



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE :	REVISED DATE: <b>PROPOSED</b>	NO. PAGES: 1 of 6	NUMBER:
SUBJECT: <b>USE OF FORCE: GENERAL</b>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE:			

*This General Police Order has been revised in its entirety*

**PURPOSE:** To establish guidelines for officers of the Cleveland Division of Police relative to the use of force, and to provide direction and clarity, in those instances when a subject's actions require an appropriate use of force response.

**POLICY:** It is the policy of the Division to use only that force which is necessary, proportional to the level of resistance, and objectively reasonable based on the totality of circumstances confronting an officer. Officers shall also take all reasonable measures to de-escalate an incident and reduce the likelihood or level of force. Any use of force that is not necessary, proportional, and objectively reasonable and does not reflect reasonable de-escalation efforts, when safe and feasible to do so, is prohibited and inconsistent with Divisional policy.

**PRINCIPLES:**

**I. General**

- A. The use of force is regulated by state and federal law and is not left to the unregulated discretion of the officer. Use of force decisions are dictated by the actions of the resistant or combative subject, the law, Division policy, proper tactics, and training.
- B. Officers will be held accountable to the Division's use of force policies on-duty and off-duty.
- C. These principles apply to all uses of force, not only the use of deadly force.

**II. Necessity**

- A. **ALL FORCE MUST BE NECESSARY TO ACHIEVE A LAWFUL OBJECTIVE**
- B. Officers shall use force only as necessary, meaning only when no reasonably effective alternative to the use of force appears to exist, and then only to the degree which is reasonable to effect the intended lawful objective.
- C. Force has a lawful objective when it is used for any of the following:
  - 1. To effect a lawful arrest or detention of a subject

PAGE: 2 of 6	SUBJECT: USE OF FORCE: GENERAL	GPO NUMBER:
-----------------	-----------------------------------	-------------

2. To gain control of a combative subject
3. To prevent or terminate the commission of a crime
4. To intervene in a suicide or self-inflicted injury
5. To defend or protect an officer or an individual from the violent or resistant physical acts of another

### III. Proportionality

- A. **ALL FORCE MUST BE PROPORTIONAL TO THE LEVEL OF THE SUBJECT'S RESISTANCE.**
- B. To be proportional, the level of force applied must reflect the totality of the circumstances known to the officer at the time force was applied. Generally, only the amount of force required to control the subject shall be used by the officer.

### IV. Objective Reasonableness

- A. **ALL FORCE MUST BE OBJECTIVELY REASONABLE**
- B. Objectively Reasonable Force is a level of force that is appropriate when analyzed from the perspective of a reasonable officer on scene, rather than with 20/20 hindsight. Objective reasonableness takes into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. All uses of force are analyzed under the Fourth Amendment as guided by the United States Supreme Court. Graham v. Connor (490 U.S. 386 (1989)).
- C. Officers shall assess each incident and determine, based on law, policy, training, and experience, which level of force should be used to control the situation in the safest manner for all individuals involved. Reasonable and sound judgment will dictate the force option to be deployed.
- D. The reasonableness inquiry with respect to force is an objective one, whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting and reasonably known to the officer at the time of the incident. These factors include, but are not limited to the following:
  1. The severity of the crime(s) at issue
  2. Whether the subject is actively resisting arrest or attempting to evade arrest by flight
  3. Whether the subject poses an immediate threat to the safety of the officer(s) or others
- E. Officers shall consider the following officer/subject factors and circumstances when choosing a force response, including for example, how the presence of one or more of these factors could impair a subject's ability to comply with officer commands or affect the nature or degree of the threat presented:
  1. The influence of drugs and/or alcohol or the mental capacity of the subject
  2. The time available to an officer to make decisions
  3. The availability of officers/resources to de-escalate the situation
  4. The proximity or access to weapons by the subject
  5. Reasonably apparent medical or other physical conditions
  6. The differences between the officer's and the subject's:

PAGE: 3 of 6	SUBJECT: USE OF FORCE: GENERAL	GPO NUMBER:
-----------------	-----------------------------------	-------------

- a. Age
  - b. Gender
  - c. Body size
  - d. Skill level
  - e. Relative strength
  7. Injury or exhaustion
  8. Officer's and subject's position (e.g., being on the ground)
  9. The officer's distance from the subject(s)
  10. The officer's special knowledge or training
  11. Degree to which the subject is already restrained (handcuffed, physically controlled by others, or whose mobility has been otherwise severely compromised).
- F. The unreasonable use of force shall subject officers to the disciplinary process, possible criminal prosecution, and/or possible civil liability.

## V. De-Escalation

- A. **OFFICERS SHALL USE DE-ESCALATION TECHNIQUES WHEN IT IS SAFE AND FEASIBLE TO DO SO UNDER THE TOTALITY OF THE CIRCUMSTANCES.** (Refer to De-escalation GPO #?).
- B. Officers shall continue to assess/evaluate whether the force response being deployed remains proportional to the changing nature of the threat or circumstances being encountered, while still achieving the lawful objective. Officers shall reduce the level of force applied as the nature of the threat diminishes.

## PROCEDURES:

### I. General Procedures

- A. When feasible, officers shall attempt to identify themselves as police officers and make an attempt to advise subject(s) of their intent to detain, arrest, or search a subject before using force.
- B. Where feasible, and to do so would not increase the danger to officers or others, officers shall issue a verbal warning to submit to their authority prior to the use of force.
- C. Officers shall take all reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other involved civilians, as well as other officers and emergency personnel.
- D. Officers shall consider their surroundings when un-holstering or before discharging their firearms and shall avoid unnecessary risk to bystanders, victims, and other officers.
- E. Officers shall notify a supervisor to respond to the scene of any reportable use of force incident.
- F. Officers shall promptly, accurately, and thoroughly document the reasons for and types of force used.

PAGE: 4 of 6	SUBJECT: USE OF FORCE: GENERAL	GPO NUMBER:
-----------------	-----------------------------------	-------------

II. Deadly Force: When Authorized (Tennessee v. Garner, 471 U.S. 1 (1985)).

- A. All of the provisions of this policy, including the Division's commitment to recognizing the sanctity of human life and requirements that officers use only the degree of force necessary under the circumstances governing force, also govern deadly force. (See "Principles")
- B. Deadly force may be used only if a subject, through their own actions, poses an imminent threat of death or serious physical harm to an officer or another.
- C. Deadly force may be used to prevent the escape of a fleeing suspect only when an officer would reasonably believe, under the circumstances, that it is necessary, and there is probable cause to believe that:
  - 1. The suspect is in the process of committing or has committed a violent felony involving the infliction or threatened infliction of serious physical harm or death and the suspect would pose a continuing imminent threat of serious physical harm, either to the officer or others; OR
  - 2. The escape of the suspect would pose an imminent danger of death or serious physical harm to the officer or to another if the suspect is not apprehended without delay;

And, where feasible, some warning has been given.

III. Use of Force: When Prohibited

- A. Consistent with the principles of necessity, proportionality, objective reasonableness, and de-escalation, **Officers shall not:**
  - 1. Use force to subdue a subject(s) who is not suspected of any criminal conduct, other than to protect an officer's or another person's safety.
  - 2. Use retaliatory force (which includes, but is not limited to, force in excess of what is objectively reasonable to prevent an escape, force to punish individuals for fleeing or otherwise resisting arrest, force used to punish an individual for disrespecting officers, and other such circumstances).
  - 3. Use force against subject(s) who only verbally confront officers and are not involved in criminal conduct.
  - 4. Use force against subject(s) who are handcuffed or otherwise restrained, unless it is objectively reasonable and necessary under the circumstances to stop an assault, escape, or as necessary to fulfill other law enforcement objectives.
  - 5. Un-holster and display or un-holster and point a firearm unless the circumstances surrounding the incident create an objectively reasonable belief that the situation may escalate to the point at which deadly force would be authorized.
  - 6. Use force to overcome passive resistance, except where it is necessary, proportional, and objectively reasonable to achieve a legitimate law enforcement objective.
  - 7. Use force against those who are exercising their First Amendment rights. Physically moving a subject is permitted when it is necessary and objectively reasonable for the safety of that individual or the public. It shall be done with sufficient personnel so as

PAGE: 5 of 6	SUBJECT: USE OF FORCE: GENERAL	GPO NUMBER:
-----------------	-----------------------------------	-------------

not to endanger the subject or the officers and will not be considered a reportable use of force unless it meets the criteria of a Level 1, Level 2, or Level 3 use of force.

8. Carry weapons that are not authorized or approved by the Division.
  9. Use a firearm as an impact weapon.
  10. Fire warning shots.
  11. Use **deadly** force solely to protect property or solely to effectuate an arrest.
  12. Use neck holds.
  13. Discharge a firearm from or at a moving vehicle, unless use of deadly force is justified by something other than the threat from the moving vehicle. (Refer to GPO 3.2.02 Vehicle Pursuits)
  14. Reach into, or place themselves in the path of a vehicle Officers shall move out of the path of a moving vehicle. (Refer to GPO 3.2.02 Vehicle Pursuits)
  15. Discharge a firearm at a threat that is not verified and visible.
  16. Use head strikes with hard objects.
- B. In rare and exceptional situations where, under the facts and circumstances confronting the officer, a reasonable officer would believe that (a) the use of deadly force would be objectively reasonable, necessary, and proportional according to this policy, and (b) the subject's actions constitute an immediate danger and **grave threat** to officer or others, and (c) no other force options, techniques, tactics, or choices consistent with the Division's policy are available, it may be necessary for an officer to take extraordinary or unanticipated actions in order to overcome the threat.

In these rare and exceptional situations, officers must specifically articulate and justify with particularity the specific tactic(s) or action(s) employed and the reasons why their actions met each of the criteria (a), (b), and (c) set forth above. The officer's actions, including all actions preceding the use of deadly force, shall be subject to strict review.

#### IV. Duty To Intervene

- A. Officers who are present at the scene of a police use of force are obligated to ensure that the use of force complies with the requirements of the law, Division rules, policy, and training.
- B. Each officer at the scene of a use of force incident has a duty to intervene by taking all reasonable actions to stop any use of force that is perceived to be unauthorized by this policy.
- C. Officers witnessing suspected unreasonable force shall factor into their response their ability to de-escalate the use of force. The officer's response may range from physical intervention, to voice commands, to appropriate after-action notification. If reasonably able to do so, the officer shall:
  1. Physically intervene to stop the objectively unreasonable force.
  2. Take protective custody of the subject being subjected to the apparent unreasonable force.
  3. Ensure that medical care is provided as needed.
  4. Report the suspected unreasonable use of force to the next non-involved supervisor in their chain of command, document the same in their duty report, and complete a Form-

PAGE: 6 of 6	SUBJECT: USE OF FORCE: GENERAL	GPO NUMBER:
-----------------	-----------------------------------	-------------

1 detailing the use of force and surrounding circumstances as soon as safe and practical, before the end of the tour of duty.

## V. Duty to Provide Medical Attention

- A. Immediately following any use of force and when the scene is secure, officers, and upon their arrival, supervisors, shall inspect and observe subject(s) for injury or complaints of pain resulting directly or indirectly from the use of force.
- B. If needed, officers and supervisors shall immediately obtain any necessary medical care while providing emergency first aid until professional medical care providers arrive.
- C. Officers shall immediately request Emergency Medical Services (EMS) to respond for the following Use of Force applications regardless of visible injury or complaint of injury:
  - 1. Discharges of a firearm that strike a subject
  - 2. Impact of subject's head against a hard, fixed object.
  - 3. Any use of force on subjects who are reasonably believed or known to be pregnant, children, elderly, physically or medically frail, or disabled.
  - 4. Refer to GPO??? Use of Force-Intermediate Weapons for additional situations requiring a request for EMS.
- D. Whenever EMS is requested, officers shall be sure the scene is tactically safe, or, when tactically unsafe for EMS response, the subject should be transported to a safe location for treatment without unnecessary delay.
- E. Officers shall closely monitor subjects who are taken into custody if the subject is injured, exhibits physical distress, complains of pain, or has been rendered unconscious.

## VI. Training

- A. Officers shall be trained and tested at least yearly on the law, Division policy regarding the use of force, and appropriate methods to effect arrests.



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE :	REVISED DATE: <b>PROPOSED</b>	NO. PAGES: <b>1 OF 3</b>	NUMBER:
SUBJECT: <b>USE OF FORCE: DEFINITIONS</b>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE:			

**PURPOSE:** To define terminology used in the Cleveland Division of Police Use of Force Policies.

## DEFINITIONS:

**Canine Apprehension:** When a canine is deployed and plays a clear role in the capture of a person. The mere presence of a canine at the scene of an arrest or use of a canine solely to track a subject will not count as a canine apprehension.

**De Minimus Force:** Physical interactions meant to guide and/or control a subject that do not constitute reportable force (e.g. use of control holds that do not cause pain and are not reasonably likely to cause pain; using hands or equipment to stop, push back, separate, or escort a person in a manner that does not cause pain, and are not reasonable likely to cause any pain).

**De-escalation:** Is the process of taking action to stabilize the situation and reduce the immediacy and level of a threat so that more time, options, and resources are available to resolve the situation and gain voluntary compliance. De-escalation techniques may include, but are not limited to, gathering information about the incident, assessing the risks, verbal persuasion, advisements and warnings, and tactical de-escalation techniques, such as slowing down the pace of the incident, waiting out subjects, creating distance (reactionary gap) between the officer and the threat, repositioning, and requesting additional resources (e.g., specialized CIT officers or negotiators).

**Deadly Force:** Is any action that is likely to cause or does cause death or serious physical harm. It may involve firearms, but also includes any force or instrument of force (e.g. vehicle, edged weapon) capable of causing death or serious physical harm. Deadly force includes firing at or in the direction of a subject, head and/or neck strikes with any hard object, and any action that restricts the blood or oxygen flow through the neck.

**FIT (Force Investigation Team):** FIT is a team within the Internal Affairs Unit, comprised of personnel with specialized training and expertise from various units. FIT membership shall be tailored to the circumstances of each investigation, but normally includes one or more FIT detectives, the FIT Sergeant, an Office of Professional Standards investigator, an Internal Affairs investigator, and a Homicide Unit supervisory officer, who will serve as the Team's leader. OPS investigators will not participate in criminal investigations. At least one supervisory member of FIT will be available at all times to evaluate potential

PAGE: 2 of 3	SUBJECT: USE OF FORCE: DEFINITIONS	GPO NUMBER:
-----------------	---------------------------------------	-------------

referrals from supervisors. FIT Team will conduct investigations as specified in GPO (forthcoming upon future completion and approval of FIT policy).

**Force:** Means the following actions by an officer: any physical strike, (e.g., punches, kicks), any intentional contact with an instrument, or any physical contact that restricts movement of a subject. The term includes, but is not limited to, the use of firearms, electronic control weapon (CEW- e.g. Taser), ASP, chemical spray, hard empty hands, or the taking of a subject to the ground. Reportable force does not include escorting or handcuffing a subject, with no more than minimal resistance.

**Intermediate Weapons:** Weapons that interrupt a subject's threatening behavior so that officers may take control of the subject with less risk of injury to the subject or officer than posed by greater force applications, including but not limited to the ASP batons, and Conducted Electrical Weapon (CEW), Oleoresin Capsicum (OC) Spray and the beanbag shotgun.

**Law Enforcement Officer:** includes; without limitation, all City of Cleveland police officers and any other law enforcement officers (including federal agents, state and county enforcement officers, and any other police officer of a foreign agency.)

#### Levels of Force:

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

**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.

**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 a 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; a CEW application for longer than 15 seconds, whether continuous or consecutive; and any Level 2 use of force against a handcuffed subject.

#### Levels of Resistance:

**Active Resistance:** Refers to instances in which a subject takes physical actions to defeat an officer's attempts to place the subject in custody and/or take control, but is not directed toward harming the officer. Active resistance may include but is not limited to pushing away, hiding from detection, fleeing, tensing arm muscles to avoid handcuffing, or pulling away from an officer who

PAGE: 3 of 3	SUBJECT: USE OF FORCE: DEFINITIONS	GPO NUMBER:
-----------------	---------------------------------------	-------------

is using force in the lawful performance of their duties. Verbal statements alone do not constitute active resistance.

**Aggressive Physical Resistance:** Refers to instances in which a subject poses a threat of harm to the officer or others, such as when a subject attempts to attack or does attack an officer; exhibits combative behavior.

**Passive Resistance:** Refers to instances in which a subject does not comply with an officer's commands and is uncooperative but is nonviolent and prevents an officer from placing the subject in custody and/or taking control. Passive resistance may include but is not limited to standing stationary and not moving upon lawful direction, falling limply and refusing to move (dead weight), holding onto a fixed object, linking arms to another during a protest or demonstration, or verbally signaling an intention to avoid or prevent being taken into custody.

**Necessary:** Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to effect a lawful purpose.

**Neck Hold:** Is a hold around the neck that may restrict the flow of oxygen or blood through the neck.

**Officer Involved Shooting:** is an event that irrespective of injury, involves any firearm discharge by a police officer other than: authorized firearms training, an accidental shooting not resulting in injury or death, or the necessary destruction of a sick or injured animal.

**Reportable Force:** Refers to force that officers must document and report in the manner outlined by the Use of Force Reporting Policy, GPO#?. Cleveland Division of Police uses of force are divided into three levels of response. The three levels for the reporting and subsequent inquiry and review of uses of force correspond to the level of force used and/or the outcome of the force.

**Proportional:** To be proportional, the level of force applied must reflect the totality of circumstances surrounding the immediate situation, including the presence of an imminent danger to officers or others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater level of force that may be proportional, objectively reasonable, and necessary to counter it.

**Serious Physical Harm:** Any physical harm that carries a substantial risk of death; any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity; any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement; any physical harm that involves acute pain of such duration as to result in substantial suffering or involves any degree of prolonged or intractable pain. (ORC 2901.01)



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE :	REVISED DATE: <b>PROPOSED</b>	NO. PAGES: <b>1 OF 3</b>	NUMBER:
SUBJECT: <b>DE-ESCALATION</b>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE			

**PURPOSE:** To establish guidelines for officers of the Cleveland Division of Police relative to de-escalating situations in order to gain voluntary compliance and to reduce the need to use force.

**POLICY:** Policing, at times, requires that an officer may need to exercise control of a violent or resisting subject, or a subject experiencing a mental or behavioral crisis. At other times, policing may require an officer to serve as a mediator between parties, or defuse a tense situation. Officers shall use de-escalation tactics and strategies when safe under the totality of the circumstances and time and circumstances permit. Officers have the ability to impact the direction and outcome of the situation with their decision making and employed tactics.

**PROCEDURES:**

**I. De-escalation Tactics and Techniques**

- A. De-escalation tactics and techniques are proactive actions and approaches used by officers, when feasible, to gain the voluntary compliance of subject(s) and reduce or eliminate the need to use force.
- B. When possible and appropriate, before using force and to reduce the need for force, officers shall attempt to slow down the situation so that more time, options and resources are available for the incident to be resolved.
- C. Officers shall consider whether a subject’s lack of compliance is a deliberate attempt to resist or an inability to comprehend and/or comply based on, but not limited to the following:
  - 1. Medical condition
  - 2. Mental impairment
  - 3. Developmental disability
  - 4. Physical or hearing impairment
  - 5. Language barrier
  - 6. Drug and/or alcohol use
  - 7. Mental and/or behavioral health crisis or condition
  - 8. Perceived age of a child

PAGE: 2 of 3	SUBJECT: DE-ESCALATION	GPO NUMBER:
-----------------	---------------------------	-------------

- D. When deciding which tactical options are the most appropriate to bring the situation to a safe resolution, the officer's awareness of the above factors (Paragraph I. C.) shall be weighed in light of the facts of the incident and the totality of the circumstances facing the officer.
- E. De-escalation techniques shall be used, if feasible, once officers assess any threats present at the incident. The nature and immediacy of the threat will help determine what de-escalation or other tactics an officer may use to address the threat. In determining whether and what de-escalation techniques may be appropriate, officers should also:
1. Determine whether the subject is in a mental health/behavioral crisis.
    - a. If the subject is in a mental health/behavioral crisis, officers shall call a Specialized CIT Officer to the scene. Specialized CIT officers who are dispatched to an incident involving an individual in crisis will have primary responsibility for the scene unless or until a supervisor arrives and assumes responsibility. (Refer to Crisis Intervention GPO 3.2.06).
    - b. If a supervisor has assumed responsibility for the scene involving a subject in a mental health/behavioral crisis, the supervisor will seek the input of a specialized CIT officer regarding strategies for resolving the crisis where it is reasonable for them to do so.
    - c. If the subject is not in a mental health/behavioral crisis, officers shall de-escalate in accordance with this policy.
- F. De-escalation techniques include:
1. Proactive use of distance, cover, concealment, and time
    - a. Separate yourself from the threat and create a safe distance to speak with subject(s). This allows you to assess the situation and your options, bring additional resources to the scene, and develop a plan for resolving the incident without use of force.
    - b. Place barriers between an uncooperative subject and yourself.
    - c. Move from a position that exposes you to potential threats to a safer position.
    - d. Avoid physical confrontation, unless immediately necessary (for example, to protect someone or to stop behavior that creates an imminent threat).
    - e. Slow down the pace of the incident, from the time you receive your radio broadcast, and utilize Division trained anxiety and stress management techniques when necessary.
    - f. Allow time and/or opportunity for a subject(s) to regain self-control or cease struggling or resisting, when their actions do not immediately threaten the safety of themselves or others.
    - g. Request additional personnel and wait, when safe and feasible to do so, for arrival of additional personnel.
  2. Hearing and Listening
    - a. Demonstrate you are listening by interacting in conversation; people have a desire to be heard and understood.
  3. Strategic communication or voice commands to de-escalate the situation
    - a. Verbalize to the subject(s), in a calm manner and normal tone of voice, all the options available to them, which you can help with, and which would be best to end subject's crisis.
    - b. Ask questions rather than issue orders.
    - c. Advise the subject(s) of the actions that you will take to end their crisis in the best way possible.

PAGE: 3 of 3	SUBJECT: DE-ESCALATION	GPO NUMBER:
-----------------	---------------------------	-------------

- d. As a last resort, inform the subject that not following orders may result in the need to use force. When possible and appropriate, give subjects the opportunity to comply with directives.
- 4. Increase officer presence, if necessary, to increase strategic options available for bringing a subject under control and/or reduce the severity of the threat.
  - a. Request additional personnel respond to the scene/subject.
  - b. Where a subject appears to be experiencing a behavioral or mental health crisis, call a Specialized CIT Officer to the scene.
  - c. Request a supervisor.
- G. Officers should avoid taking unnecessary actions that may escalate the need to use force, e.g. aggressive body language, proximity, harsh level of voice and tone, officer's own stress level or excitement.

## II. Training

- A. Officers shall receive integrated, scenario based training at least yearly on de-escalation techniques and tactical ways to handle situations where the use of force can be avoided or the level of force minimized.

DRAFT



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



<b>ORIGINAL EFFECTIVE DATE :</b>	<b>REVISED DATE:</b> PROPOSED	<b>NO. PAGES:</b> 1 of 7	<b>NUMBER:</b>
<b>SUBJECT:</b> USE OF FORCE: INTERMEDIATE WEAPONS			
<b>ASSOCIATED MANUAL:</b>		<b>RELATED ORDERS:</b>	
<b>CHIEF OF POLICE:</b>			

**PURPOSE:** To establish guidelines for officers of the Cleveland Division of Police relative to the use of force when deploying intermediate weapons, while providing direction and clarity, in those instances when a subject's actions require a use of force response.

**POLICY:** Intermediate weapons are used to interrupt a subject's threatening behavior so that officers may take control of the subject with less risk of injury to the subject or officer than posed by greater force applications. Intermediate weapons may be used when objectively reasonable, necessary, proportional, and permitted under this policy.

**PROCEDURES:**

**I. General**

- A. Intermediate Weapons: Requirements to Carry and Qualify
  1. Officers shall carry only weapons that are issued by the Division.
  2. Officers are required to successfully complete mandatory training, meet the Division's proficiency standards, and requalify in order to be issued and carry intermediate weapons on duty and while engaged in secondary employment. (See Training GPO?)
  3. Uniformed officers shall carry the Conducted Electrical Weapon (CEW), if qualified, and a second intermediate weapon: ASP baton or Oleoresin Capsicum (OC) Spray. If not CEW qualified, officers shall carry both approved intermediate weapons: ASP baton and OC Spray. Officers may elect to carry all three intermediate weapons.
  4. All intermediate weapons shall be worn only on the officer's duty belt.
  5. Officers and supervisors assigned to specialized units may carry intermediate weapons as dictated by their responsibilities. The Officer-in-Charge of each Unit will provide guidance and direction in this area to Unit members according to the Unit's manual.
  
- B. Intermediate Weapons: When Authorized
  1. Intermediate weapons shall be used in accordance with the Division's policies including those related to the Use of Force: General (GPO ???), De-escalation (GPO ???) and training.

PAGE: 2 of 7	SUBJECT: USE OF FORCE – INTERMEDIATE WEAPONS	GPO NUMBER:
-----------------	---	-------------

2. Prior to the use of any approved intermediate weapon, when feasible and appropriate, the officer shall communicate to the subject and other officers that the use of the weapon is imminent and allow the subject an opportunity to comply.
3. Officers shall be mindful that in some instances a subject's disability or condition may limit or restrict their ability to comply with an officer's direction. See General Use of Force Policy (GPO ???)
4. Before using intermediate weapons on children and juveniles, officers must consider the following factors: body mass, physical build, perceived age, and emotional condition. Officers shall use appropriate responses for children and juveniles at all times.

C. Intermediate Weapons: When Prohibited

1. Intermediate weapons shall not be used on subjects who are passively resisting.
2. Officers shall not use intermediate weapons to prevent the destruction of evidence.
3. Officers shall not use intermediate weapons against small children, the elderly, individuals who are visibly frail, or women visibly or known to be pregnant, except where deadly force is authorized.
4. Officers shall not use intermediate weapons on subjects who are handcuffed or otherwise restrained, unless the subject is displaying aggressive physical resistance and lesser means would be ineffective or have been tried and failed.
5. Officers shall not use intermediate weapons on subjects who are under control or complying with police direction.

D. Intermediate Weapons: Reporting

1. Officers shall report the use of intermediate weapons in accordance with the Use of Force-Reporting (GPO ???)

## II. ASP Baton/Riot Baton/Impact Weapons

A. ASP Baton/Riot Baton/Impact Weapons: Guidelines

1. Officers are authorized to deploy the ASP baton when such force is objectively reasonable, necessary, and proportional to protect the officer or another party from physical harm and lesser means would be ineffective.
2. Officers shall consider each separate ASP baton strike as a separate use of force that officers must individually justify and report as objectively reasonable, necessary, and proportional.
3. The use of riot batons is authorized only during field force deployments.

B. ASP Baton/Riot Baton/Impact Weapons: When Prohibited

1. Officers shall not intentionally target ASP baton strikes to sensitive tissue areas, such as the head, neck, spine or genitalia. Baton strikes to the head and neck constitute deadly force. Preferred target areas are the arms, legs and torso.
2. Impact weapons other than the ASP Baton, or in field force deployments the riot baton, are prohibited by the Division unless extreme circumstances require their use to gain compliance from aggressively resistant subjects.
3. Officers shall not use head strikes with hard objects, except where deadly force is justified. Officers shall be trained that a strike to the head with any hard object could result in death.

PAGE: 3 of 7	SUBJECT: USE OF FORCE – INTERMEDIATE WEAPONS	GPO NUMBER:
-----------------	---	-------------

4. Officers shall not use their firearm as an impact weapon, due to the possibility of unintentional discharge and/or the possibility that it could result in the death of the officer, the subject, or others.

C. Medical Attention After the Use of the ASP Baton/Riot Baton/Impact Weapons

1. Officers shall request Emergency Medical Services (EMS) after striking a subject to the head, neck, spine or genitalia with an ASP baton or any other impact weapon for an examination. See also GPO??? General Use of Force Section: V. C (Duty to provide Medical Attention) for additional requirements to provide medical attention.

### III. Oleoresin Capsicum (OC) Spray

A. OC Spray: Guidelines

1. Officers are authorized to deploy OC Spray in either of the following situations:
  - a. When such force is reasonable to protect the officer, the subject, or another party from physical harm and lesser means would be ineffective.
  - b. For crowd dispersal or protection and other means would be more intrusive or less effective.
2. Officers shall be aware of the risks of positional asphyxia and shall use restraint techniques that do not impair the subject's respiration following an OC Spray application.
3. Officers shall direct OC Spray at the specific subject(s) who are posing a threat, attempting to minimize exposure to non-targeted subjects or parties.
4. Officers shall consider each one-second application as a separate use of force that the officer shall individually justify and report as objectively reasonable, necessary, and proportional.
5. Officers shall discontinue use if a subject does not comply after two one-second bursts of OC Spray that successfully contact the target.
6. The use of OC Spray on a dangerous animal is permissible to deter an attack or to prevent injury to persons present. Documentation shall be provided in the related incident report.

B. OC Spray: When Prohibited

1. Officers shall not use OC Spray on subjects with a known respiratory condition unless it is an extreme and articulable situation.

C. Medical Attention After the Use of OC Spray

1. As soon as practicable, but no later than 20 minutes after establishing control of the scene, the officer shall make a reasonable effort to relieve the subject's OC Spray discomfort by washing OC Spray from the subject's eyes with cool water. If the subject was exposed in a confined space, officers will remove the subject as soon as possible from the contaminated area and expose the individual to fresh air.
2. Officers shall monitor exposed subjects for changes in their condition while in police custody and request medical attention as needed.
3. Officers shall immediately request that EMS respond for any of the following circumstances:
  - a. Symptoms other than mild, last beyond 45 minutes.

PAGE: 4 of 7	SUBJECT: USE OF FORCE – INTERMEDIATE WEAPONS	GPO NUMBER:
-----------------	---	-------------

- b. The subject has or indicates that they have difficulty breathing or loses consciousness.
- c. The subject indicates they have a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by chemical spray.
- d. The officer believes that the subject needs medical attention regardless if the subject requests it or not.
- e. The officer is made aware that the OC Spray was used on a child, or elderly, pregnant, physically disabled or mentally ill subject.

#### IV. Conducted Electrical Weapon (CEW)

##### A. CEW Guidelines

- 1. The CEW **shall** only be used in either of the following situations:
  - a. Where grounds for arrest or detention are present and the subject is actively or aggressively resisting and lesser means would be ineffective.
  - b. Where such force is necessary to protect the officer, the subject, or another party from immediate physical harm and lesser means would be ineffective or have been tried and failed.
- 2. Officers **shall**:
  - a. Carry the CEW in a Division issued holster, on the opposite side of the firearm, to reduce the chances of accidentally drawing and/or firing a firearm.
  - b. Deploy the CEW at the preferred target zones which include the lower center mass of the body on the front of the body and below the neck line of the back upper body. When encountering subjects wearing heavy or loose clothing on the upper body, officers may consider the legs as targets.
  - c. Determine the reasonableness of the CEW use and probe placement based on all the relevant circumstances, including the subject's apparent age, size, physical, and mental condition and the feasibility of lesser force options.
  - d. Limit each CEW cycle to 5 seconds.
  - e. Use the minimum number of 5-second CEW cycles necessary to gain control of the subject.
  - f. Consider each CEW application (i.e., 5 second cycle) as a separate use of force that officers shall individually justify and report as objectively reasonable, necessary, and proportional.
  - g. Consider that exposure to the CEW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury.
  - h. Immediately after a CEW application, attempt to handcuff or restrain the subject if compliance has been gained and it is tactically safe to do so.
  - i. Reevaluate the situation after each CEW application to determine if subsequent cycles are reasonable, considering a subject may not be able to respond to commands during or immediately following a CEW application.
  - j. If after three CEW applications the subject has not become compliant, even temporarily, the officer shall assume that the CEW is ineffective and shall reassess and seek to transition to alternative control measures.
  - k. Use caution when dealing with exhausted subjects exhibiting symptoms of physical or mental distress and be aware that certain subjects may be at a

PAGE: 5 of 7	SUBJECT: USE OF FORCE – INTERMEDIATE WEAPONS	GPO NUMBER:
-----------------	---	-------------

heightened risk for serious physical injury or death when subjected to CEW applications.

- l. Avoid using restraint techniques that impair a subject's respiration following a CEW application.
- m. Consider a CEW in the hands of a subject a deadly weapon when no other officer is present to provide deadly force cover. If multiple officers are present, the CEW in the hands of a subject is not a deadly weapon unless it can be clearly articulated that an officer or innocent party was in imminent danger of serious physical injury or death due to the subject's possession of a CEW.
3. If an initial CEW shot does not make contact or is ineffective, the same or another officer may attempt additional shots as needed or practical in order to make successful contact on a subject.
4. The use of the CEW on a dangerous animal is permissible to deter an attack or to prevent injury to persons present. Documentation shall be provided in the related incident report.

B. CEW: When Prohibited

1. Officers **shall not** use the CEW:
  - a. In drive stun mode solely for pain compliance. The CEW is only to be used in drive stun mode to supplement the probe mode in order to complete the incapacitation circuit or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.
  - b. On fleeing subjects who do not pose a threat of physical harm to the officer, bystanders, or themselves.
  - c. If the subject represents a lethal threat unless a second officer is present and prepared to deploy deadly force.
2. Officers shall not intentionally target the CEW at a subject in sensitive tissue areas, such as the head, neck, or genitalia.
3. Except where deadly force is authorized, officers shall not use the CEW in situations where:
  - a. A deployment may cause serious physical injury or death from situational hazards, including but not limited to: falling, losing control of a moving vehicle, or becoming ignited from the presence of potentially explosive or flammable materials or substances, including OC Spray.
  - b. The subject has obviously low body mass or is in apparent medical crisis.
4. Officers shall not intentionally activate more than one CEW at a time against a subject.
5. An officer shall not hold both a CEW and a firearm at the same time.

C. CEW Exceptional Circumstances

1. Absent rare and exceptional circumstances, officers shall not exceed three 5-second CEW cycles in total on any one subject during a single incident unless the following apply:
  - a. the officer reasonably believes that the initial CEW applications have been effective in gaining the subject's temporary compliance, but the subject continues to actively or aggressively resist;
  - b. the subject's continuing non-compliance presents a threat of imminent physical harm to the officer or others;

PAGE: 6 of 7	SUBJECT: USE OF FORCE – INTERMEDIATE WEAPONS	GPO NUMBER:
-----------------	---	-------------

- c. no other less lethal technique, tactic or choice consistent with Division policy would be effective; and
  - d. the use of the CEW beyond a third cycle will prevent resorting to deadly force options.
2. Each CEW application shall be independently justifiable and shall be weighed against other force options.
  3. More than three applications of a 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, or a CEW application for longer than 15 seconds, whether continuous or consecutive, shall be reported and investigated as a Level 3 use of force.
- D. Medical Attention After the Use of the CEW
1. After deployment of the CEW, officers **shall**:
    - a. Call EMS to the scene without unnecessary delay to evaluate a subject who has been exposed to a CEW shock. EMS personnel or medical personnel at a medical facility shall remove probes penetrating sensitive areas (e.g. head, face, neck, groin, or breast areas). While it is preferred that medical personnel remove penetrating probes, a CEW-qualified officer may remove probes penetrating non-sensitive areas (e.g. buttocks, thighs) if it is reasonable to do so.
    - b. Inform medical personnel of all subjects who have been subjected to multiple CEW applications, including prolonged applications (more than 15 seconds); or who appear to be under the influence of drugs or exhibiting symptoms associated with physical or mental distress; or who were kept in prone restraints after CEW use.
    - c. Request that EMS transport the subjects to the hospital in any of the following circumstances:
      1. The officer is made aware that the CEW was deployed on a child or elderly, pregnant, physically disabled or mentally ill subject.
      2. The subject experiences or complains of difficulty breathing, chest pains, or loss of consciousness.
      3. The officer believes the subject requires medical attention (whether or not the subject requests attention).
      4. The officer becomes aware afterward of a medical condition (e.g., epilepsy or heart ailment) that a CEW may aggravate.
    - d. Monitor the subject for signs of medical distress for as long as the subject is in Division custody, paying particular attention to indicators of positional asphyxia.
    - e. Notify the Corrections Officer when booking a prisoner who was exposed to a CEW shock. The same notification shall be made when transporting or transferring the prisoner to any entity outside of the Division.
  2. In extreme circumstances when EMS is unable to transport or is delayed and if the officer reasonably believes medical attention is necessary without delay, the officer may transport the subject to the hospital using the zone car.

## V. Beanbag Shotgun

- A. Beanbag Shotgun: Guidelines

PAGE: 7 of 7	SUBJECT: USE OF FORCE – INTERMEDIATE WEAPONS	GPO NUMBER:
-----------------	---	-------------

1. The beanbag shotgun shall only be deployed by qualified officers (Supervisors/SWAT officers).
2. The beanbag shotgun may be deployed when a subject presents an imminent risk of serious physical harm to an officer or others, de-escalation and other force options have proven ineffective and the subject is within safe range of the beanbag shotgun.
3. If the subject represents a lethal threat, a second officer prepared to deploy deadly force shall be present when deploying a beanbag shotgun.
4. All beanbag shotguns must be clearly marked so as to make them instantly distinguishable from a weapon firing live rounds.
5. Officers **shall** request via Communications Control Section (CCS) a beanbag shotgun equipped supervisor respond to the scene, when circumstances exist that meet the guidelines for deployment.
6. Supervisors **shall**:
  - a. Use equivalent standard precautions as used with all firearms per GPO ??? in order to protect others from the harm of a misdirected beanbag round.
  - b. Avoid the body's center mass, head, neck, and groin.
  - c. Consider each discharged beanbag round as a separate use of force that officers shall individually justify and report as objectively reasonable, necessary, and proportional.

**B. Beanbag Shotgun: When Prohibited**

1. Officers **shall not**:
  - a. Subject themselves or others to undue risk while waiting for the arrival of a supervisor with a beanbag shotgun. The situation must be continually assessed and other appropriate action must be taken if the risk to self or others demands immediate attention.
2. Supervisors **shall not**:
  - a. Use the beanbag shotgun as a substitute for notifying the SWAT Unit when circumstances warrant that unit's deployment.
  - b. Fire more than two beanbag shotguns simultaneously. In the event that four rounds have proven to be ineffective, officers shall consider the beanbag shotgun ineffective and exercise other options.

**C. Medical Attention After the Use of a Beanbag Shotgun**

1. Officers **shall**:
  - a. Notify EMS via CCS to respond and convey subject(s) struck by a beanbag round to the hospital for medical treatment/evaluation.
  - b. When booking a prisoner who was struck by a beanbag round notify the Corrections Officer that the prisoner was struck with a beanbag round. The same notification shall be made when transporting or transferring the prisoner to any entity outside of the Division.

**VI. Intermediate Weapons Approved For Use By The SWAT Unit**

- A. Intermediate weapons approved for usage by the SWAT Unit shall be used in accordance with the Division Use of Force policies and the SWAT Unit manual.