section II.B.2 reinforces the notion that police officers may use force to effect an arrest and should not desist from any official duty merely because resistance is offered.

The premise here is that police officers should not back down from official duties, such as an arrest, simply because a subject offers resistance. Without further clarification, this could lead some officers to believe that they cannot make the decision to retreat from a situation if they determine that it is a safer option for both the officer and the subject. The use of the word “should” in this context, and by the definition of “should” in the CDP Directives Manual,³¹ means that officers must have a justifiable reason to desist from official duties in the face of resistance.

Recommendation 10. *The CDP should consider adding language to the policy to assist in clarifying expectations for sworn personnel when considering relying on a “tactical retreat” when dealing with a subject engaged in resistive behavior.*

For example, the policy could read, “An officer should not desist from any official duty merely because resistance is offered unless the officer believes that the use of tactical re-positioning, space, and time could safely result in a better outcome and poses no increased threat to the public.”

Recommendation 10 rationale

Adding this language serves to increase officer safety by informing them that they are not required to rush into a situation unless immediate action is necessary. It allows for additional time for the implementation of de-escalation techniques or the arrival of additional resources, if needed.

Finding 11. Directive 2.01, section II.A.6 allows for officers to use force during a medical emergency under certain circumstances, and section II.A.7 says that officers should take into consideration an unarmed person’s known mental health status before using force. These provisions stop short of stating that officers should not use deadly force against a subject who poses a threat only to themselves, consistent with national best practices.³²

Recommendation 11. *The CDP should consider adding language to its policies that prohibits the use of deadly force on individuals who present a danger only to themselves and requires officers to carefully consider less-lethal options when confronted with these situations.*

Recommendation 11 rationale

Adding this language is consistent with the ideal that the sanctity of human life should be at the heart of everything an agency does. Officers should avoid using deadly force to stop an individual who is a threat only to themselves unless the individual is using a deadly weapon such as a firearm or explosive device that may pose an imminent risk to the officer or others in close proximity. If the individual is attempting to inflict self-harm, the officer should consider less-lethal options and de-escalation techniques if practical.³³

31. Columbus Division of Police, “Definitions,” *Columbus Police Division Directives* (Columbus, OH: Columbus Division of Police, 2023), <https://new.columbus.gov/files/sharedassets/city/v/2/public-safety/police/directives/divisiondirective0.00definitions.pdf>.

32. PERF, *Guiding Principles* (see note 2); IACP, *National Consensus Policy on Use of Force* (see note 1); Campaign Zero, “8 Can’t Wait” (see note 4).

33. IACP, *National Consensus Policy on Use of Force* (see note 1).

Finding 12. Directive 2.01, section II.B governs the use of deadly force by members of the CDP and is generally in line with current best practices. There are a few areas where some best practices call for complete prohibition on some activities, while others restrict some activities short of complete prohibition. For example, section II.B.3.b allows for officers to “fire a weapon at the driver of a moving vehicle or from a moving vehicle only when there is an articulable reasonable belief that the subject poses an immediate threat of death or serious physical harm”³⁴ to themselves or others. Most guidance recommends prohibiting firing from a moving vehicle. The CDP’s restrictions on shooting at a moving vehicle are consistent with the IACP’s *National Consensus Policy on Use of Force*³⁵ but inconsistent with Campaign Zero’s *8 Can’t Wait*³⁶ and PERF’s *Guiding Principles on Use of Force*,³⁷ both of which allow shooting at a moving vehicle only when the driver poses a deadly threat by means other than the vehicle.

Recommendation 12. *The CDP should review existing data on the frequency and effectiveness of firing at and from moving vehicles and discuss whether it wants to amend its policy because of the inherent danger shooting at moving vehicles poses to the general public and seek input on this issue from the Civilian Police Review Board (which will be discussed in “Civilian Oversight”) and other community stakeholders. The CDP should refrain from shooting at vehicles except in exigent circumstances where an officer has an articulable reason for the use of deadly force, someone in the vehicle is using or threatening deadly force by means other than the vehicle itself, or the vehicle is being operated in a manner that threatens to cause death or serious physical injury to the officer or others and no other objectively reasonable means of defense appears to exist, including moving out of the way of the vehicle.*

Recommendation 12 rationale

Because authorities differ concerning best practice related to this topic, seeking input from community stakeholders will ensure that the final policy decision is consistent with CDP operational needs and community expectations and standards. It is also ill-advised to allow the practice when the CDP does not train personnel to shoot from moving vehicles.

34. Columbus Division of Police, “2.01 Use of Force” (see note 12).

35. IACP, *National Consensus Policy on Use of Force* (see note 1).

36. Campaign Zero, *8 Can’t Wait* (see note 4).

37. PERF, *Guiding Principles* (see note 2).

Finding 13. The policy regarding firing of warning shots, directive 2.01, section II.B.7, is not restrictive enough to be consistent with the IACP's National Consensus Policy. Specifically, CDP policy does not require that warning shots have a defined target and not be fired straight up in the air.

There is considerable debate surrounding whether warning shots should be permitted at all. The IACP's National Consensus Policy declares that warning shots are inherently dangerous. The IACP policy requires that warning shots have a defined target, with the goal of prohibiting shots fired straight up in the air. In addition, IACP says warning shots should be considered only if deadly force is justified, in response to an immediate threat of death or serious bodily injury, and when "the officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used." Finally, the warning shot must not "pose a substantial risk of injury or death to the officer or others."³⁸

Recommendation 13. *The CDP should review existing data on the frequency and effectiveness of warning shots considering their inherent risk and the division's urban operational environment. Should the decision be to retain a policy permitting the use of warning shots, the CDP should include explicit policy requirements that an officer must have a defined target with a suitable safe backstop when firing.*

Recommendation 13 rationale

There is considerable debate surrounding whether or not warning shots should be permitted at all. The recommendation would explicitly prohibit officers from indiscriminately firing a warning shot in a direction they believe to be safe without knowing exactly where their round is directed. This additional language should reduce the risk to the general public created by allowing officers to fire warning shots without a defined target or by firing a shot straight up in the air. Given the controversial nature of this topic, the CDP should consider engaging with community stakeholders to assess whether this practice is an acceptable community standard.

Finding 14. Directive 2.01, sections III.A–H outline the procedures for reporting requirements for officers involved in a UOF incident. Each of the levels of control (0–8, as discussed in finding 7) has different reporting requirements under the policy. The reporting requirements under this policy are clear and detailed; however, policies that are overly detailed and complex are difficult for officers to remember and implement, which may increase the likelihood of reporting errors.

Recommendation 14. *The CDP should consider simplifying and clarifying its UOF reporting requirements by consolidating them down to three levels.*

This consolidation does not preclude the CDP from identifying the multiple types of force used for the purpose of analysis. A good example of this distinction can be found in the Chicago Police Department's general order on *Incidents Requiring the Completion of a Tactical Response Report*, General Order G03-02-02:

"a. Level 1 reportable use of force. Level 1 reportable use of force is the use of any force by a Department member to overcome the active resistance of a person, as outlined below, that does not rise to a Level 2 or Level 3 reportable use of force. Level 1 reportable uses of force include force that is reasonably expected to cause pain or injury but does not result in injury or complaint of injury. Level 1 reportable uses of force include the use of

1. pressure point compliance and joint manipulation techniques in response to active resistance of a person that do not result in an injury or complaint of injury;
2. wristlocks, armbars, and other firm grips in response to active resistance of a person that do not result in injury or complaint of injury; and

38. IACP, *National Consensus Policy on Use of Force* (see note 1).

3. any leg sweep, takedown, stunning technique, or weaponless direct mechanical action or technique (including kicks, knee strikes, elbow strikes, closed hand strikes, or punches) that does not result in an injury or complaint of injury.

“b. Level 2 reportable use of force. Level 2 reportable use of force is the use of any force by a Department member that includes use of a less-lethal weapon or that causes an injury or results in complaint of injury but does not rise to a Level 3 reportable use of force. Level 2 reportable uses of force include the use of

1. reportable force against a person who is fully restrained and controlled (e.g. both hands secured together) with handcuffs or other restraining devices (e.g., flexible restraining devices);
2. impact weapons strikes (baton, asp, or other impact weapon) to the body other than the head or neck;
3. any leg sweep, takedown, stunning technique or weaponless direct mechanical action or technique (including kicks, knee strikes, elbow strikes, closed hand strikes, or punches) that results in an injury or complaint of injury;
4. OC (oleoresin capsicum) spray (pepper spray) or other chemical weapons;
5. a Taser;
6. impact munitions;
7. canines as a force option;
8. a Long Range Acoustic Device (LRAD) acoustic transmission to cause discomfort as a compliance technique; and

9. an unintentional firearms discharge or firearm discharge solely to destroy/deter an animal that did not involve a firearm discharged at a person and did not result in injury to any person.

“c. Level 3 reportable use of force. Level 3 reportable use of force is when a Department member does any of the following:

1. uses any force that constitutes deadly force, including
 - a. discharging a firearm
- EXCEPTION: This does not include an unintentional firearms discharge or a firearm discharge solely to destroy/deter an animal that did not involve a firearm discharged at a person and did not result in injury to any person**
- b. using an impact weapon to intentionally strike a person’s head or neck;
 - c. using a chokehold (applying any direct pressure to the throat, windpipe, or airway of another);
 - d. the application of carotid artery restraints (techniques that compress the blood vessels in the neck to inhibit or restrict blood flow to carotid arteries);
 - e. the application of other restraint above the shoulders with risk of positional asphyxiation (use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person’s ability to breathe after the person no longer poses a threat to the officer or any other person);

2. uses any force that causes injury to any person resulting in admission to a hospital;
3. uses any force that causes the death of any person.”³⁹

Recommendation 14 rationale

Consolidating reporting requirements can increase the consistency of UOF reporting and reduce errors that may result from multiple reporting processes. Simplifying the reporting requirements also supports better decision-making by supervisors as they have fewer options to consider when deciding on what specific course of action is required in a given situation. In addition, by capturing the data in three categories and handling data collection and analysis in the same way for all three levels, the CDP’s UOF reporting would become easier to understand.

One of PERFs Guiding Principles is “to build understanding and trust, agencies should issue regular reports to the public on use of force.” Those reports should include demographic information about the officers and subjects involved in UOF incidents and the circumstances under which they occurred. The CDP does publish and release an annual analysis of its UOF. Some of the limitations of the division’s current reporting will be discussed in greater detail in subsequent sections of this report. The CDP’s current system of reporting does not allow for easy tracking of demographic data for level 0 or level 1 UOF. Capturing information that is not currently tracked for those UOF will aid greatly in increasing reporting transparency with the public. This transparency is important because the public’s perception of UOF can be affected by the greater frequency with which police use low levels of force in some communities than in others.⁴⁰ This topic will be discussed in greater detail in the Use of Force Data section of this report.

39. Chicago Police Department, *General Order G03-02-02 Incidents Requiring the Completion of a Tactical Response Report* (Chicago: Chicago Police Department, 2023), <http://directives.chicagopolice.org/#directive/public/6610>.

40. Roland G. Fryer, Jr., “An Empirical Analysis of Racial Differences in Police Use of Force,” *Journal of Political Economy* 127, no. 3 (2019), 1210–1261, <https://www.journals.uchicago.edu/doi/full/10.1086/701423?mobileUi=0>.

Use of Force Data

The analysis of UOF policies, procedures, operational protocols, and training is an integral part of assessing UOF by a law enforcement agency. To gain a more complete understanding of how force is being used requires a thorough analysis of the UOF data collected by the agency. Data collection, analysis, and reporting assists agencies in understanding if the policies and practices in place are achieving desired performance outcomes consistent with community standards and expectations. Equally important, the transparent reporting of data increases the level of trust between the police and the public they serve. Without vigorous data analysis, it is difficult for a law enforcement agency to demonstrate that it is providing police service in manner that is fair, impartial, and procedurally just.

The data provided by the CDP for this review came from internal agency sources such as computer-aided dispatch (CAD) software, records management software, and reports generated by the Internal Affairs Bureau (IAB), the Training Bureau, and the CDP Research and Development Section. Based on these data sources, the review team developed a number of findings and recommendations regarding the CDP's ability to use data in a meaningful way to enhance transparency, accountability, and training. The recommendations should ultimately result in more informed strategic operational decisions and policy development.

During the review of use of force data, several recurring themes emerged, which are addressed in detail in the individual findings and recommendations throughout this section of the report. These themes arose with such frequency that they are worth identifying as global recommendations that pertain to all areas of CDP data collection, analysis, and reporting processes. The CDP collects and stores data in multiple individual systems and databases,

making meaningful analysis of those data difficult and, in some instances, impossible. For example, UOF information is captured on data collection forms and then manually entered into an electronic database. These data are not part of the separate internal affairs information system used by the IAB for analysis of internal affairs investigations related to UOF. In addition, the Training Bureau receives UOF information and compiles data on UOF incidents to assist in identifying UOF trends and training needs. The CDP would benefit greatly from having a single system that would allow for centralized storing, analysis, and sharing of UOF data and would communicate with other systems, such as the records management system (RMS), CAD system, and internal affairs database. Arrest and offense data captured through the CDP's RMS are not compared to UOF data to assist in identifying relationships between offenses committed, levels of force used, demographic information of arrestees, and locations of the alleged crimes. Having a system in place that allows for this level of analysis is critical for officer accountability, training, and transparent reporting of UOF by members of the CDP. Without the ability to conduct this level of analysis, it is difficult for the CDP to understand and explain the racial disparities in arrests and UOF illustrated by its current data reporting systems.

The use of manual systems for reporting compiling, and analyzing information is slow and prone to human error because of multiple individuals handling, processing, and distributing information. These difficulties also make the tracking of UOF investigations cumbersome. The CDP does not have an efficient means by which to gather real-time information on UOF investigations or trends. Developing a robust system for data collection and analysis should be a priority for the CDP.

Finding 15. For the year 2022, the CDP reported 260 tracked UOF.

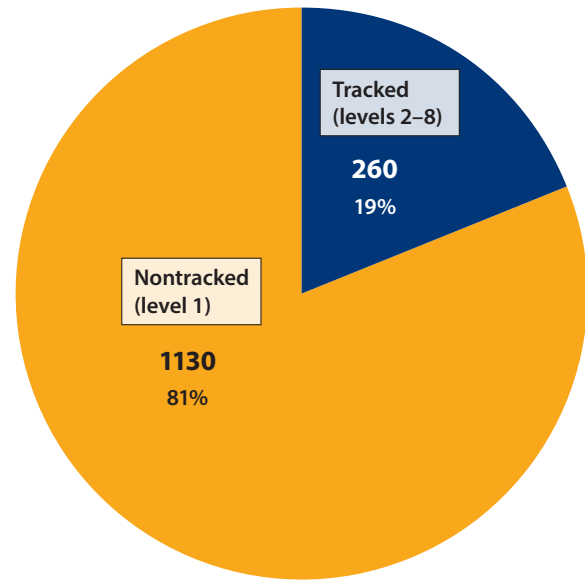
Level 0 and level 1 UOF are not tracked, meaning data are not collected for analysis. To be tracked, a UOF must be at least level 2 (use of chemical spray), so the 260 uses figure does not accurately reflect the frequency of UOF by members of the CDP because it does not consider level 0 or level 1 UOF in this calculation. Level 0 incidents are not hands-on UOF and therefore are not recorded. Levels 0 and 1 UOF, such as grounding, tackling, joint manipulations, displaying a firearm or CEW, and pressure point techniques, are not tracked and receive no further review other than from the officer's immediate supervisor. Not tracking displaying of firearms and sparking of CEWs and level 1 UOF does not allow for proper analysis of UOF in terms of demographics, proportionality, and adherence to CDP policy. For illustration, please see figure 1, which reflects the amount of untracked UOF in 2022 in the city of Columbus by the CDP.

Recommendation 15. *The CDP should consider changing its UOF reporting and tracking requirements to include level 1 UOF to accurately illustrate when, where, and how often the force is used by members of the division. Demographic data on the subject(s) and officer(s) should be captured to aid in thorough analysis of UOF, and data on the type of calls and the subject's alleged crime or crimes should be captured and analyzed to determine trends in UOF to aid in training and policy development.*

Recommendation 15 rationale

According to the CDP 2022 *Use of Force Analysis – Year End Review*,⁴¹ there were 260 tracked UOF applications during that year. These incidents include level 2–level 8 UOF. The 260 tracked UOF occurred during the same time span in which there were 433,150 calls for service, 911 calls, officer-initiated calls, and other reported incidents. These numbers, when compared, are used to make the claim that 99.94 percent of all incidents did not involve a tracked UOF. While this statement is true, it does not illustrate an accurate

Figure 1. Tracked vs. untracked CDP UOF in 2022 (N=1,390)



picture of the frequency of UOF by members of the CDP: There were an additional 1,130 level 1 UOF that occurred but were not considered in that calculation. When considering level 1–level 8 uses of force and the unreported pointing of firearms or CEW, the total number is 1,390 UOF. When all 1,390 actual UOF applications is compared to the total number of incidents and calls for service, which for 2022 was 433,150, we learn that 99.68 percent of interactions with the public did not involve UOF.

Illustrating how infrequently force is used in daily interactions has value but does not accomplish much by way of illustrating if the UOF was proper, the types of crimes associated with the use of force, or demographic information on who is being subjected to UOF. Regardless of how infrequently force is used, it is important to be transparent and report all UOF and the underlying circumstances behind UOF. How and when force is used is more informative than its ratio to daily police interactions. The lack of analysis leaves too many questions unanswered, which may negatively impact public trust.

41. Greg Parini and Patrick Hernandez, *Columbus Division of Police 2022 Use of Force Analysis – Year End Review* (Columbus, OH: Columbus Division of Police, 2023), <https://www.columbus.gov/Services/Public-Safety/Police/About-the-Columbus-Division-of-Police/Reports>.

Finding 16. The CDP does not accurately account for the number of UOF incidents when comparing UOF incidence to the total number of arrests in a given year.

Because the CDP does not include level 1 UOF in its calculations, the percentage of arrests that involve UOF has gone underreported. This underreporting creates the illusion that force is used during arrest situations far less frequently than it truly occurs. This lack of transparency may negatively impact public trust and does not allow for complete analysis of UOF by CDP personnel. For illustration, please see figure 2, which demonstrates that approximately 10 percent of all arrests (13,811) by the CDP in 2022 resulted in a UOF.

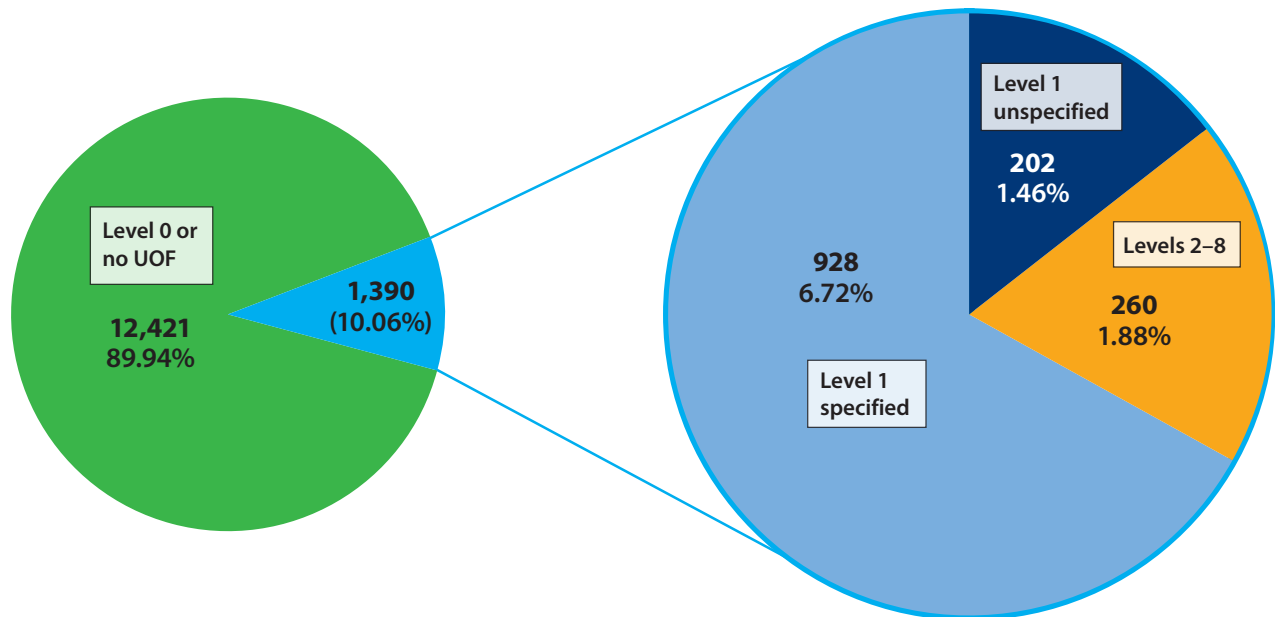
Recommendation 16. *The CDP should consider including level 0 and level 1 UOF when making comparisons between the number of arrests and the number of uses of force reported.*

In addition, the CDP should capture data on arrests involving UOF to determine primary arresting offense, subject and officer demographics, precinct location, and type of force used to aid in UOF analysis.

Recommendation 16 rationale

In reviewing UOF data dating back to 2018, it appears that the CDP has not included the number of level 1 uses of force in its total number of UOF incidents when comparing those data to the total number of arrests each year. In its 2022 use of force analysis, the CDP reports having 13,811 custodial arrests for that year. During that same year, it reports 260 UOF, resulting in force being used in 1.8 percent of all arrests. This is an extremely small number in comparison to data provided in studies on police UOF.⁴² When level 1 UOF numbers are added to the level 2–8 numbers, the total number of UOF for the year is 1,390. When considering all UOF, the data reveal that force is used in 10 percent of the

Figure 2. Force type used as a percentage of all CDP arrests in 2022 (N=13,811)



42. Joel H. Garner and Christopher D. Maxwell, *Understanding the Use of Force by and against the Police in Six Jurisdictions* (Washington, DC: National Institute of Justice, 2002), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/understanding-use-force-and-against-police-six-jurisdictions-final>; Fryer, “An Empirical Analysis of Racial Differences” (see note 41).

reported arrests for 2022. This figure is more consistent with study data on the frequency of police UOF inclusive of the types of force the CDP designates level 1.

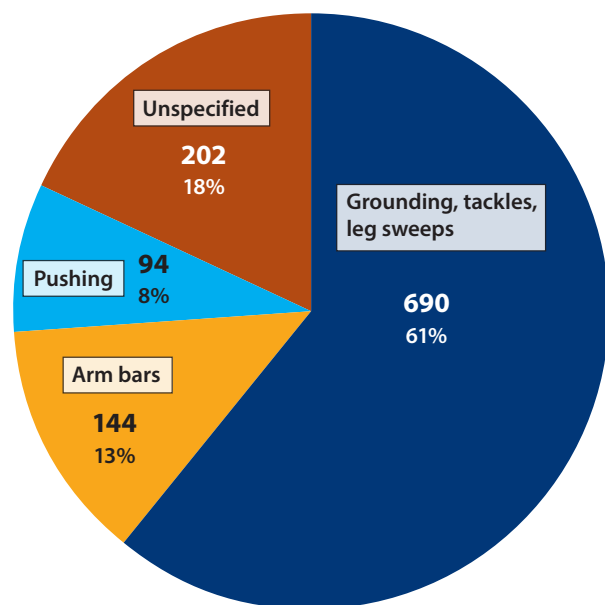
Underreporting UOF may contribute to a lack of trust between the community and the CDP. When community collective experiences seem to conflict with reported data, it is difficult for people to understand the discrepancy, and they may draw their own conclusions as to why the discrepancy exists. UOF reporting must be transparent and leave as little room as possible for speculation on the part of the public. Accurate data reporting can be explained, while inaccuracies only serve to undermine attempts by the CDP to build and maintain trust within the community.

Finding 17. Level 1 UOF identified in the CDP 2022 *Use of Force Analysis – Year End Review* include grounding, tackles, and leg sweeps (690), arm bars (144), and pushing (94). These techniques account for only 928 of the 1,130 level 1 UOF incidents recorded in 2022. The remaining 202 level 1 UOF incidents are not specified in the report and may give the appearance of a lack of transparency in data reporting. Further inquiry revealed that the annual report contains data regarding only the three most frequently reported categories of level 1 UOF. The CDP does have records for all 1,130 level 1 UOF incidents, but it does not include them in the annual report.

While displaying a firearm or CEW are also level 1 UOF, it is not clear how many of the unspecified 202 remaining UOF were instances of displaying either a firearm or a CEW. The CDP’s current reporting practices for the displaying of firearms and CEWs do not provide adequate information for robust tracking. In addition, other level 1 UOF incidents are not tracked in a manner that would allow for analysis to determine proportionality to the offense committed, potential bias in their application, or disparity in their use based on geographic location. For illustration, please see figure 3, which highlights the 202 (18 percent) remaining level 1 UOF for which it is not clear from the CDP’s records how many of this subsection are instances of displaying a firearm or CEW or other types of unspecified level 1 UOF.

Recommendation 17. *The CDP should consider more vigorous tracking of the displaying of firearms and CEWs to determine if these displays are proportional to the alleged crime or call in which that level of force was used. It should also consider complete tracking of instances in which subjects are placed on the ground, tackled, or subjected to leg sweeps or arm bar takedowns as well as developing a category for miscellaneous empty-hand control techniques to allow for adequate public reporting of all UOF incidents.*

Figure 3. Reported CDP level 1 UOF in 2022 (N=1,130)



Recommendation 17 rationale

Analysis of lower levels of UOF in other jurisdictions has shown that there is disparity between the application of such force on people of color and its application on White people—much more so than in the application of more serious UOF or use of deadly force. That is, as the severity of force used decreases, the disparity between its use on people of color and its use on White people increases.⁴³ The CDP is not currently tracking these lower levels of force; therefore, no determination can be made as to whether or not these types of disparities exist in Columbus. Tracking only force levels 2–8 leaves a major gap in the ability to determine

43. Fryer, “An Empirical Analysis of Racial Differences” (see note 41).

if minority communities are being subjected to disparate applications of lower levels of force. In addition, there is no way to determine what types of calls for service or crimes are generating those UOF or to uncover any potential implicit biases that may be present.

A community’s perception of UOF is driven by its everyday experiences. If certain communities witness frequent takedowns of subjects, the display of firearms and CEWs, or the use of pain compliance or pressure point techniques yet see only 260 uses of force being reported, they may question the legitimacy of the data. In the absence of justification of why and when lower levels of force are used, communities are left to draw their own conclusions, which may or may not be accurate.

Finding 18. Based on the CDP’s reported UOF data, there is a disparity between reported and tracked UOF on people of color and White community members based solely on their representation in the population.

However, use of force data reported and tracked by CDP does not allow for robust analysis to determine if this disparity is based on any sort of racial bias or animus. Because level 1 uses of force are not tracked, it cannot be determined if this disparity exists with those lower levels of force. Similarly, there is no analysis of force used based on alleged crimes or geographic locations.

Recommendation 18. The CDP should track and analyze all levels of force, using appropriate and consistent demographic data collection, to determine the presence of implicit bias, racial animus, or other inappropriate determinants of the application of force, if any.

In addition, they should report, track, analyze, and compare the types of force used to the alleged crimes committed, subject behavior, and attempts to employ de-escalation measures in order to determine if force used is proportional, within policy, and equitably applied.

Figure 4. Columbus population by race in 2022 (N~907,971)

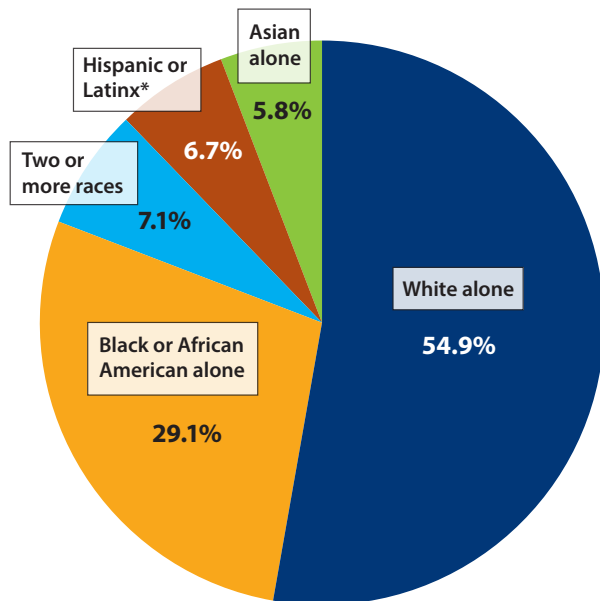
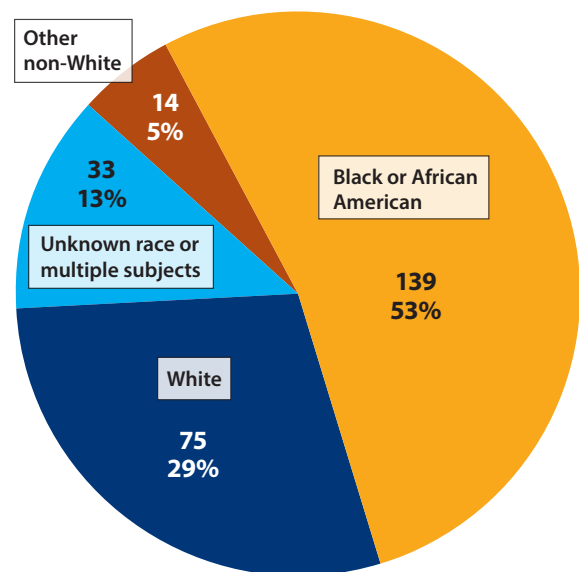


Figure 5. Level 2-8 UOF by subject race (N=260)



*Hispanic or Latinx may be any race and are also included in applicable race categories. Source: "QuickFacts: Columbus city, Ohio" (see note 44).

Recommendation 18 rationale

Census estimates show that in 2022 the demographic make-up of the city of Columbus was 56 percent White, 29 percent Black, 6 percent Asian, and 6 percent two or more races, with 6.5 percent Hispanic or Latinx (who may be of any race).⁴⁴ Please see figure 4 for additional details. Of the 260 UOF reported, 139 (53.27 percent) reported incidents involved Black people, 75 (28.76 percent) involved White people, 33 (12.75 percent) involved people of unknown race or against a crowd, and 14 (5.23 percent) involved people classified as other non-White. Please see figure 5 for additional details. Determining whether bias is at the root of this distribution of the CDP's UOF is not possible by simply looking at population demographics. For the CDP and the public to draw informed conclusions relative to the racial disparities that exist with UOF, far more robust data collection must take place. The CDP should capture data on the types of force used compared to subject behavior, severity of the alleged crime or call, and geographic locations. Collecting this type of data will make it possible to determine whether people of different races are subject to different levels of force for similar behaviors or offenses—especially with respect to lower levels of force, which are currently not tracked at all.

Finding 19. Based upon the data provided by the CDP, while racial disparity exists with reported and tracked UOF in Columbus, for all but levels 0 and 1, the disparity does not exist when examining the frequency of UOF compared to arrests.

Because Level 1 UOF are not tracked and level 0 are not even recorded, it cannot be determined if all persons arrested are subjected to UOF in a consistent manner.

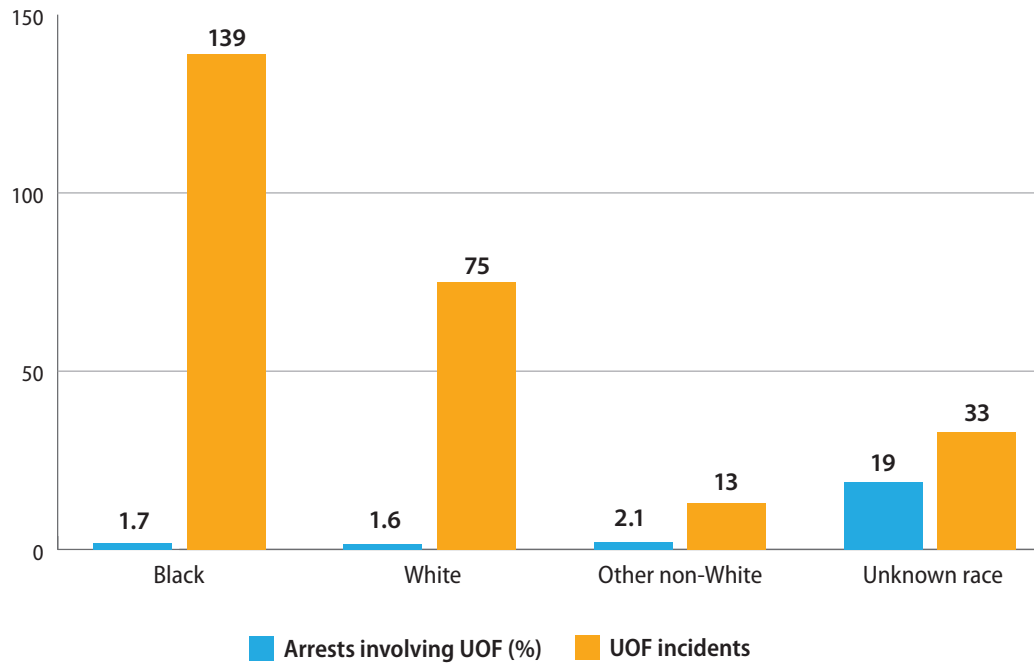
Recommendation 19. *The CDP should track all levels of force when connected with an arrest to determine if force is being applied in arrest situations with the same frequency, for like offenses, and for similar subject behavior.*

Recommendation 19 rationale

In relation to the 260 UOF incidents at level 2 or higher, analysis of arrest data compared to reported and tracked use of force data reveals that once the decision is made to take a person into custody, the frequency of UOF is similar for all racial demographics. While all arrest data are reported, the CDP does not track all UOF, only levels 2–8. To illustrate, in 2022 there were 13,811 arrests in the city of Columbus. Of those arrests, Black people accounted for 8,202 and were subjected to UOF at level 2 or higher 139 times. This means level 2–8 UOF occurred in 1.7 percent of arrests of Black subjects. White subjects were arrested 4,821 times and subjected to the UOF 75 times, so 1.6 percent of White subjects arrested experienced UOF. Other non-White subjects arrested experienced UOF during arrest 2.1 percent of the time. Please see figure 6 on page 24 for additional details.

44. “QuickFacts: Columbus city, Ohio,” U.S. Census Bureau, accessed December 1, 2023, <https://www.census.gov/quickfacts/fact/table/columbuscityohio/PST045222>.

Figure 6. Arrests involving UOF in Columbus, 2022 (N=260)



In short, once the decision to take a person into custody is made, the likelihood of experiencing UOF is relatively the same for all racial categories except for “unknown;” however, these numbers are based only on the 260 reported and tracked uses of force. There is no way of determining if those rates remain the same if level 1 uses of force—which account for more UOF by police than the other levels combined—are added to the equation. This uncertainty illustrates the importance of capturing and analyzing level 1 UOF data. The important takeaway here is that the disparate levels of UOF may be related to bias in decisions about whether to arrest, which can be determined only by examining whether people of different races are being arrested for the same lower-level crimes at the same rate.

Finding 20. UOF analysis relies on datasets gathered in separate computer systems and various data collection forms that require information to be manually entered into a database. These various systems are not integrated, which makes robust analysis of UOF data incomplete, time consuming, and susceptible to human error and does not promote transparency in the reporting of UOF.

Recommendation 20. *The CDP should assess the current capabilities of its current RMS to determine if it is capable of capturing, analyzing, reporting, and distributing UOF data and reports in a meaningful, more efficient, way.*

In addition, it should prioritize efficient and effective use of the data and reports currently available. If current capabilities are not adequate, the CDP should explore other software solutions that would enable this type of data analysis to be conducted on an ongoing, routine basis to reduce the time between UOF incidents and reporting. This exploration should include evaluation of RMS with safeguards in place to address and track errors.

Recommendation 20 rationale

The data used to compile annual use of force reports is contained in the CDP's RMS, the CAD system, the internal affairs database, completed division forms such as the *Division Use of Force Report* and the *Use of Taser Report*, and raw data compiled by the Human Resources Bureau and the Research and Development Unit. According to the *2022 Use of Force Analysis Report*,

“The total number of use of force response events or officers involved for calendar year 2022 may not be known for as long as two years or more after 2022. Use of force response events, and incidents, are ordinarily not cataloged completely until there is a final disposition, i.e., until the documentation has been ‘tracked’ completely and finalized. In some cases, there may be records added or removed due to data entry errors or duplicated entries.”⁴⁵

The incompatibility of the systems in use creates a delay in reporting and results in data gaps that preclude the CDP from gaining a full understanding of UOF by members of the agency. In addition, waiting up to two years to conduct analysis does not allow for immediate identification of problematic behaviors if they exist. The CDP should consider implementing software solutions that would allow for accurate, real-time reporting on UOF so that issues can be addressed in a timely manner. UOF reports are handwritten and hand-carried through the division for review. This method of distribution is time consuming, lacks the ability to track where specific UOF cases are in the review process, and increases the likelihood files will be lost.

Finding 21. CEW data are analyzed; however, there is no breakdown of offenses or subject behaviors that lead officers to use CEW.

Recommendation 21. *Data on the use of CEWs should be collected and compared to the types of offenses, subject behaviors, and de-escalation methods attempted before such use to determine any trends in CEW use both for training purposes and to identify any explanations for racially disparate application of the tool.*

Recommendation 21 rationale

Data reveal that the use of CEWs is distributed in a racially disparate manner. In 2022, Black subjects accounted for 61 percent of CEW deployments, White subjects 32 percent, and Hispanic or Latinx subjects 6.2 percent. There is no attempt to analyze or explain why this disparity exists, and current data collection and reporting requirements do not lend themselves to the type of analysis necessary to determine whether this UOF is consistent with CDP policy.

Finding 22. Demographic data collected on level 1 uses of force captures only sex/gender and does not capture information on race.

This deficiency makes determining the racial distribution of level 1 uses of force difficult to accurately measure based on the data currently collected by the CDP.

Recommendation 22. *The CDP should collect data on all demographics, including race, on the U-10.128 Use of Force Report or by some other means to ensure that they can be analyzed relative to the use of level 1 force in Columbus.*

Recommendation 22 rationale

As previously noted, complete analysis of the use of force by the CDP cannot be conducted when, in 2022, the 1,130 level 1 UOF reports contain no demographic data on race. Transparency in data collection and reporting is of the utmost importance in gaining and maintaining the public trust.

45. Parini and Hernandez, *Columbus Division of Police 2022 Use of Force Analysis – Year End Review* (see note 42).

Finding 23. The CDP’s 2022 *Use of Force Analysis Report* attempts to explain the racially disparate use of force by highlighting the prevalence of Black offenders in relation to certain violent crimes and domestic violence. This justification is misleading because more than 70 percent of arrests made by the CDP are for “All Other Crimes” and not UCR violent crimes or domestic violence.⁴⁶

In addition, the data presented do not indicate the frequency of UOF during arrests for the violent crimes identified.

Recommendation 23. *The CDP should stop comparing UOF to violent crime in its Annual Use of Force Analysis Year End Review report as this comparison is not a true indicator of the distribution of UOF throughout the population.*

It would, however, be appropriate for the CDP to illustrate the number of individuals of each race who were subjected to UOF when being arrested for a violent crime.

Recommendation 23 rationale

There is no way to determine through the data collected by the CDP whether a person arrested for a violent crime was subjected to UOF. For example, they may have surrendered without the need for force, but there is no way of knowing this based on the current data reporting and analysis conducted by the CDP. Attempting to draw a connection between rate of UOF among Black subjects and the number of arrests of Black subjects for violent crimes is misleading and may lead the public to draw inaccurate conclusions. Without further data analysis to justify this connection, this type of reporting should stop.

Finding 24. The CDP does not currently have an automated system in place for UOF data collection, reporting, and oversight.

Recommendation 24. *The CDP should develop a central records management system that will track and maintain UOF records and track UOF investigations. Ensure the transparency*

for all UOF data by publishing monthly UOF data for review. Establish a standard operating procedure related to the storage, retention, archival, and accessibility of UOF data.

Recommendation 24 rationale

Accurate, timely, and comprehensive UOF data reporting is an essential element necessary to gain and maintain the public trust. Developing this type of system will also assist in officer accountability and the identification of UOF trends.

Finding 25. The CDP relies upon a manual, paper-based UOF incident review process. This process is inefficient, as there is considerable time between UOF incidents and review caused by hand-carrying reports to appropriate staff for review.

Recommendation 25. *The CDP should establish a consistent process and protocol for review of UOF incidents, including a specific timeline for review for incidents using an automated distribution and tracking system.*

Ensure the process establishes a system for the organizational review relative to issues that affect emerging officer safety issues or identification of trends—negative and positive—in UOF response.

Consider implementing an automated process for UOF review to ensure consistent data capture, analysis, and review.

Task a specific unit or person with coordination of the process.

Recommendation 25 rationale

Time reporting and identifying UOF trends, training issues, and officer accountability issues require the use of an automated system. This system would significantly reduce processing time; increase accountability; and provide information for timely policy development, training, and operational strategy development.

46. Parini and Hernandez, *Columbus Division of Police 2022 Use of Force Analysis – Year End Review* (see note 42).

Civilian Oversight

In 2021, the city of Columbus adopted a new city ordinance to enhance oversight and accountability of the CDP and created new legislation establishing the Civilian Police Review Board (CPRB, sometimes referred to as CRB) and the Department of the Inspector General (DIG) to provide civilian oversight of the CDP.⁴⁷ These two bodies work collectively to provide independent oversight and accountability of the CDP to build confidence and trust in the division's policing practices and improve relationships with the communities they serve. As outlined in the city ordinance, the duties of the CPRB are as follows:

- “(1) To receive, initiate, review, and, if appropriate, to direct the Inspector General to investigate and prepare a report for review, complaints alleging misconduct and/or excessive use of force by sworn personnel of the Columbus Division of Police;
- (2) To direct the Inspector General to review and provide a report for review, investigations conducted by the Columbus Division of Police Internal Affairs Bureau for fairness and accuracy and, if warranted, recommend changes to Division policies and procedures based upon said reviews;
- (3) To make recommendations on resolutions of complaints, if warranted, to the Chief of Police and/or the Director of Public Safety regarding matters reviewed by the Board;
- (4) To make recommendations on discipline, if warranted, to the Chief of Police and/or Director of Public Safety regarding the outcome of all investigations reviewed by the Board;

- (5) To evaluate and identify complaint patterns and make recommendations to reduce complaints based upon said evaluation;
- (6) To review and make recommendations regarding Division of Police policies and procedures;
- (7) To perform such other duties not inconsistent with the provisions of the Charter, this chapter, or as may be required of the Board by ordinance.
- (8) Report annually to city council on the disposition of complaints, the outcome of investigations reviewed by the Board, as well as the Board's actions and recommendations which may include division operations, discipline recommendations, trends and patterns, officer-involved shootings, and any issues pertaining to instances of racial profiling or bias.”⁴⁸

The duties of the DIG as outlined in the city ordinance are as follows:

- “(1) To receive all complaints of misconduct and/or excessive use of force by sworn personnel in the Columbus Division of Police filed by citizens or initiated by the Civilian Police Review Board for review in order to determine and forward to the appropriate investigatory entity;
- (2) If so directed by the Civilian Police Review Board, to investigate complaints of misconduct and/or excessive use of force by sworn personnel in the Columbus Division of Police and to

47. City of Columbus, Legislation Report File Number 1169–2021 To enact chapter 235 to codify the composition of the Civilian Police Review Board and Department of the Inspector General for the Division of Police (Columbus, OH: City of Columbus, 2021), https://library.municode.com/oh/columbus/ordinances/code_of_ordinances?nodeId=1095436.

48. Columbus, Ohio, Code of Ordinances, Title 2 Administrative Code, Chapter 235 The Civilian Police Review Board and the Department of the Inspector General for the Division of Police (2021), https://library.municode.com/oh/columbus/codes/code_of_ordinances?nodeId=TIT2ADCO_CH235THCIPOREBODEINGEDIPO.

prepare reports documenting findings and recommendations for review by the Civilian Police Review Board.

(3) To review and provide a report to the Civilian Police Review Board on investigations conducted by the Columbus Division of Police Internal Affairs Bureau for fairness and accuracy;

(4) To make recommendations on resolutions of complaints and, if warranted, suggested discipline on matters reviewed or investigated by the Department to the Civilian Police Review Board;

(5) To review and make recommendations to the Civilian Police Review Board regarding Division of Police policies and procedures;

(6) To perform such other duties not inconsistent with the provisions of the Charter, this chapter, or as may be required by vote of the Civilian Police Review Board or by ordinance of council.”⁴⁹

Despite the DIG’s authority to investigate complaints of excessive force, they do not investigate allegations of excessive UOF when those complaints are made by members of the CDP. As noted, the CPRB has the authority to direct the DIG to conduct investigations involving excessive force, and the DIG has the authority to act on those referrals. However, the DIG and CPRB have viewed this authority as limiting the investigative jurisdiction of the Inspector General to exclude division members’ complaints of excessive force (and misconduct) or UOF discovered during the course of an internal investigation. These internally discovered allegations are investigated by the division’s Internal Affairs Bureau.

Officer-involved shootings and other UOF resulting in serious injury have generated significant public scrutiny and demands for external oversight and accountability. As reflected in the authority granted to the CPRB and the DIG, these bodies were created to provide independent and external oversight. However, in the absence of a civilian complaint, the CPRB and the DIG have little insight into the facts and circumstances following the division’s most critical UOF incidents. Protocols mandating notification of critical officer-involved UOF incidents to the DIG are a viable tool to advance public trust and confidence in the oversight and accountability of the division’s most serious UOF occurrences. Timely notification prepares the DIG to respond to questions from the public regarding the investigative process, thereby instilling a sense of confidence in the investigative process following a critical UOF incident. It also sends the message that the DIG is a key stakeholder in the oversight of the division’s most serious UOF incidents.

An agency’s use of force review and investigative practices are at the core of police legitimacy. The CDP conducts an internal investigation of every reportable UOF incident by its members. Under the current construct, there is no external review of those completed internal UOF investigations to validate that those investigations were conducted thoroughly and without bias. The integrity of these internal investigations is significantly bolstered when those investigations are subject to external review to assess the sufficiency of the division’s internal investigative practices and outcomes. The community in Columbus recognized this importance when it created the DIG as part of its police reform efforts; however, the current oversight model does not allow for the external review of these internal investigations.

49. Columbus, Ohio, Code of Ordinances, Title 2 Administrative Code, Chapter 235 (see note 49).

Finding 26. Community complaints of excessive force are handled differently than complaints of excessive force identified during the course of a CDP UOF investigation, thereby creating the potential for disparate outcomes.

Moreover, this difference in investigation and disposition of UOF incidents limits the CPRB's awareness of the full breadth of complaints of excessive force.

Recommendation 26. *The CDP should develop a protocol collaboratively between the DIG and the CDP that provides for the referral of complaints of excessive force uncovered during the course of internal investigations to the DIG.*

Ensure the protocol requires the DIG and the CDP to meet at defined times during the year to discuss patterns and trends arising from excessive force investigations and to inform the CPRB of its findings.

Recommendation 26 rationale

Public trust is significantly undermined when similar incidents of excessive force are handled differently, and the best way to ensure consistency in the investigative outcomes of excessive force complaints is to assign investigative responsibility to a single agency. Given the public interest that complaints of excessive force be handled by the DIG, it makes sense that all complaints—irrespective of who makes them—be referred to the DIG for investigation. Vesting the full responsibility for the investigation of excessive force complaints in one entity ensures consistency in investigative methodology and outcomes and enables pattern and trend analysis. Moreover, the investigation of CDP internal complaints of excessive force by the DIG ensures that the CPRB has insight into all complaints of excessive force and not just those filed by members of the public. The CPRB has the authority to direct the DIG to conduct investigations involving excessive force, and the DIG has the authority to act on those referrals.

Finding 27. The CDP does not as a matter of protocol provide notice to the DIG of critical incidents involving officer UOF, including officer-involved shooting incidents.

Recommendation 27. *The CDP should develop a protocol collectively among the DIG and the CDP that provides for timely notification of all critical UOF incidents.*

Ensure the protocol clearly defines what constitutes a critical UOF incident that warrants notification.

Ensure the protocol clearly identifies who in the CDP is responsible for making the notification, the parameters around the timeliness of the notification, and the information provided during the notification.

Recommendation 27 rationale

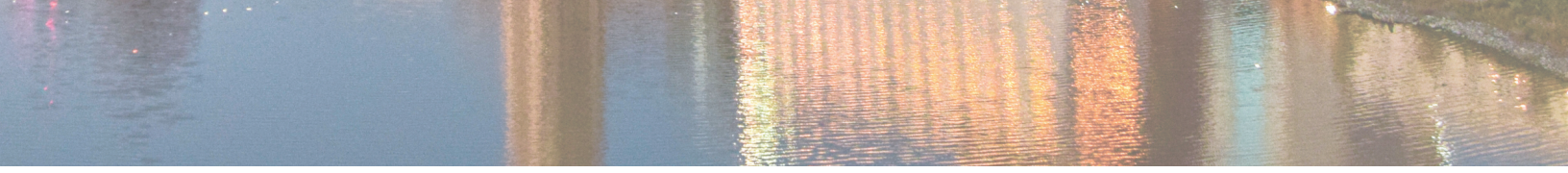
The timely notice of such incidents is a demonstration of the DIG's prominent oversight role and better equips the office to respond to an associated complaint of excessive force.

Finding 28. The CDP's UOF practices and the sufficiency of the division's UOF investigative practices are not subject to independent review and analysis.

Recommendation 28. *The CDP should engage in collaborative discussion with the DIG to develop a protocol enabling the systematic and timely review of the sufficiency of completed CDP investigations of UOF incidents.*

Recommendation 28 rationale

Affording the DIG the authority to conduct an independent review of the sufficiency of the division's UOF investigative practices is an added layer of oversight that may enhance the division's legitimacy and the public impression that the division's UOF incidents are executed in accordance with policy and with state and federal law—and if not, that they are subject to a full and thorough investigation.



Finding 29. The DIG was created and operationalized without the completion of a workload analysis to set the staffing level needed to fulfil its duties under the ordinance.

Recommendation 29. *The CDP should engage in collaborative discussion among the CDP and the DIG to determine if a city charter amendment is necessary to implement the recommendations to investigate all allegations of excessive force and to do sufficiency reviews (findings 26 and 28) and if fulfilment of these recommendations will require an increase in staffing or other resources to the DIG.*

Recommendation 29 rationale

The staff of the DIG has steadily increased since launch and currently consists of the Inspector General, Deputy Inspector General, eight investigators, a community relations coordinator, and two administrative assistants. Assessing the staffing needs of the DIG was beyond the scope of this review; however, the staffing levels of the Internal Affairs Bureau at the change of jurisdiction to DIG could be a good starting point. Pursuant to the current collective bargaining agreement, internal misconduct investigations must be completed within 90 days. Interviews during the course of this review noted that completing internal investigations within the prescribed time frame is challenging given the current staffing. Absorbing the additional responsibilities outlined in this section will exacerbate the workload issues faced by an agency whose resources are already constrained. Conducting a workload analysis and staffing assessment of the DIG's office will set forth staffing needed to conduct its current responsibilities and best position the agency.

Community Engagement

Key to building trust is openly engaging members of the community following an officer-involved shooting or critical UOF incident and providing as much information as possible without compromising the investigation. Following an officer-involved shooting, the CDP's public information officer (PIO) typically provides an on-scene statement followed by a written press release. The PIO will also reach out to the involved family members or their legal representative to afford a private viewing of any video evidence before making this information public. Such engagement, both of the community and of the impacted family, is consistent with emerging practice. Increasingly, law enforcement agencies are designating a specific person in their organization to serve as a liaison to these family members. Assigning a dedicated member of the division to serve as a liaison to families affected by a critical UOF incident demonstrates compassion and builds trust and confidence that the officer's UOF will be subject to oversight and accountability.

Equally important to building trust is the public release of an agency's UOF data and ensuring that it fully and accurately encompasses uses of force applied during the reporting period. As noted by the IACP, "Accurate, transparent reporting of crime data and use of force incidents is an important way police agencies can build trust and confidence within the communities they serve."⁵⁰ Consistent with best practice, the CDP makes its annual UOF report publicly available on the division's website. However, locating this information is not easy from the division's main web page. Persons seeking the division's UOF annual report have to click on the "About Us" tab, then scroll down to the "Annual Reports" tab before they can locate the division's annual UOF report. Accessing this information is not intuitive and could cause members of the community to mistakenly believe this information is not available.

50. IACP (International Association of Chiefs of Police), "Data & Transparency," accessed December 4, 2023, <https://www.theiacp.org/topics/data-transparency>; PERF, *Guiding Principles* (see note 2).

51. Bethany Bruner, "After Disgraceful 2020 Protest Response, Columbus Police Team Now Model for Doing It Right," *The Columbus Dispatch*, March 11, 2024, <https://www.dispatch.com/story/news/local/2024/03/11/columbus-police-dialogue-teams-mission-more-than-lip-service-ohio-protest-response-willis-johnson/72713478007/>.

Community outreach

Finding 30. Columbus Police Dialogue, an outreach unit with the mission of "mitigat[ing] the need for additional police intervention"⁵¹ at protests and other events, is a great vehicle for improving relationships with the Columbus community, and the CDP should consider engaging in moderated town halls addressing cultural competency issues surrounding police and their engagement with the diverse community of Columbus.

Recommendation 30. *The CDP should develop a process for outreach to communities following significant UOF with a goal of providing transparency.*

Establish training specific to community outreach for all officers.

Increase community outreach and engagement activities designed to educate and bridge the gap through partnership building between officers and community members.

Establish a strategic plan to host moderated community listening sessions in neighborhoods most impacted by UOF incidents.

Develop partnerships with community-based organizations to facilitate the listening sessions.

Moderated third-party listening sessions should at a minimum be held after an officer-involved shooting, another UOF incident that results in serious bodily injury, an incident generating significant public discourse, or the release of the annual report analyzing UOF incidents.

Recommendation 30 rationale

In a 2019 assessment report, reviewers recommended that the CDP enlist community members to help shape cultural perspective with members of the division on an ongoing basis. Police UOF can diminish public trust in police, and education and transparency allow for informed discussion about how and where police use force. The CDP has made some progress improving relations with the community; however, interview subjects raised the need for more dialogue that touches on issues of race, fear, and stereotypes shared by both the community and the CDP as a method of building meaningful and lasting trust.

Finding 31. The CDP does not have a dedicated liaison to families of individuals (or individuals themselves) who are killed or seriously harmed by CDP officers.

Recommendation 31. *The CDP should develop a policy that establishes a liaison to provide information to and serve as a point of contact for families and individuals killed or seriously injured in an officer-involved UOF incident.*

Set forth in policy the information that may be shared by the liaison and when, including the release of video evidence and the results of any administrative investigation into that UOF incident, ensuring that the release of information does not compromise the integrity of the criminal and administrative investigation, state law, or collective bargaining agreements.

Recommendation 31 rationale

Providing a liaison reflects compassion to the involved individual and family for the harm and loss they have endured. Promulgating this position and duty in division policy reflects the division's unity with the community they serve, which in turn fosters trust and confidence in the CDP.

Transparency

Finding 32. The CDP completes an annual report analyzing its incidents of force, and that report is publicly available on the division's website; however, it is not readily apparent on the division's website where to locate this report and the report does not include all UOF incidents.

Recommendation 32a. *The CDP should prominently display a link to the division's annual UOF report from the division's main web page.*

Provide public notice when this report is completed via the division's social media sites and print and television media outlets. Include a high-level briefing of identified patterns and trends.

Host public forums to discuss the division's annual UOF data with the community.

Track and share data relative to UOF by CDP members, including administrative review outcomes.

Recommendation 32a rationale

A key ingredient to building trust, confidence, and legitimacy in a law enforcement agency's UOF is the agency's transparency practices. To this end, the CDP makes its UOF data report publicly available on its division website. However, if how to locate that publicly available document is not readily apparent, the benefits of transparency may not be fully recognized.

Recommendation 32b. *The CDP should include in its UOF annual report all levels of force, including level 0 and level 1, and include the demographics of the officer who used force and the demographics of whom force was used upon.*

Recommendation 32b rationale

Underreporting UOF may contribute to a lack of trust between the community and the CDP. UOF reporting must be transparent and leave as little room as possible for speculation on the part of the public. Accurate data reporting can be explained, while inaccuracies only serve to undermine attempts by the CDP to build and maintain trust within the community.

Training

Improving UOF practices requires an investment in training, structure, and technology to support data-led management decisions and transparency with community stakeholders. The development and delivery of training directly affects organizational performance and is an essential component of community-oriented policing and engagement.

Data

Finding 33. The training academy and special services units are responsible for storing, retaining, and archiving training data.

The data are used to track training and certification requirements relative to attendance, subject matter, and frequency. The training academy has direct oversight and responsibility for the data related to recruit and advanced officer training while the special services unit is responsible for the aviation, canine, and special weapons and tactics (SWAT) teams' training data. The academy and special services units are not fully automated and cannot easily track records. The data are manually entered into separate systems, which are not interoperable. The separation of these data and the manual record system limits training information access, tracking, and accuracy.

Recommendation 33. *The CDP should develop a central RMS that will track and maintain training records. Ensure transparency for all training records—academy, in-service, and special services. Establish a standard operating procedure related to the storage, retention, archival, and accessibility of training records.*

Recommendation 33 rationale

Training data are an essential tool for determining CDP officers' skills and compliance with training requirements. Consistent records also track organizational engagement in addressing deficiencies.

Training

Finding 34. As part of the recruit training curriculum, the CDP engages in scenario-based UOF training, which is a law enforcement best practice.

The scenarios were well developed and presented. Instructors were engaged and knowledgeable about the scenarios and the educational goals. The CDP has a protocol to meet with the recruits, review their training video, and evaluate technique after a poor performance in scenario. Observations on site identified inconsistent outcomes and engagement from instructors when evaluating recruits' actions during scenarios. The evaluation process for training academy instructors assigned to recruit training efforts was described as an informal iterative process throughout the year where deficiencies are corrected as observed.

Recommendation 34. *The CDP should ensure advanced instructor training includes standards for observation based on best practices in classroom and scenario-based instruction such as consistent debriefing policies, real-time grading rubrics for student performance during scenarios, and an option to include group-led problem-based learning.*

As part of the train-the-trainer model, these instructors would become subject matter experts both in their technical areas of proficiency and in adult education.

Develop a structured process for training academy instructor evaluation and review.

Recommendation 34 rationale

Real-time instructor feedback is an essential component of evaluation. However, to be informative and to measure recruit efficacy, reviews need to be consistent and delivered in a manner that affords the opportunity for a formal review of instructor delivery and capabilities. Because the CDP is bound by contractual obligations that support seniority-based assignments, a formal system of instructor

evaluation will provide structure, guidance, and oversight of those charged with training and ensure the presence of qualified instructors.

Finding 35. The CDP has not focused on changing the organizational culture around the former boxing program, which was a part of its defensive tactics training.

CDP removed live boxing from the recruit training curriculum to reduce injuries, improve division culture, and modernize UOF training. However, the training academy still uses the designated space, including a boxing ring and range of boxing equipment, for training strikes, blocks, and other self-defense techniques. Some CDP staff identified the boxing program in discussions as a valuable resource necessary for recruit training, contrary to the messaging from the CDP as an organization.

Recommendation 35. *While the equipment continues to facilitate defensive tactics training, the CDP's stated reason for ending the live boxing program should be considered in determining whether the Academy continues to use the boxing ring. The CDP should ensure leadership and training academy staff commit to the organizational goal and messaging for any change in practice—specifically the modernization of UOF training—and provide change management overview and training as necessary.*

Engage leadership and training academy staff in a collaborative discussion related to the defensive tactics program that will help support the culture shift while still aiding in recruit training and development around defensive tactics.

Further explore and develop other techniques and modalities that will address the training areas previously provided by the boxing program.

Recommendation 35 rationale

A key component to ensuring organizational change involves leadership buy-in and the creation of other alternative training that still address the tenets of those defensive tactics learned in the boxing program. The messaging around the discontinuation of the live boxing program is a barrier to cultural change and acceptance of modern defensive tactics training in the CDP's culture.

Finding 36. Lack of personnel to adequately staff various units was a recurring theme identified by multiple stakeholders throughout this review as an issue impacting CDP functions including recruit and advanced training.

Recommendation 36. *The CDP should identify ways to deliver training, including roll call training and distance-based training, that do not push the limited resources of training staff.*

Consider review of a staffing and resource needs assessment for training throughout the division to determine options for training support, including ensuring adequate staffing at the Academy.

Consider using field training officers (FTO) as unit-based training resources for updated training, particularly when new policies are published.

Recommendation 36 rationale

The CDP faces similar staffing issues as other law enforcement agencies. However, training is key to ongoing reform and to keep police actions consistent with policy. At a minimum, staffing needs to support the officer's initial and mandatory advanced training. Consistent message and training are required for UOF training to ensure basic techniques, concepts, and clarity with respect to CDP policy and matters of law. Organizational transformation is rooted in training and provides the foundational skill for officers' subsequent actions in the field.

Finding 37. Training for the Special Services Unit, which includes SWAT, Aviation, and Canine, is performed by staff who are not Ohio Peace Officer Training Academy (OPOTA) certified.

This unit relies heavily on the operational experience of those charged with training instruction of their officers. Often, it is the most senior officer delivering training, without defined instructor standards.

Recommendation 37. *The CDP should require all Special Services trainers receive OPOTA Certification in instructor development—or other recognized professional training certifications—to ensure consistent, professional standards for instruction and course content. Required training certifications should be maintained as part of a CDP comprehensive training records management system.*

Where appropriate, engage with the Advanced Training Section of the OPOTA to develop curricula to train Special Services Unit officers.

Provide annual review and update of Special Services Unit curriculum.

Recommendation 37 rationale

The use of certified instructors and defined training standards helps train officers to consistent professional standards. As a matter of practice, establishing training standards for instructors is a best practice. While specialized units such as canine, SWAT, and aviation rely upon technical expertise in delivery of training, certification and defined curricula ensure training goals are defined and delivered.

UOF training instructor certifications

Finding 38. The CDP does not have an automated system to ensure instructor certifications remain active. Administration sergeants and other academy staff manually review the records and notify the officers when their certification is due for renewal. Officers are expected to monitor and maintain their certifications relative to renewals.

Recommendation 38. *Consider developing an automated system for recording instructor certifications.*

Develop redundancy in the certification validation process, with affirmative requirement for officers holding certification to ensure they are active and to annually provide proof to the central repository.

Establish a standard operating procedure for the storage, retention, archival and accessibility of training records related to certifications.

Recommendation 38 rationale

Training certifications provide the foundation for effective training programs. Maintaining current records for instructors ensures adherence to training standards and reflects the division's commitment to professional training. The data are not readily accessible but are an essential tool for tracking and maintaining the division's training records, including mandatory training completions, certification renewals, and deficiencies.

Leadership development and UOF investigations

Finding 39. CDP officers promoted to the rank of lieutenant and above do not receive supplemental training for leadership or role development or UOF investigation. Newly promoted sergeants receive a two-hour block of instruction on how to report and conduct UOF investigations.

Recommendation 39. *The CDP should develop structured training curricula for leadership, including role development for newly promoted staff, as part of advanced officer training.*

Require training curricula for newly promoted supervisors in UOF investigations and supervisory responsibilities, including responsibilities for analysis, documentation, and reporting.

Require leadership and development training for all supervisory staff as part of the ongoing advanced officer training.

Ensure the ongoing advanced officer training encompasses supervisory responsibility for UOF investigations, including responsibilities for on-scene review, analysis, documentation, and reporting (e.g., classroom and scenario-based training, roll call training, distance-based training, and legal and policy updates).

Consider incorporating UOF investigative training in other related curricula (e.g. procedural justice, de-escalation, and firearms training).

Recommendation 39 rationale

Newly promoted lieutenants have a wide range of experience in UOF investigations, and a knowledge gap was identified by stakeholders throughout this review related to the review of UOF investigations. To ensure UOF incidents are investigated consistently within the guidelines of policy and law, ranking supervisors should be provided the foundational skills to conduct, review, and oversee these investigations. As a matter of practice, the roles of lieutenant and above require additional levels of responsibility and oversight for which training should be provided as part of the promotional process. Providing leadership development opportunities promotes a growth mindset and mentorship and improves retention.⁵²

52. COPS Office, “Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” accessed December 4, 2023, https://cops.usdoj.gov/Public_Trust_and_Safety_EO.

UOF investigations and review

Finding 40. **The CDP relies upon a manual, paper-based UOF incident review process. All UOF incidents involving recruits are reviewed by training academy staff, including defensive tactics and probation program supervisors. CDP appropriately flags use of force incidents involving recruits that are not within policy or training.**

All other UOF incidents involving CDP members that are noted as training deficiencies are filtered to the training academy for review and correction. The subsequent review process is difficult given the manual system for UOF review, and it can take several months before issues are documented as a training issue.

Recommendation 40. *The CDP should establish a consistent process and protocol for review of UOF incidents, including a specific timeline for review for incidents involving recruits.*

Ensure the process establishes a system for the organizational review relative to issues that affect emerging officer safety issues or identification of trends, negative and positive, in UOF response.

Consider implementing an automated process for UOF review to ensure timely review and consistent data capture, analysis, and review.

Task a specific unit or person with coordination of the process. Generally, this type of role sits with the training unit.

Develop a protocol that addresses training options when training failures are identified in the use of force review.

Recommendation 40 rationale

Identifying training gaps with respect to UOF by officers on probation is a critical component of their development. Timeliness is essential for issue identification and for public and officer safety.

Finding 41. This review identified that that UOF investigations lack consistency in the administrative review and disciplinary process. CDP officers have identified that unit commanders have made unilateral decisions related to an officer's UOF that may not conform to policy or training.

It should be noted that UOF policy 2.01 outlines three separate circumstances in which commanders make the final determination in UOF incidents: The first relates to level of control 0 or 1 with serious injury unless deviation from progressive discipline or departmental charges are recommended.⁵³ The second is for level of control 2 against a handcuffed subject unless deviation from progressive discipline or departmental charges are recommended.⁵⁴ The third is for a level of control 3 with no serious injury unless deviation from progressive discipline or departmental charges are recommended.⁵⁵ Only if a deviation from progressive discipline or department charges are recommended are the investigative packets forwarded to the deputy chief for review.⁵⁶

Recommendation 41. *The CDP should establish supervisory roles, review standards and responsibilities, including next level oversight review, for UOF investigations.*

Develop a process for consistent UOF review at all levels and in all units of the division.

Train supervisors on their roles and responsibilities for UOF investigations and review.

Conduct quarterly review of UOF review outcomes to ensure there are no disparities related to disciplinary sanctions, identified training gaps, or persistent tactical deficiencies.

Recommendation 41 rationale

The review of UOF is an organizational responsibility and should be conducted consistently and in accordance with policy and training. Each officer and unit must adhere to the CDP's policies and statutory requirements for UOF. Consistent supervisory review reduces overall risk and ensures that officers are acting in accordance with organizational goals.

Finding 42. **The Employee Action Review System (EARS), used to identify patterns of behavior of police officers in use of force incidents, is a semiannual review process. CDP officers report and Jensen Hughes concurs that this semiannual review process is not sufficient to ensure timely intervention on escalating behaviors or training deficiencies.**

These reviews occur no later than April 1 and October 1 each year; the EARS committee reviews qualifying UOF incidents in the Internal Affairs Bureau's investigations database for patterns of behavior by all CDP officers for the previous 12 months. This review consists of level 2–8 UOF, completed civilian complaints, and injuries to prisoners.

Recommendation 42. *The CDP should review best practice related to early intervention programs, including the COPS Office's Early Intervention Systems for Law Enforcement Agencies,⁵⁷ and update the EARS process to address best practice applications.*

Develop a process of review that meets monthly to review all level 2 (use of chemical spray) and all level 3 and up incidents related to UOF for real-time assessment of training and discipline needs.

53. Columbus Division of Police, "2.01 Use of Force," III.C.2.c(2)(a)(i) (see note 12).

54. Columbus Division of Police, "2.01 Use of Force" III.D.2.f.4 (see note 12).

55. Columbus Division of Police, "2.01 Use of Force" III.E.3.a (see note 12).

56. Columbus Division of Police, "2.01 Use of Force" (see note 12).

57. Samuel Walker, *Early Intervention Systems for Law Enforcement: A Planning and Management Guide* (Washington, DC: Office of Community Oriented Policing Services, 2003), <https://portal.cops.usdoj.gov/resourcecenter?item=cops-w0085>.

Consider automating the UOF review process to facilitate the coordination and sharing of information on UOF incidents.

Establish set standards and timeline for notifications related to training failures and training requirements for UOF incidents.

Consider automating processes and increasing the frequency of body-worn camera (BWC) audits for each officer as a component of the early intervention system.

Recommendation 42 rationale

Delays between a UOF incident and identification of any policy violation or training deficiencies result in officers continuing to operate without correction. Actions that are not consistent with policy or training impact community trust and division legitimacy. A comprehensive process, including an early intervention system, for the evaluation, identification, and tracking of UOF incidents is key to obtaining the goal of an improved organizational approach to UOF by CDP officers.

Finding 43. In interviews, CDP personnel identified lack of strong interpersonal communication skills as an issue in officer interactions with community members. Officer demeanor and lack of understanding and meeting people where they were in the community continues to be an impediment to improved officer and community interactions.

The CDP's 2023 advanced in-service training outline has one training module specifically dedicated to interpersonal communication for Columbus Police Dialogue. It should be noted that the 2022 in-service training schedule listed de-escalation/deadly force and responding to mental health/crisis recognition as part of the curriculum.

Recommendation 43. *The CDP should establish additional annual training modules that focus on verbal communication and cultural awareness as part of the overall training requirements for officers, with particular focus on de-escalation.*⁵⁸

Ensure training, both in the academy and through advanced officer in-service training, addresses effective communication strategies, including procedural justice, trauma-informed interviewing, de-escalation, and crisis recognition.

Identify the potential of effective communication to reduce the perceived need for UOF.

Consider including review of the officer's BWC associated video as part of the initial engagement during a UOF incident to evaluate whether the officer used appropriate verbal communication before escalating to UOF.

Recommendation 43 rationale

Increased focus and dedicated standalone training courses as part of the curriculum provides officers with additional tools that empower them to communicate effectively, which may lessen the perceived need for force.⁵⁹

58. President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015), <https://portal.cops.usdoj.gov/resourcecenter?item=cops-p311>.

59. U.S. Department of Justice, *Law Enforcement Best Practices: Lessons from the Field* (Washington, DC: Office of Community Oriented Policing Services, 2019), <https://portal.cops.usdoj.gov/resourcecenter?item=cops-w0875>.

File Review Observations

Law enforcement agencies often enact policies, procedures, and operational protocols, but these do not always result in the desired performance or behavior of the agencies' individual members. One method to assess whether agencies are putting their policies into practice is to review investigative files and incident reports to ensure that policy requirements are being met and that investigations and incidents are being properly documented. As part of this review, the assessment team conducted a review of UOF reports and internal investigation reports on a variety of incidents involving UOF. The sampling of reports reviewed consisted of UOF at various levels, with the exception of levels 0–1. In addition, the reports resulted in a variety of dispositions, which enabled the review team to assess adherence to policy and to make determinations on the quality of the investigations undertaken and the resulting disciplinary decisions. Several findings based on the files reviewed are presented here.

Finding 44. Review of the UOF cases provided to the review team revealed that the forms, reports, and other documentation required by policy were consistently completed in a timely manner. Required approval signatures up through the chain of command were present and dated. The reports consistently detailed attempts by officers to employ de-escalation measures in response to resistance offered by subjects. These efforts were documented via checklists on the UOF reports as well as described in the officers' narratives detailing their actions in each incident.

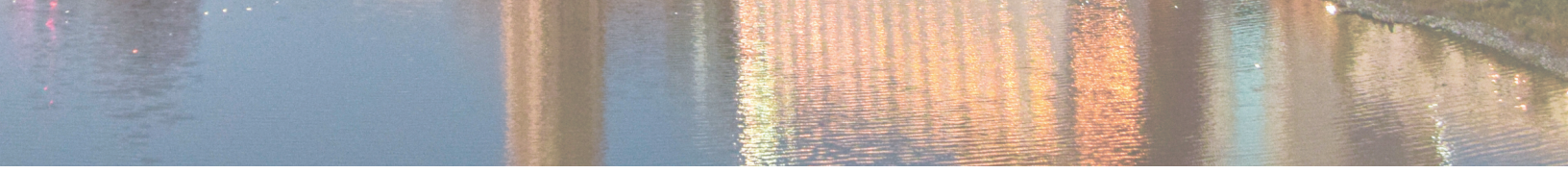
Supervisors responded to the scene of UOF incidents as required by CDP policy. In conducting their initial investigations, they asked appropriate questions of officers involved, witnesses, and subjects on the receiving end of UOF. Investigating supervisors did not ask leading questions and consistently asked for clarification on specific details regarding the officers' UOF.

The Use of Force Report forms, data collection forms, and arrest reports contained information that, if properly combined and analyzed in a database, would provide appropriate information for robust analysis of the force used by CDP personnel; however, because it is captured either on written forms or in the RMS, data collection, analysis, and case tracking is cumbersome at best.

Recommendation 44. *The CDP should consider transitioning to an electronic reporting system to aid in consistency of reporting accuracy, data integrity, data collection, data analysis, and case tracking.*

Recommendation 44 rationale

Although no issues with timely review of UOF cases were evident in the cases reviewed, the fact that case tracking is done via a departmental form referred to internally as the "Blue Sheet" leaves open the possibility of misplacing UOF case files in need of review. For consistency, it would be better to develop a system that allows for electronic forwarding and tracking of cases to remove this potential problem.



Finding 45. Case reviews found evidence that BWC recordings were not reviewed for a level 2 UOF, chemical spraying, that was allegedly deployed against a crowd engaged in a physical confrontation by officers on a special duty assignment. This may not have been a policy violation—CDP policy states that use of chemical spray in a crowd must be directed at specific individuals—but there was no way to verify if this was the case, as no arrests were made and BWC are not required for officers working special duty details because of a lack of available resources.

Recommendation 45. *The CDP should seek additional resources that would allow for all officers on duty, including special duty assignments, to be issued and required to wear BWC. In the interim, the CDP should consider requiring that at least one CDP member have a BWC or maintain another video record when engaging in crowd control or deploying chemical agents at a crowd.*

Recommendation 45 rationale

When there are no witnesses to a UOF other than the subject and the officers involved, it would be appropriate to view BWC footage to ensure compliance with CDP UOF policies. This enhanced accountability can protect CDP personnel from false complaints that may be lodged at a later date as well as protecting the public from unreported, unreasonable UOF. In the unfortunate occurrence of a serious use of force, the public will demand transparency, and the officers have a right to protection. Rectifying this resource gap should be a priority for CDP moving forward.

Conclusion

The CDP is staffed with capable professionals who care about their community. It appears that they have operated under a culture that was extremely resistant to change in the past, despite efforts by many to advocate for modernizing systems, technology, and operational practices. The CDP has a significant problem with UOF reporting and transparency because of its inability to collect and analyze data in a fashion that would allow for the type of reporting necessary to determine whether there are any negative issues associated with the agency's UOF practices. On the surface, the policies and protocols in place give the appearance of adequate accountability. However, in the absence of adequate reporting to track and monitor UOF, it is difficult if not impossible for the division to identify patterns and trends in its UOF practices. Because of the lack of systems integration, it cannot definitively state that it is doing things very well, nor can it identify any underlying problems that may exist. Based on the information available for review, there is no glaring evidence of excessive UOF happening at an unusually high rate in Columbus. Supervisory and investigative processes in place such as BWC reviews are consistently conducted and do not reveal evidence of widespread use of excessive force; however, streamlining reporting processes and increasing data analysis capabilities are necessary to confirm this observation.

Lower-level UOF are not tracked or analyzed in a way that would enable the CDP or the community to understand if or why a disparity exists. Demographic data are not collected or analyzed for low-level force; therefore, it cannot be determined if any specific population groups are involved in UOF incidents disproportionately or unjustly. This situation should be remedied as soon as possible. The CDP's transparent reporting of UOF data can help Columbus community members develop a greater sense of trust and confidence in their police department. It will also enable CDP leadership to feel confident that CDP personnel are living up to performance standards and policy expectations.

If the CDP commits to improving training for its members, implementing the recommended policy and protocol changes, working cooperatively with the DIG, and improving its technological and data analysis capabilities, it has the opportunity to dispel negative perceptions of the police department held by some members of the community. The increased level of transparency realized by the implementation of the recommendations offered in this report could result in strengthening ties between the community and the CDP. The CDP should capitalize on this opportunity to showcase its commitment and contributions to the overall safety and well-being of the people of Columbus.



Appendix A. About the Team

Edward Denmark, DA, Lead Subject Matter Expert

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Appendix B. Findings and Recommendations

Finding 1. Paragraph 1.19 of directive 1.01 Rules of Conduct establishes that sworn personnel shall use force only in accordance with law and division policy and procedures.

Recommendation 1. The CDP should consider explicitly citing related policy directives for reference to ensure that employees are able to quickly access policy expectations, guidance, and procedures for UOF.

Finding 2. Paragraph 1.20 of directive 1.01 Rules of Conduct states that division personnel shall carry firearms only in accordance with the law, and when in the line of duty, in accordance with division policy and procedure.

Recommendation 2. The CDP should consider citing specific related directives in directive 1.01 paragraph 1.20 to assist division personnel and members of the public by providing quick access to better guide officer decision-making and answer questions about the use of firearms without unnecessary delay.

Finding 3. Paragraph 1.21 of directive 1.01 Rules of Conduct states that sworn personnel shall not draw or display their firearms in public except for official inspection or use.

Recommendation 3. The CDP should consider referring division personnel to directives 2.01 Use of Force and 2.03 Firearms Regulations in the text of directive 1.01 paragraph 1.21, defining the term “use” in paragraph 1.21 to be consistent with directives 2.01 and 2.03, or both.

Finding 4. Directive 2.01 does not include language requiring that it be reviewed or when.

Recommendation 4. The CDP should consider adding language to its Directives Manual specifying that, per CALEA (Commission on Accreditation for Law Enforcement Agencies) standards, all directives will be reviewed every three years, with some critical directives receiving annual review. Specific review dates for individual directives are recorded by the CDP Research and Development Section consistent with the recommendations of the *National Consensus Policy on Use of Force*.

Finding 5. Directive 2.01 Use of Force begins with a list of definitions in section I, then moves directly into policy statements in section II. The definition section informs personnel what use of force is, describes the various levels of force, and loosely defines when force can be used. The policy statements section also explains what personnel can do and loosely when they can do it. What is missing is an explanation of why and how force should be used—and when it should be stopped.

Recommendation 5. The CDP should consider beginning the directive by clearly stating its purpose.

Finding 6. The definition of UOF is clear in directive 2.01; however, nowhere throughout the remainder of the definition section of the directive are the terms “resistive” or “aggressive” behavior defined.

Recommendation 6. The CDP should consider adding definitions of the terms “resistive” and “aggressive” to its UOF directive. In addition, the division may want to consider creating a section in the policy that states objectively reasonable force may not be the same for different types of resistance encountered, such as “passive resistance” and “active resistance.”

Finding 7. Directive 2.01, section I.B outlines the UOF levels of control used for reporting purposes at the CDP, with each force level having specific reporting requirements associated with the force used.

Recommendation 7. The CDP should consider defining what types of force are considered reasonable to address resistance offered by subjects they are attempting to control. It is recommended that agencies use the test of proportionality in assessing the appropriate level of force required to resolve a situation.

Finding 8. Directive 2.01, section II.A.3 discusses what determines reasonableness but does not go into any depth or description in defining subjective language such as “immediate threat,” “actively resisting,” or “severity of crime at issue.” All of these terms may be interpreted differently by individual officers.

Recommendation 8. The CDP should review whether there is value in developing a decision-making mode to assist officers in making appropriate UOF decisions. At a minimum, the CDP should define the terms “immediate threat” and “actively resisting” in its UOF directive to aid in clarity and consistent application of the directive.

Finding 9. Displaying a firearm is considered a level 0 use of force by CDP policy.

Recommendation 9. The CDP should differentiate between displaying a firearm and pointing a firearm by editing directive 2.10 to reflect that the display of a firearm is unholstering but not pointing directly at an individual and that pointing a firearm at a person is permissible only in situations where officers have reasonable suspicion based on articulable facts that a subject has committed a crime and is armed or otherwise poses a threat of death or serious bodily injury to officers or others present.

Finding 10. Directive 2.01, section II.B.2 reinforces the notion that police officers may use force to effect an arrest and should not desist from any official duty merely because resistance is offered.

Recommendation 10. The CDP should consider adding language to the policy to assist in clarifying expectations for sworn personnel when considering relying on a “tactical retreat” when dealing with a subject engaged in resistive behavior.

Finding 11. Directive 2.01, section II.A.6 allows for officers to use force during a medical emergency under certain circumstances, and section II.A.7 says that officers should take into consideration an unarmed person’s known mental health status before using force. These provisions stop short of stating that officers should not use deadly force against a subject who poses a threat only to themselves, consistent with national best practices.

Recommendation 11. The CDP should consider adding language to its policies that prohibits the use of deadly force on individuals who present a danger only to themselves and requires officers to carefully consider less-lethal options when confronted with these situations.

Finding 12. Directive 2.01, section II.B governs the use of deadly force by members of the CDP and is generally in line with current best practices. There are a few areas where some best practices call for complete prohibition on some activities, while others restrict some activities short of complete prohibition. For example, section II.B.3.b allows for officers to “fire a weapon at the driver of a moving vehicle or from a moving vehicle only when there is an articulable reasonable belief that the subject poses an immediate threat of death or serious physical harm” to themselves or others. Most guidance recommends prohibiting firing from a moving vehicle. The CDP’s restrictions on shooting *at* a moving vehicle are consistent with the IACP’s *National Consensus*

Policy on Use of Force but inconsistent with Campaign Zero’s *8 Can’t Wait* and PERF’s *Guiding Principles on Use of Force*, both of which allow shooting at a moving vehicle only when the driver poses a deadly threat by means other than the vehicle.

Recommendation 12. The CDP should review existing data on the frequency and effectiveness of firing at and from moving vehicles and discuss whether it wants to amend its policy because of the inherent danger shooting at moving vehicles poses to the general public and seek input on this issue from the Civilian Police Review Board (which will be discussed in “Civilian Oversight”) and other community stakeholders. The CDP should refrain from shooting at vehicles except in exigent circumstances where an officer has an articulable reason for the use of deadly force, someone in the vehicle is using or threatening deadly force by means other than the vehicle itself, or the vehicle is being operated in a manner that threatens to cause death or serious physical injury to the officer or others and no other objectively reasonable means of defense appears to exist, including moving out of the way of the vehicle.

Finding 13. The policy regarding firing of warning shots, directive 2.01, section II.B.7, is not restrictive enough to be consistent with the IACP’s *National Consensus Policy*. Specifically, CDP policy does not require that warning shots have a defined target and not be fired straight up in the air.

Recommendation 13. The CDP should review existing data on the frequency and effectiveness of warning shots considering their inherent risk and the division’s urban operational environment. Should the decision be to retain a policy permitting the use of warning shots, the CDP should include explicit policy requirements that an officer must have a defined target with a suitable safe backstop when firing.

Finding 14. Directive 2.01, sections III.A–H outline the procedures for reporting requirements for officers involved in a UOF incident. Each of the levels of control (0–8, as discussed in finding 7) has different reporting requirements under the policy. The reporting requirements under this policy are clear and detailed; however, policies that are overly detailed and complex are difficult for officers to remember and implement, which may increase the likelihood of reporting errors.

Recommendation 14. The CDP should consider simplifying and clarifying its UOF reporting requirements by consolidating them down to three levels.

Finding 15. For the year 2022, the CDP reported 260 tracked UOF.

Recommendation 15. The CDP should consider changing its UOF reporting and tracking requirements to include level 1 UOF to accurately illustrate when, where, and how often the force is used by members of the division. Demographic data on the subject(s) and officer(s) should be captured to aid in thorough analysis of UOF, and data on the type of calls and the subject’s alleged crime or crimes should be captured and analyzed to determine trends in UOF to aid in training and policy development.

Finding 16. The CDP does not accurately account for the number of UOF incidents when comparing UOF incidence to the total number of arrests in a given year.

Recommendation 16. The CDP should consider including level 0 and level 1 UOF when making comparisons between the number of arrests and the number of uses of force reported.

Finding 17. Level 1 UOF identified in the CDP 2022 *Use of Force Analysis – Year End Review* include grounding, tackles, and leg sweeps (690), arm bars (144), and pushing (94). These techniques account for only 928 of the 1,130 level 1 UOF incidents recorded in 2022. The remaining 202 level 1 UOF incidents are not specified in the report and may give the appearance of a lack of transparency in data reporting. Further inquiry revealed that the annual report contains data regarding only the three most frequently reported categories of level 1 UOF. The CDP does have records for all 1,130 level 1 UOF incidents, but it does not include them in the annual report.

Recommendation 17. The CDP should consider more vigorous tracking of the displaying of firearms and CEWs to determine if these displays are proportional to the alleged crime or call in which that level of force was used. It should also consider complete tracking of instances in which subjects are placed on the ground, tackled, or subjected to leg sweeps or arm bar takedowns as well as developing a category for miscellaneous empty-hand control techniques to allow for adequate public reporting of all UOF incidents.

Finding 18. Based on the CDP's reported UOF data, there is a disparity between reported and tracked UOF on people of color and White community members based solely on their representation in the population.

Recommendation 18. The CDP should track and analyze all levels of force, using appropriate and consistent demographic data collection, to determine the presence of implicit bias, racial animus, or other inappropriate determinants of the application of force, if any.

Finding 19. Based upon the data provided by the CDP, while racial disparity exists with reported and tracked UOF in Columbus, for all but levels 0 and 1, the disparity does not exist when examining the frequency of UOF compared to arrests.

Recommendation 19. The CDP should track all levels of force when connected with an arrest to determine if force is being applied in arrest situations with the same frequency, for like offenses, and for similar subject behavior.

Finding 20. UOF analysis relies on datasets gathered in separate computer systems and various data collection forms that require information to be manually entered into a database. These various systems are not integrated, which makes robust analysis of UOF data incomplete, time consuming, and susceptible to human error and does not promote transparency in the reporting of UOF.

Recommendation 20. The CDP should assess the current capabilities of its current RMS to determine if it is capable of capturing, analyzing, reporting, and distributing UOF data and reports in a meaningful, more efficient, way.

Finding 21. CEW data are analyzed; however, there is no breakdown of offenses or subject behaviors that lead officers to use CEW.

Recommendation 21. Data on the use of CEWs should be collected and compared to the types of offenses, subject behaviors, and de-escalation methods attempted before such use to determine any trends in CEW use both for training purposes and to identify any explanations for racially disparate application of the tool.

Finding 22. Demographic data collected on level 1 uses of force captures only sex/gender and does not capture information on race.

Recommendation 22. The CDP should collect data on all demographics, including race, on the U-10.128 *Use of Force Report* or by some other means to ensure that they can be analyzed relative to the use of level 1 force in Columbus.

Finding 23. The CDP's 2022 *Use of Force Analysis Report* attempts to explain the racially disparate use of force by highlighting the prevalence of Black offenders in relation to certain violent crimes and domestic violence. This justification is misleading because more than 70 percent of arrests made by the CDP are for "All Other Crimes" and not UCR violent crimes or domestic violence.

Recommendation 23. The CDP should stop comparing UOF to violent crime in its *Annual Use of Force Analysis Year End Review* report as this comparison is not a true indicator of the distribution of UOF throughout the population.

Finding 24. The CDP does not currently have an automated system in place for UOF data collection, reporting, and oversight.

Recommendation 24. The CDP should develop a central records management system that will track and maintain UOF records and track UOF investigations. Ensure the transparency for all UOF data by publishing monthly UOF data for review. Establish a standard operating procedure related to the storage, retention, archival, and accessibility of UOF data.

Finding 25. The CDP relies upon a manual, paper-based UOF incident review process. This process is inefficient, as there is considerable time between UOF incidents and review caused by hand-carrying reports to appropriate staff for review.

Recommendation 25. The CDP should establish a consistent process and protocol for review of UOF incidents, including a specific timeline for review for incidents using an automated distribution and tracking system.

Finding 26. Community complaints of excessive force are handled differently than complaints of excessive force identified during the course of a CDP UOF investigation, thereby creating the potential for disparate outcomes.

Recommendation 26. The CDP should develop a protocol collaboratively between the DIG and the CDP that provides for the referral of complaints of excessive force uncovered during the course of internal investigations to the DIG.

Finding 27. The CDP does not as a matter of protocol provide notice to the DIG of critical incidents involving officer UOF, including officer-involved shooting incidents.

Recommendation 27. The CDP should develop a protocol collectively among the DIG and the CDP that provides for timely notification of all critical UOF incidents.

Finding 28. The CDP's UOF practices and the sufficiency of the division's UOF investigative practices are not subject to independent review and analysis.

Recommendation 28. The CDP should engage in collaborative discussion with the DIG to develop a protocol enabling the systematic and timely review of the sufficiency of completed CDP investigations of UOF incidents.

Finding 29. The DIG was created and operationalized without the completion of a workload analysis to set the staffing level needed to fulfil its duties under the ordinance.

Recommendation 29. The CDP should engage in collaborative discussion among the CDP and the DIG to determine if a city charter amendment is necessary to implement the recommendations to investigate all allegations of excessive force and to do sufficiency reviews (findings 26 and 28) and if fulfilment of these recommendations will require an increase in staffing or other resources to the DIG.

Finding 30. Columbus Police Dialogue, an outreach unit with the mission of “mitigat[ing] the need for additional police intervention” at protests and other events, is a great vehicle for improving relationships with the Columbus community, and the CDP should consider engaging in moderated town halls addressing cultural competency issues surrounding police and their engagement with the diverse community of Columbus.

Recommendation 30. The CDP should develop a process for outreach to communities following significant UOF with a goal of providing transparency.

Finding 31. The CDP does not have a dedicated liaison to families of individuals (or individuals themselves) who are killed or seriously harmed by CDP officers.

Recommendation 31. The CDP should develop a policy that establishes a liaison to provide information to and serve as a point of contact for families and individuals killed or seriously injured in an officer-involved UOF incident.

Finding 32. The CDP completes an annual report analyzing its incidents of force, and that report is publicly available on the division’s website; however, it is not readily apparent on the division’s website where to locate this report and the report does not include all UOF incidents.

Recommendation 32a. The CDP should prominently display a link to the division’s annual UOF report from the division’s main web page.

Recommendation 32b. The CDP should include in its UOF annual report all levels of force, including level 0 and level 1, and include the demographics of the officer who used force and the demographics of whom force was used upon.

Finding 33. The training academy and special services units are responsible for storing, retaining, and archiving training data.

Recommendation 33. The CDP should develop a central RMS that will track and maintain training records. Ensure transparency for all training records—academy, in-service, and special services. Establish a standard operating procedure related to the storage, retention, archival, and accessibility of training records.

Finding 34. As part of the recruit training curriculum, the CDP engages in scenario-based UOF training, which is a law enforcement best practice.

Recommendation 34. The CDP should ensure advanced instructor training includes standards for observation based on best practices in classroom and scenario-based instruction such as consistent debriefing policies, real-time grading rubrics for student performance during scenarios, and an option to include group-led problem-based learning.

Finding 35. The CDP has not focused on changing the organizational culture around the former boxing program, which was a part of its defensive tactics training.

Recommendation 35. While the equipment continues to facilitate defensive tactics training, the CDP's stated reason for ending the live boxing program should be considered in determining whether the Academy continues to use the boxing ring. The CDP should ensure leadership and training academy staff commit to the organizational goal and messaging for any change in practice—specifically the modernization of UOF training—and provide change management overview and training as necessary.

Finding 36. Lack of personnel to adequately staff various units was a recurring theme identified by multiple stakeholders throughout this review as an issue impacting CDP functions including recruit and advanced training.

Recommendation 36. The CDP should identify ways to deliver training, including roll call training and distance-based training, that do not push the limited resources of training staff.

Finding 37. Training for the Special Services Unit, which includes SWAT, Aviation, and Canine, is performed by staff who are not Ohio Peace Officer Training Academy (OPOTA) certified.

Recommendation 37. The CDP should require all Special Services trainers receive OPOTA Certification in instructor development—or other recognized professional training certifications—to ensure consistent, professional standards for instruction and course content. Required training certifications should be maintained as part of a CDP comprehensive training records management system.

Finding 38. The CDP does not have an automated system to ensure instructor certifications remain active. Administration sergeants and other academy staff manually review the records and notify the officers when their certification is due for renewal. Officers are expected to monitor and maintain their certifications relative to renewals.

Recommendation 38. Consider developing an automated system for recording instructor certifications.

Finding 39. CDP officers promoted to the rank of lieutenant and above do not receive supplemental training for leadership or role development or UOF investigation. Newly promoted sergeants receive a two-hour block of instruction on how to report and conduct UOF investigations.

Recommendation 39. The CDP should develop structured training curricula for leadership, including role development for newly promoted staff, as part of advanced officer training.

Finding 40. The CDP relies upon a manual, paper-based UOF incident review process. All UOF incidents involving recruits are reviewed by training academy staff, including defensive tactics and probation program supervisors. CDP appropriately flags use of force incidents involving recruits that are not within policy or training.

Recommendation 40. The CDP should establish a consistent process and protocol for review of UOF incidents, including a specific timeline for review for incidents involving recruits.

Finding 41. This review identified that that UOF investigations lack consistency in the administrative review and disciplinary process. CDP officers have identified that unit commanders have made unilateral decisions related to an officer's UOF that may not conform to policy or training.

Recommendation 41. The CDP should establish supervisory roles, review standards and responsibilities, including next level oversight review, for UOF investigations.

Finding 42. The Employee Action Review System (EARS), used to identify patterns of behavior of police officers in use of force incidents, is a semiannual review process. CDP officers report and Jensen Hughes concurs that this semiannual review process is not sufficient to ensure timely intervention on escalating behaviors or training deficiencies.

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About Jensen Hughes

Since 1939, **Jensen Hughes** has been dedicated to fire protection engineering, initially in the United States and now worldwide. Today, their expertise, commitment, and passion extend across additional domains—including accessibility consulting, risk and hazard analysis, process safety, forensic investigations, security risk, and emergency management as well as digital innovation across many of their services.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When law enforcement and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has been appropriated more than \$20 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 136,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- More than 800,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations and the COPS Training Portal.
- More than 1,000 agencies have received customized advice and peer-led technical assistance through the COPS Office Collaborative Reform Initiative Technical Assistance Center.
- To date, the COPS Office has distributed more than nine million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.

The COPS Office also sponsors conferences, roundtables, and other forums focused on issues critical to law enforcement. COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, <https://cops.usdoj.gov>.

The COPS Office’s Collaborative Reform Initiative – Critical Response program provides targeted technical assistance to law enforcement agencies experiencing high profile events, major incidents, or sensitive issues of varying need. Following a series of organizational and leadership changes at the Columbus (Ohio) Division of Police (CDP), Jensen Hughes conducted a thorough, independent review and analysis of the CDP’s policies, procedures, and training and operational protocols pertaining to use of force. This publication presents the findings of that review and analysis and the recommendations arising from those findings.



COPS

Community Oriented Policing Services
U.S. Department of Justice

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Office of Community Oriented Policing Services
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To obtain details about COPS Office programs, call
the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at cops.usdoj.gov.