

Ohio Department of Rehabilitation and Correction Administrative Rule		
Release	5120:1-1-39	Use of Force

(A) Parole and probation officers in the exercise of their legal duties as supervisors of a large number of releasees, some of whom have a history of aggressive violent behavior, may occasionally be confronted with situations which make it necessary to use force. The administrative regulation specifies the circumstances under which force may be used lawfully.

(B) As used in this Administrative Regulation:

(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.

(2) "Deadly force" means any force which carries a substantial risk that it will proximately result in the death of any person.

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

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

(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment.

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

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

(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 or prolonged or intractable pain.

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

(6) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

(C) There are five general situations in which an officer may legally use force against a releasee.

(1) Self-defense from an assault by a releasee.

(2) Defense of third persons, such as other employees, releasees, or by-standers, from an assault by a releasee.

(3) Controlling or subduing a releasee who refuses to obey a parole rule or regulation.

(4) Prevention of a crime.

(5) Prevention of an escape.

(D) An officer is authorized to use force, other than deadly force, when and to the extent he reasonably believes that such force is necessary to enforce the lawful rules and regulations of the adult parole authority.

(E) Physical harm to persons shall not be used as punishment.

(F) An officer is authorized to use force, including deadly force, when and to the extent he reasonably believes that such force is necessary to do any of the following.

(1) Protect self from death or serious physical harm from the unlawful use of force by a releasee.

(2) Protect another against death or serious physical harm from the unlawful use of force by a releasee or another person when there is reasonable belief that the protected person would be justified in using such force, if able.

(3) To apprehend a releasee.

(G) Whenever possible, an oral warning shall be given prior to the use of deadly force or when the circumstances may produce physical harm or serious physical harm to a releasee.

(H) When force of any kind is exerted on a releasee, an unusual incident report shall be submitted within twenty four hours to the chief of the adult parole authority.

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