



## Ohio Administrative Code

### Rule 5120-9-01 Use of force.

Effective: October 19, 2019

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(A) As the legal custodians of a large number of potentially dangerous inmates, prison officials and employees are confronted with situations in which it may be necessary to use force to control inmates or respond to resistance. This rule identifies the circumstances when force may be used lawfully.

(B) As used in this rule and rules 5120-9-02 and 5120-9-03 of the Administrative Code:

(1) "Force" means the exertion or application of a physical compulsion or constraint.

(a) The mere application and use of restraints (such as handcuffs, waist or leg restraints) in connection with accepted procedures such as the transport, escort or movement of an inmate shall not in itself be considered a reportable use of force.

(b) The use of one's hands with minimal force such as may be necessary or incidental to the application of restraints, or to restrain, guide, support, or direct, etc., an inmate during procedures such as the transport, escort or movement of an inmate shall not in itself be considered a reportable use of force.

(c) If force, greater than minimal force, is needed to overcome the physical resistance of an inmate in order to apply restraints or otherwise gain control of the inmate, it shall be considered a reportable use of force.

(2) "Less-than-deadly force" means any force which could not reasonably be expected to result in the death of the person against whom it is directed.

(3) "Excessive force" means an application of force which, either by the type of force employed, or the extent to which such force is employed, exceeds that force which reasonably appears to be necessary under all the circumstances surrounding the incident.



(4) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person. Examples of deadly force include, but are not limited to, the following:

(a) Discharging a firearm in the immediate vicinity of or directed toward another person;

(b) Striking another person on the head with an instrument;

(c) Applying force or weight to the throat or neck of another.

(5) "Physical harm to persons" means any injury or other physiological impairment regardless of its gravity or duration.

(6) "Serious physical harm to persons" means any of the following:

(a) Any physical harm which carries a substantial risk of death;

(b) Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;

(c) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment which occurred as a result of a physical injury;

(d) Any physical harm which involves some permanent disfigurement or which involves some temporary, serious disfigurement;

(e) Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.

(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

(8) "Substantial risk" means a strong possibility, as contrasted with a remote or insignificant



possibility, that a certain result may occur or that certain circumstances may exist.

(9) "Immobilizing security restraints" means any appliance which secures the inmate in such a way that the inmate is prevented from rising, using toilet facilities, or eating. "Immobilizing security restraint" shall include, but is not limited to, what is known as "four-way" or "five-point" restraints. This does not include the use of handcuffs, leg irons or belly chain in the transport or movement of the inmate.

(C) Guidelines regarding the use of force. Force shall be used in accordance with the following guidelines.

(1) Amount of force. Staff members considering the use of force shall evaluate the need to use force based on the circumstances as known and perceived at the time it is considered.

(a) Staff may use force only to the extent deemed necessary to control the situation; staff shall increase or decrease the level of force as resistance increases or decreases.

(b) Staff should attempt to use only the amount of force reasonably necessary under the circumstances to control the situation and shall attempt to minimize physical injury.

(c) Force or physical harm to persons shall not be used as punishment.

(2) Less-than-deadly force. There are six general circumstances in which a staff member may use force against an inmate or third person. A staff member may use less-than-deadly force against an inmate in the following circumstances:

(a) Self-defense from physical attack or threat of physical harm.

(b) Defense of another from physical attack or threat of physical attack.

(c) When necessary to control or subdue an inmate who refuses to obey prison rules, regulations or orders.



- (d) When necessary to stop an inmate from destroying property or engaging in a riot or other disturbance.
  - (e) Prevention of an escape or apprehension of an escapee; or
  - (f) Controlling or subduing an inmate in order to stop or prevent self-inflicted harm.
- (3) Deadly force. Deadly force may only be used when the staff member reasonably believes that such force is necessary to accomplish any of the following:
- (a) To protect self or another from death or serious physical harm being caused or threatened by an inmate or another person;
  - (b) To prevent or halt the commission of an escape, or to apprehend an escapee, or;
  - (c) To prevent loss of control of the institution, or a significant part, or in order to regain such control.
- (4) Whenever possible, an appropriate oral warning shall be given prior to the use of deadly force. In no event shall a warning shot from a firearm be appropriate.
- (5) Medical attention for any individual injured during a use of force incident will be provided as soon as practical after the incident.
- (6) Force to achieve compliance: any use of force in which staff can prepare for the use of force. Staff shall call for assistance before using such force. When safe and reasonable to do so, such force should be directed by the shift supervisor or other ranking official and should be videotaped.
- (7) Reactive force- a use of force that is an immediate response to an immediate threat of harm to oneself or another; and the individual can safely and effectively respond to the threat.