



CITY OF CLEVELAND
Mayor Frank G. Jackson



From: Office of the Mayor and Cleveland Division of Police

Daniel Williams, Director of Media Relations
Office of the Mayor
(216) 664-4011

SGT Jennifer Ciaccia, Public Information Officer
Cleveland Division of Police
(216) 623-5033

FOR IMMEDIATE RELEASE:
October 4, 2016

City of Cleveland Seeks Public Feedback on New General Police Order

CLEVELAND – The City of Cleveland announced today that a new General Police Order (GPO) establishing guidelines for the reporting and documenting of all use of force incidents is now available for public view and comment. The GPO was developed in cooperation with the Consent Decree Monitoring Team, the Department of Justice and the United States Attorney's Office.

The newly developed GPO will remain in draft form until the public comment period has expired. Mayor Frank G. Jackson and Chief of Police Calvin D. Williams welcome and encourage the public to participate in this feedback process prior to the development of final policies, which are anticipated to become effective in early 2017.

View the proposed policies and provide feedback here:

<http://www.clevelandpolicemonitor.net/use-of-force/>

###



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE :	REVISED DATE: <b style="text-align: center;">PROPOSED	NO. PAGES: <b style="text-align: center;">1 of 4	NUMBER:
SUBJECT: <b style="text-align: center;">USE OF FORCE REPORTING			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE:			

PURPOSE: To establish guidelines for the reporting of all use of force responses and for documenting objective reasonableness, necessity and proportionality after a use of force response.

POLICY: Officers shall clearly, thoroughly and properly report use of force incidents. The necessity for each application of force shall be documented, identifying the uniqueness of each situation and justifying every force response.

PROCEDURES:

I. Use of Force Notification Guidelines

- A. Officers who use or witness force shall contact the Communication Control Section and request that their supervisor respond to the scene as soon as practical following any use of force, except for de minimis force.
- B. An officer who becomes aware of an allegation of unreported, unreasonable, unnecessary or disproportionate force by another officer shall immediately notify his or her supervisor of that allegation.

II. Use of Force Reporting General Guidelines

- A. Officers shall report all uses of force except for de minimis force.
- B. All use of force reports shall be completed with sufficient detail to permit a thorough and appropriate investigation.
- C. Officers shall not use conclusory statements, “boilerplate” or “canned” language (e.g., furtive movement, fighting stance), without supporting details that are well articulated in the required reports.
- D. Every application of force by an officer is classified according to the following levels:
 - 1. **Level 1 Use of Force:** Force that is reasonably likely to cause only transient pain and/or disorientation during its application as a means of gaining compliance, including pressure point compliance and joint manipulation techniques, but that is not reasonably expected to cause injury, does not result in an actual injury, and does not result in a complaint of injury. It does not include escorting, touching, or handcuffing a subject with no or minimal

PAGE: of 4	SUBJECT: USE OF FORCE REPORTING	GPO NUMBER:
---------------	---	-------------

resistance. Un-holstering a firearm and pointing it at a subject is reportable as a Level 1 use of force.

2. **Level 2 Use of Force:** Force that causes an injury, could reasonably be expected to cause an injury, or results in a complaint of an injury, but does not rise to the level of a Level 3 use of force. Level 2 includes the use of a CEW, including where a CEW is fired at a subject but misses; OC Spray application; weaponless defense techniques (e.g., elbow or closed-fist strikes, kicks, leg sweeps, and takedowns); use of an impact weapon, except for a strike to the head, neck or face with an impact weapon; and any canine apprehension that involves contact.
3. **Level 3 Use of Force:** Force that includes uses of deadly force; uses of force resulting in death or serious physical harm; uses of force resulting in hospital admission due to a use of force injury; all neck holds; uses of force resulting in a loss of consciousness; canine bite; more than three applications of an CEW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers, an CEW application for longer than 15 seconds, whether continuous or consecutive; and any Level 2 use of force against a handcuffed subject.

- E. Officers shall report uses of force in accordance with the reporting requirements of the highest level of force used.

III. Involved Officer Reporting Requirements

- A. Officers Using Level 1 and Level 2 Force shall:
 1. By the end of their tour of duty, complete an individual Blue Team Use of Force entry providing a detailed account of the incident from the officer's perspective and including all of the following information:
 - a. The reason for the initial police presence.
 - b. A specific description of the acts that preceded the use of force, to include attempts to de-escalate.
 - c. The level of resistance encountered.
 - d. A complete and accurate description of every type of force used or observed.
- B. Officers Using Level 3 Force shall:
 1. By the end of their tour of duty, complete an individual Blue Team Use of Force entry as directed by the Officer-in Charge of FIT. (Refer to FIT GPO)
 2. Comply with all additional directives from the Officer-in Charge of FIT. (Refer to FIT GPO)

IV. Witness Reporting

- A. Officers Witnessing or Present During a Use of Force shall:

PAGE: of 4	SUBJECT: USE OF FORCE REPORTING	GPO NUMBER:
---------------	---	-------------

1. By the end of their tour of duty, complete an officer/witness narrative statement (Attachment A) providing a detailed account of the incident from the officer's perspective and including all of the following information:
 - a. The reason for the witnessing officer's police presence.
 - b. A specific description of the observed acts that preceded the use of force, to include any observed attempts to de-escalate.
 - c. Level of resistance observed.
 - d. A complete and accurate description of every type of force observed.
2. Submit the witness narrative statement to the reviewing supervisor or Officer-in-Charge of FIT for review/signature.

B. Officers Witnessing Level 3 Force shall:

1. In addition to completing a witness narrative statement as described in IV, A,1(a – d) comply with all directives from the Officer-in-Charge of FIT. (Refer to FIT GPO)

C. Citizens and Non-Division Law Enforcement Officers

1. Citizens and non-division law enforcement officers who witness force and are unable or unwilling to give a video recorded statement may make a written statement on a witness narrative (Attachment A).
2. The witness narrative will then be submitted to the reviewing supervisor.

V. Additional Reporting Requirements

A. CEW

1. Officers deploying their CEW shall clearly articulate in their Blue Team entry justification for the following:
 - a. Each CEW cycle used on a subject or attempted on a subject.
 - b. Use of the CEW in drive stun mode.
 - c. A CEW application of more than 15 seconds.
 - d. Each CEW cycle in excess of three 5-second CEW cycles in total on any one subject during a single incident.
 - e. Continuous cycling of the CEW.
 - f. Use of the CEW on a fleeing subject.
 - g. CEW application by more than one officer.

B. Deployment of a Canine (Refer to GPO Use of Force - Definitions and Use of Force - Investigations, Canine Unit Manual)

1. Other than during training, if a canine deployment does not involve a use of force, the canine officer shall document the incident using Blue Team.
2. Deployment of a canine that involves physical contact shall be reported as a Level 2 or Level 3 use of force.

C. Pointing of a Firearm

1. Un-holstering a firearm or un-holstering and keeping the firearm at the low ready position, high ready position, or "SUL" position, without pointing it at an individual, is not a use of force.

PAGE: of 4	SUBJECT: USE OF FORCE REPORTING	GPO NUMBER:
---------------	------------------------------------	-------------

2. Un-holstering and pointing a firearm at a subject is considered a Level 1 reportable use of force.
 - a. The following are exceptions to this reporting requirement:
 - i. SWAT Unit officers are not required to report the pointing of a firearm at a subject as a use of force during the execution of SWAT Unit duties.
 - ii. Officers who are deputized and assigned to a Federal Task Force are not required to report the pointing of a firearm at a subject as a use of force when conducting federal task force operations during which a supervisor is present. The task force supervisor shall forward any reports or forms regarding any such incidents to the commander in their chain of command.
 - iii. Officers assigned to the Gang Impact, Narcotics, Homicide, Sex Crimes, Domestic Violence, and Financial Crimes Units shall not be required to report the pointing of a firearm at a subject as a use of force if done solely while entering and securing a building in connection with the execution of an arrest or search warrant and a supervisor prepares a report detailing the incident provided to the commander in their chain of command.
 - iv. These exceptions shall apply to uniformed officers assigned to duties with all of the above excepted units while performing duties assigned by the supervisor during the execution of the warrant(s).

VI. Failure to Report Use of Force

- A. Officers shall be subject to the disciplinary process for material (substantial) omissions or misrepresentations in their Use of Force Reports.
- B. Officers who use or observe force and fail to report it shall be subject to the disciplinary process, up to and including termination, regardless of whether the force was objectively reasonable, necessary and proportional.

VII. Heightened Responsibilities for Reporting Exceptional Uses of Force

- A. In the rare and exceptional circumstances that officers use force that would otherwise be prohibited by Division policy, they must justify the use of force by articulating the specific facts that led to such a use of force. Officers must describe, in detail, the objective reasonableness, necessity, and proportionality of the force that was used, the actions of the subject that constituted immediate danger and grave threat to the officers or others, the officer's efforts to de-escalate the encounter, why the officer believed that no other force options, techniques, tactics or choices consistent with Division policy were available, and how rapidly the officer was able to return to compliance with Division policies.
- B. Failure to adequately document and explain the facts underlying any use of force that is in conflict with Division policies may subject the officer to the disciplinary process, possible criminal prosecution, and /or possible civil liability.