



Ohio Administrative Code Rule 5120:1-1-39 Use of force.

Effective: [March 22, 2021](#)

(A) Parole officers in the exercise of their legal duties as supervisors of a large number of parolees, releasees, and community control offenders, some of whom have a history of aggressive violent behavior, may occasionally be confronted with situations which make it necessary to use force. This 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) An officer is authorized to use force, other than deadly force, when and to the extent he or she reasonably believes that such force is necessary. There are five general situations in which an officer may legally use force against a parolee, releasee, or community control offender.

(1) Self-defense from an assault by a parolee, releasee, or community control offender.

(2) Defense of third persons, such as other employees, individuals under supervision, or by-standers, from an assault by a parolee, releasee or community control offender.,

(3) Controlling or subduing a parolee, releasee, or community control offender who refuses to comply with a condition of supervision.

(4) Prevention of a crime.

(5) Prevention of an escape.

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

(E) Generally, an officer acting within the scope of his or her duties, is authorized to use deadly force, when and to the extent he or she reasonably believes that such force is necessary to defend oneself or another person from serious physical injury or death .

(F) The use of chokeholds or other vascular neck restraints is prohibited in all circumstances except



when officers are justified in using deadly force to defend themselves or others from serious physical injury or death.

(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 or community control offender.

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