



Ohio Administrative Code

Rule 5120-9-03 Inmate complaints of use of force where no use of force report has been made.

Effective: May 27, 2021

(A) A use of force by a staff member, as defined in rule 5120-9-01 of the Administrative Code, with no subsequent use of force report being made is contrary to department policy.

(B) The inspector of institutional services, (hereinafter referred to as the IIS,) of each institution shall have the responsibility of investigating inmate complaints of use of force by a staff member, where no report was filed.

(C) In the event of a complaint by an incarcerated individual of use of force, where no use of force report was made, the following procedure shall apply:

(1) Any incarcerated individual complaint of use of force, whether oral or written, received by any staff member, shall be immediately forwarded to the IIS. If the complaint is oral, the staff member receiving the complaint shall document it in an incident report and forward a copy to the IIS.

(2) Regardless of the manner in which a complaint of use of force is received, the staff member receiving the complaint shall insure that a prompt medical examination is made of the incarcerated individual upon who the use of force was allegedly used.

(3) Upon receipt of a complaint of a use of force, the IIS shall review all available camera footage.

(a) The IIS shall interview the incarcerated individual, the staff member(s) allegedly involved, and any other witnesses the IIS deems necessary, unless the camera footage demonstrates conclusively that a use of force did not occur.

(b) If camera footage is available and demonstrates conclusively that force DID NOT occur, the IIS may conclude their investigation without interviewing the incarcerated individual or any other person and proceed to paragraph (C)(5) of this rule.



- (c) Regardless of the determination, any camera footage that is reviewed shall be preserved for the same period of time as the report to the warden is preserved.
- (4) If the IIS determines that a use of force did occur the IIS shall require that appropriate use of force reports be filed.
- (5) The IIS shall prepare a report for the managing officer, which will include his or her findings, a summary of the evidence upon which the finding was based, and any and all relevant documentation, such as the incarcerated individual's written complaint, incident reports, and or use of force reports.
- (6) The managing officer shall then take action consistent with rule 5120-9-02 of the Administrative Code.